Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I also announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from North Dakota (Mr. YOUNG) and the Senator from Idaho (Mr. JORDAN) are necessarily absent.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "nay."

The result was announced—yeas 38, nays 23, as follows:

[No. 423 Leg.]

YEAS—38

Baker	Griffin	Prouty
Boggs	Hart	Proxmire
Brooke	Holland	Randolph
Burdick	Hruska	Schweiker
Byrd, W. Va.	Jackson	Scott
Cannon	Javits	Smith
Case	Jordan, N.C.	Spong
Church	Kennedy	Stevens
Cooper	Mathias	Stevenson
Cranston	McGee	Tydings
Curtis	Montoya	Williams, N.J.
Eagleton	Pastore	Yarborough
Fong	Pearson	

NAYS—23

Allen	Hansen	Metcalf
Bellmon	Hartke	Miller
Byrd, Va.	Hollings	Packwood
Cook	Hughes	Saxbe
Cotton	Inouye	Thurmond
Dole	Magnuson	Tower
Fannin	Mansfield	Williams, Del.
Gurney	McClellan	

NOT VOTING—39

Aiken	Goodell	Murphy
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Bayh	Harris	Pell
Bennett	Hatfield	Percy
Bible	Jordan, Idaho	Ribicoff
Dodd	Long	Russell
Dominick	McCarthy	Sparkman
Eastland	McGovern	Stennis
Ellender	McIntyre	Symington
Ervin	Mondale	Talmadge
Fulbright	Moss	Young, N. Dak.
Goldwater	Mundt	Young, Ohio

So the report was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no further business on the part of the Senate this morning but the Senate will stay in session because it is anticipated that the Speaker's signature will be attached to the legislation, and then it will be here about 10 minutes after 1 o'clock, at which time the distinguished Acting President pro tempore will sign the resolution and it will be immediately dispatched to the President.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I understand that this morning at 10 a.m. there will be two special orders which will consume perhaps an hour and a half——

Mr. MANSFIELD. Three—an hour and a half in total time.

Mr. SCOTT. Three; yes. So that Senators may wish to know that they will have this opportunity to hear their colleagues from 10 a.m. to 11:30 today. [Laughter.]

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(At 1 o'clock a.m., the Senate took a recess subject to the call of the Chair.)

At 1:01 a.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. METCALF).

ADJOURNMENT UNTIL 10 A.M. TODAY, DECEMBER 10, 1970

Mr. BYRD of West Virginia. Mr. President——

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to, and (at 1 o'clock and 2 minutes a.m.) the Senate adjourned until 10 a.m. today.

NOMINATIONS

Executive nominations received by the Senate December 9, 1970:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Harry Herndon Critz, [redacted], Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Ambassadors

Robert O. Blake, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

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

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Charles Gribble, Jr., [redacted], U.S. Army.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Henry Augustine Miley, Jr., [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Maj. Gen. Woodrow Wilson Vaughan, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Ray Williams, [redacted] U.S. Army.

IN THE MARINE CORPS

Maj. Gen. Hugh M. Elwood and Maj. Gen. Donn J. Robertson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps.

Gen. Lewis W. Walt, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. William J. Van Ryzin, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The nominations beginning Edward A. Fedok, to be first lieutenant, and ending Darrell V. Winkler, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 17, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, December 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come, let us go up to the mountain of the Lord, that He may teach us His ways and that we may walk in His paths—Isaiah 2: 3.

Our Father, God, who hast called us to take time for prayer, help us so to pray that we may be conscious of Thy presence as we face the tasks of this day and every day. May these daily moments of quiet meditation keep alive within us the higher virtues and the happier values

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without which we cannot live honorably with ourselves nor lead our Nation with honest motives nor learn to be harmonious in our relationship with the nations of the world.

Let the light of Thy spirit shine upon us in such measure that the darkness of doubt and fear may be dispelled and confidence and courage may come to new life in us. Increase our faith in Thee, deepen our love for Thee, broaden our sympathies with Thee, and lift our souls to Thee that with the true spirit of Christmas in our hearts we may walk in Thy ways and minister to the needs of our fellowmen.

In the spirit of Him whose coming brought life to men, we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy.

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke.

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permament certain provisions thereunder; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

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

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19590) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. RUSSELL, Mr. MCCLELLAN, Mr. STENNIS, Mr. SYMINGTON, Mr. YOUNG of North Dakota, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12807) entitled "An act to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HART, Mr. ERVIN, and Mr. HRUSKA 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. 17923) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to the above-entitled bill.

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

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

Mr. HAWKINS. Mr. Speaker, the gentleman from New York, Mr. OGDEN REID, and I have filed a petition at the desk to discharge the Committee on Rules from consideration of H.R. 17555, a bill to strengthen the Equal Employment Opportunity Commission in line with the commitment we made in the Civil Rights Act of 1964.

H.R. 17555 is not a new or novel idea which requires intensive study and public hearings even if these were the Rules Committee's function. Equal Employment Opportunity laws exist in over two-thirds of the States and in our Civil Rights Act of 1964.

This House passed an almost identical bill in 1966. A companion bill passed the Senate a few months ago with strong bipartisan support.

H.R. 17555 was reported from the Education and Labor Committee in August and since September we have patiently sought action from the chairman of the Rules Committee with diligence, patience, respect, understanding, and courtesy.

The leadership of the House and members of the Rules Committee have sought his cooperation. Over 100 national organizations have petitioned him—not for his personal support of the bill itself but for a fair hearing before the committee.

Should the Rules Committee operate to block legislation with which the chairman disagrees? That becomes the simple issue in this case. But there are even graver issues: Does democracy really work?

If the democratic processes can be held up by a single or even several Members of this body so as to block even a fair hearing on any matter before the Congress, then we had better make congressional reform the first order of business for the 92d Congress in January 1971.

I urge the Members to maintain faith in our institutions by signing the discharge petition to insure at least a fair hearing on equal employment opportunities for American workers.

DISCHARGE PETITION FOR EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

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

Mr. FRASER. Mr. Speaker, I want to urge the Members of the House to join with our distinguished colleagues from California and New York in signing the discharge petition which has been filed at the Clerk's desk, to discharge the Rules Committee from further consideration of the rule providing for the Equal Employment Opportunities Enforcement Act of 1970, H.R. 17555. This is an important legislative bill which deals with one of the most fundamental problems which faces the United States today.

It is unfortunate that there should be any necessity for the filing of a discharge petition. There is no good and sufficient reason for the Rules Committee to withhold the favorable reporting of a rule on this legislative measure.

I do hope that Members will, by adding their signatures to this discharge petition, make clear to the members of the Rules Committee and to other interested parties that we do want an opportunity to act on this measure before the close of the 1970 session.

DISCHARGE PETITION FOR EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

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

Mr. O'HARA. Mr. Speaker, I rise to state my complete support for the effort the gentleman from California (Mr. HAWKINS) and the gentleman from New York (Mr. REID) are making to bring before the House the bill sponsored by the gentleman from California and the gentleman from New York which deals with the enforcement powers for the Equal Employment Opportunities Commission.

Mr. Speaker, this legislation is long overdue. In fact, a substantially identical bill has been favorably considered by the House before.

The bill has been thoroughly discussed and debated. It has been under active consideration since the passage of the 1964 Civil Rights Act.

I believe the House should approve it again. To have that opportunity I hope the requisite number of Members will

affix their names to the discharge petition which is now at the desk.

DISCHARGE PETITION ON HOUSE RESOLUTION 1265

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

Mr. REID of New York. Mr. Speaker, pursuant to rule XXVII of the rules of the House, the gentleman from California (Mr. HAWKINS) and I are today filing a motion to discharge the Committee on Rules from further consideration of House Resolution 1265 providing for the consideration by the House of H.R. 17555, the Equal Employment Opportunities Enforcement Act of 1970.

This bill, Mr. Speaker, which provides vitally needed judicially enforceable cease-and-desist powers for the Equal Employment Opportunity Commission has been pending before the Committee on Rules since August 21. The EEOC powers under the present law are limited to conciliation, and it is apparent that this authority is grossly inadequate to obtain meaningful action in the cases before it. By Chairman COLMER'S own admission, action by the Committee on Rules is virtually impossible this year and he has denied as of this date even an opportunity for a hearing before the Committee on Rules.

Further, Mr. Speaker, because of the seriouness with which I view the obstructionism of the Committee on Rules, I am also introducing today a resolution providing for the readoption of the 21-day rule which was in effect during the 89th Congress. While it is apparent that such a change in the rules could not take place in the remainder of this session, my action today serves notice that I will fight for the 21-day rule until it is adopted by the 92d Congress.

The Rules Committee should not be a third house or executioner of bills duly reported by committees. This action flaunts representative government and denies the American people the right to work their will through their representatives.

I hope all Members, Mr. Speaker, will see fit to consider signing the discharge petition to permit action on a bill that has already passed the other body.

DISCHARGE PETITION ON H.R. 17555 TO EXPAND JURISDICTION AND ENFORCEMENT POWERS OF THE EQUAL OPPORTUNITY COMMISSION

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

Mr. STOKES. Mr. Speaker, I take this opportunity to urge my colleagues to sign the petition being circulated by the gentleman from California (Mr. HAWKINS) and the gentleman from New York (Mr. REID) which would discharge H.R. 17555 from the House Rules Committee. The bill would expand the jurisdiction and enforcement powers of the Equal Employment Opportunity Commission. Very similar measures were passed by the House in the 90th Congress and by the other body this year.

Enactment of H.R. 17555 is vitally necessary if the Federal Government is to sustain its commitment to equal opportunity and advancement for all Americans. It thus furthers the most basic tenets of our national creed. If this bill is allowed to die in the Rules Committee the will of this House will have once again been thwarted.

This legislation deserves a chance. I urge all of the Members of the House to support this discharge petition.

INTERSTATE TAXATION BILL

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

Mr. ADAMS. Mr. Speaker, I was very pleased by the passage by the House of the conference report on H.R. 10634, the interstate taxation bill, which I introduced April 28, 1969.

This bill corrects an inequity which now exists because employees in interstate commerce have their wages withheld by States in which they do not reside, and in which they are not represented. It also relieves an administrative burden on both employees and employers who now must file informational returns and withhold wages for persons who may merely pass through a State in the course of their employment.

Correction of this discrimination is long overdue, and I commend the House for its action. I hope the President will sign the bill into law in the very near future.

GALLUP POLL GIVES PAUSE TO CRITICISM OF THE ADMINISTRATION

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

Mr. SCHERLE. Mr. Speaker, the most recent Gallup poll which showed that 57 percent of the American people continue to approve of the way President Nixon is handling his job, should give a pause to those critics of the administration who have lately been casting about for issues and coming up with some pretty frivolous charges.

Only last week we had two such instances of charges which are wholly unsupported by the facts: this was the implication that we are not doing enough for the disaster victims in East Pakistan and the accusation that the administration is not living up to its commitment to feed the hungry. Both of these charges are totally unfounded but they are being advanced by those who are trying to gain political advantage.

Significantly, this type of political charge seems to die on the vine as soon as the accuser gets the desired media coverage; but the administration's critics should begin to consider if such charges are doing them more harm than good. It is obvious that they are not being believed by a solid majority of the people.

One expects the loyal opposition to perform its traditional role, but I would certainly hope that for the next 2 years we will see more responsibility from opponents of the administration than was exhibited last week.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON SUPPLEMENTAL APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the supplemental appropriation bill for 1971.

Mr. SHRIVER reserved all points of order on the bill.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19590) making appropriations for the Department of Defense 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 Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, SLACK, ADDABBO, MINSHALL, RHODES, DAVIS of Wisconsin, WYMAN, and BOW.

CONSUMER CLASS ACTION LEGISLATION

(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, this is now the fifth day since I wrote the President an urgent letter concerning the Republican minority's casting the block votes on the Interstate and Foreign Commerce Committee that prevents the consumer class action legislation from reaching the floor of the House. Though I have called my letter to the attention of the White House staff and have stressed its immediacy, I have not received a reply, even so much as an acknowledgement of receipt.

I sent the letter to the White House last Friday by a member of my staff, acting as a special messenger, because I thought, and still think, that it is of the utmost importance that consumer concerns be treated in this session of Congress. I am afraid that the President and his party have even now made this impossible. It was not impossible at the time I wrote my letter.

CONFERENCE REPORT ON H.R. 13000, FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

Mr. DULSKI submitted the following conference report and statement on the

bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1685)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration.".

(b) (1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability.".

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

"(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2)(A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council, and by employee organizations not represented on that Council.

"(c)(1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure

relating to a resolution with respect to an alternative plan are decided without debate.

"(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

may be adjusted by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation.

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.".

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5305. Annual pay reports and adjustments.
"5306. Advisory Committee on Federal Pay.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.".

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1) (A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to the maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective un-

der such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal, or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites.".

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters of subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army."

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91-375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS-16, 17, and 18.".

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.
GALE W. MCGEE,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HIRAM L. FONG,
CALEB BOGGS,
Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An Act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

DIFFERENCES BETWEEN THE TEXT OF THE HOUSE BILL AND THE CONFERENCE SUBSTITUTE

Title

The first section of the House bill provides that the act may be cited as the "Federal Salary Comparability Act of 1969."

The conference substitute provides that the act may be cited as the "Federal Pay Comparability Act of 1970."

Pay comparability

Policy

House Bill

Section 2 of the House bill restates the congressional policy provisions of section 5301 of title 5, United States Code, relating to pay comparability. Also, section 2 amends section 5302 to provide new procedure for implementing the new pay policy.

Subsection (a) of section 5301 of the House bill continues congressional policy that rates of pay for Federal statutory pay systems shall be based on the principles that—

there be equal pay for substantially equal work;

pay distinctions be maintained in keeping with work distinctions; and

rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

This restatement provides two minor changes in congressional policy from the policy under existing law.

First, the words "on a national basis" are included to remove any possible interpretation that would permit rates of pay under a statutory system to be fixed on an area basis.

Second, the specific requirement that the pay systems "be interrelated" was eliminated.

Conference Substitute

Section 2(a) of the conference substitute amends section 5301 as did the House bill.

Subsection (a) of section 5301, as amended by the conference substitute, contains provisions similar to the House bill, but eliminates the two changes contained in the House bill. Thus, the conference substitute does not include the words "on a national basis", but does include the requirement that the pay systems "be interrelated."

House Bill

Subsection (b) of section 5301 of the House bill identifies the pay systems under the pay comparability principles and requires that the rates of pay of each system be adjusted annually under the principles of subsection (a) and the procedures prescribed in the bill.

The employees covered by the legislation are Federal employees under the General Schedule, employees in the postal field service, officers, staff officers and employees in the Foreign Service of the United States, and physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

Conference Substitute

The conference substitute contains similar provisions in subsections (b) and (c) of section 5301, except that reference to the postal field service employees has been eliminated as such employees are now subject to the provisions of the Postal Reorganization Act, Public Law 91-375, approved August 12, 1970, and rates of pay for such employees will be fixed under collective bargaining procedures.

Section 2(b) of the conference substitute repeals section 5302 of title 5, United States Code, relating to the pay comparability procedure of existing law, and makes the necessary technical changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

House Bill

The House bill, in section 2, amends such section 5302 to include the new procedures for fixing rates of pay under the comparability system.

Conference Substitute

The new procedures in the conference substitute are provided under new sections 5305–5308 of title 5, United States Code, as added by section 3 of the conference substitute, which is explained hereinafter.

House Bill

Pay adjustments

Section 2 of the House bill amends section 5302 of title 5, United States Code, to provide a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

Subsections (a)–(e) of the new section 5302 establish a Federal Employee Salary Commission composed of eight members and three associate members, and prescribe the functions of the Commission. Four of the members, having a total of four votes, are to be designated by ranking Government officials and the other members, having a total of three votes, are to be designated by employee unions.

The primary function of the Commission is to carry out the principles of pay comparability under section 5301(a), and after consultation with representatives of such agencies and employee organizations as it determines appropriate, the Commission is required to—

prescribe the comparability pay survey to be conducted by the Bureau of Labor Statistics;

prepare the annual comparative statement of rates of pay based on the Bureau of Labor Statistics' survey;

review all matters relating to pay comparability; and

submit to Congress a report setting forth the pay comparability information, the specific rates of pay necessary to fulfill pay comparability, and any recommendations for new legislation the Commission may feel appropriate to achieve pay comparability.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with its deliberations and determinations.

A member of the Federal Employee Salary Commission is authorized to seek arbitration when a member determines that the rates of pay proposed by the Commission are not in conformity with the comparability principles.

Subsection (f) of the House bill establishes a seven-member Federal Employee Salary Board of Arbitration with the sole function of determining whether the proposed rates of pay conform to the comparability principles, and if the proposed rates do not so conform, prescribe such new rates of pay as the Board determines necessary to conform with the comparability principles. The Board is to be composed of two members from the House, two from the Senate, one designated by the Chairman, Civil Service Commission, one by employee unions, and one by the Board.

Subsection (g) of the House bill requires the Commission to submit to Congress the first pay adjustment recommendations based on the 1969 Bureau of Labor Statistics survey by February 1, 1970, and annual pay recommendations by February 1 of each year thereafter.

Subsection (h) of the House bill provides that the rates of pay submitted to Congress shall become effective at the beginning of the first pay period commencing on or after the adoption by both Houses of Congress, within 60 days by a yea and nay vote, of a concurrent resolution approving such rates of pay. This subsection also authorizes the granting of retroactive pay adjustments, to correspond to adjustments initiated by the Commission, for employees whose rates of pay are fixed by administrative action.

Subsections (i)–(p) of the House bill provide the necessary provisions for administration of the Commission and the Board and implementation of the pay rates.

Subsection (q) of the House bill authorizes increases to be granted, retroactively effective, in the legislative and judicial branches, and by the Secretary of Agriculture with respect to the Agricultural Stabilization and Conservation County Committee employees, in amounts which are equal, insofar as practicable, to the increases in rates of pay which become effective under the provisions of section 5302.

Section 3 of the House bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5, United States Code, to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the House bill.

Conference Substitute

Section 3(a) of the conference substitute amends subchapter I of chapter 53 of title 5, United States Code, by adding new sections 5305–5308, providing a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

Section 5305 of the conference substitute prescribes the procedure for implementing the comparability pay principles under section 5301.

Subsection (a) of the new section 5305 requires the President to direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (b) of this section, a report—

that compares the rates of pay of the statutory pay systems for the same levels of work in private industry as determined on the basis of the annual survey that shall be conducted by the Bureau of Labor Statistics,

that makes recommendations for appropriate adjustments in rates of pay, and

that includes the views and recommendations submitted under subsection (b).

After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles under section 5301. The adjustments will become effective as of the beginning of the first applicable pay period commencing on or after October 1, of the applicable year.

The President is required to transmit to Congress a report of the pay adjustments he makes, together with the reports submitted to him by his agent and the Advisory Committee on Federal Pay.

Subsection (b) requires the President's agent to establish a Federal Employees Pay Council, consisting of five members. The members are to be chosen from representatives of employee organizations representing employees under the three pay systems covered by section 5301, but no more than three members at any one time shall be from the same employee organization. They are to be selected with due consideration to such factors as the relative number of employees represented by the various organizations.

Members of the Council shall not be deemed to be employees of the Government of the United States and shall not receive pay by virtue of service with the Council.

The President's agent is required to provide for meetings with the Council, and to give thorough consideration to the views and recommendations of the Council, and to the views and recommendations of individual members of the Council, if any.

The views and recommendations may include the coverage of the annual survey to be conducted by the Bureau of Labor Statistics, including such matters as the occupations, establishment sizes, industries, and geographical areas to be surveyed, the process of comparing the rates of pay of a statutory pay system with the rates of pay for the same levels of work in private industry, and the adjustments in the rates of pay that should be made to achieve comparability.

In addition, the President's agent is required to give thorough consideration to the views and recommendations of employee organizations not represented by the Council, regarding the same matters which may be considered by the Council.

The views and recommendations submitted by the Council, by any member of the Council, and by employee organizations not represented by the Council, are to be included in the report of the agent to the President.

Subsection (c) of section 5305 of the conference substitute provides that if, because of a national emergency or economic conditions affecting the general welfare, the President in any year considers it inappropriate to make the pay comparability adjustments required by subsection (a), he shall prepare and submit to Congress before September 1 of that year such alternative plan for pay adjustments as he considers appropriate which are to be considered as being in lieu of the comparability pay adjustments required by subsection (a).

An alternate plan transmitted by the President becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year, and continues in effect unless, prior to the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

Subsections (d)–(k) of section 5305 of the conference substitute prescribe the rules controlling the action in the Senate and the House of Representatives for consideration of a resolution disapproving an alternate plan. In general, the rules prescribed will guarantee a Member of Congress the right to have such a resolution acted upon by the Congress. It is provided that it shall be in order, by a highly privileged motion which is not debatable, to discharge the committee from further consideration of a resolution in the event the committee to which the resolution has been referred has not reported the resolution at the end of 10 calendar days after its introduction.

Subsection (l) provides that the rates of pay which become effective, either temporarily or permanently, under section 5305 are to be considered the rates of pay applicable to each employee or position.

Subsection (m) of section 5305 requires the President, in the event Congress disapproves the alternate plan, to make the comparable pay adjustments required by subsection (a). Such comparability adjustments will become effective as of the beginning of the first applicable pay period commencing on or after the date on which the disapproving resolution is adopted, or on or after October 1, whichever is later.

Subsection (n) provides that the rates of pay that become effective under section 5305 shall modify, supersede, or render inapplicable prior pay adjustments under provisions of law or prior recommendations and pay adjustments that have the effect of law.

Subsection (o) requires that the rates of pay that take effect under section 5305 shall be printed in the Federal Register and the Code of Federal Regulations.

Subsection (p) makes it clear that increases in rates of pay under section 5305 are not to be considered an equivalent increase in pay under section 5335 of title 5, United States Code, relating to periodic step increases for General Schedule employees.

Subsection (q) authorizes the President to prescribe conversion rules for pay adjustments that become effective under the provisions of section 5305.

Subsection (r) provides that the provisions for automatic pay adjustments of section 5305 will not impair any authority pursuant to which rates of pay may be fixed by administrative action.

Advisory Committee on Federal Pay

Conference Substitute

Subsection (a) of section 5306 of the conference substitute establishes an Advisory Committee on Federal Pay as an independent establishment in the executive branch to be composed of three presidential appointees not otherwise employed in the Government of the United States. Recommendations for such appointees are to be made by the Federal Mediation and Conciliation Service and may be made by other interested parties. It is anticipated that such appointees will be persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policies. The appointees shall serve for 6-year terms.

Subsection (b) requires the Advisory Committee on Federal Pay to—

Review the annual report submitted to the President by his agent;

Consider such further views and recommendations, with respect to proposals in the annual report submitted by the agent to the President, as may be presented to the Committee in writing by employee organizations, the President's agent, other officials of the Government, and such experts as the Committee may consult; and

Report its findings and recommendations to the President.

Subsections (c)–(h) contain the usual administrative provisions for operation of the Committee.

Subsection (g) establishes the rates of pay for each member of the Committee at the daily equivalent of level IV of the Executive Schedule (now $38,000) for each day he is engaged in work of the Committee, and entitles each member to travel expenses, including per diem allowance, in accordance with the provisions of section 5703(b) of title 5, United States Code.

Pay fixed by administrative action

Conference Substitute

The primary purpose of section 5307(a) of the conference substitute is to authorize administrative pay fixing authorities to make adjustments in rates of pay, minimum or maximum rates of pay, and pay limitations or allowances, without regard to the antideficiency appropriation provisions of 31 U.S.C. 665, which prohibit administrative action from being taken to incur an obligation of funds in excess of the amount of funds available to cover the obligation. There are two principal features of section 5307(a).

Pay adjustments

The first feature of section 5307(a) is that it authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government of the United States and of the government of the District of Columbia (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House) whose rates of pay are fixed by administrative action pursuant to law, and are not otherwise adjusted by the President under section 5305 of title 5, United States Code, as enacted by the conference substitute.

Authority is included for the adjustment of rates of pay of certain employees under the Architect of the Capitol whose rates of pay are fixed by 40 U.S.C. 166b–3, of the Superintendent of the House garages, and of persons employed by the Agricultural Stabilization and Conservation County Committees.

Wage board employees whose rates are fixed in accordance with prevailing local practices are specifically excluded under subsection (c).

It is to be emphasized that these provisions "authorize" adjustments in rates of pay. The actual decision of whether a pay adjustment will be made is within the discretion of the appropriate official.

The pay adjustments are not to exceed the pay adjustment under section 5305 for corresponding rates of pay or, when there are no corresponding rates of pay, the adjustments are not to exceed an amount equal or equivalent, insofar as practicable, to the amount of the adjustment under section 5305. The adjustments, however, may be less than the adjustments made by the President under section 5305.

The provisions of section 5307(a) are general in nature and all inclusive insofar as applicable administrative pay-fixing authorities are concerned, except as to certain employees of the Senate and the House of Representatives and wage board employees. Similar provisions in prior pay legislation were general in nature and, in addition, contained authorizations relating to specific administrative pay-fixing authorities.

To illustrate, section 211 of the Federal Salary Act of 1967, Public Law 90–206, included a specific authorization under subsection (a) to adjust the rates of pay of U.S. Attorneys and Assistant U.S. Attorneys whose salaries are fixed by administrative action of the Attorney General under 28 U.S.C. 548.

In addition, subsection (b) of section 211 contained general authorization for administrative pay-fixing authority.

Also, section 213 of the Federal Salary Act of 1967 identified several groups of employees of the judicial branch whose rates of pay are fixed by administrative action, such as referees in bankruptcy and law clerks.

The provisions of section 5307(a) of the conference substitute are intended to have general application covering all the applicable administrative pay-fixing authorities, with the exceptions noted above, including

those specific authorities which were identified in former pay legislation.

Minimum or maximum rates of pay, limitations, or allowances

The second feature of section 5307(a) of the conference substitute is that it authorizes adjustments to be made in a minimum or maximum rate of pay, and in a pay limitation or allowance applicable to employees covered by section 5307.

It is intended that the authority of these provisions be used to make appropriate adjustments in minimum or maximum rates of pay or allowances affecting employees of the legislative, judicial, and executive branches, whose pay is fixed by administrative action, subject to the exceptions noted above. To illustrate, adjustments are authorized in the pay limitation under 28 U.S.C. 753(e) on the pay of court reporters.

Subsection (b) of section 5307 permits the adjustments in rates of pay, minimum or maximum rates of pay, limitations, or allowances under subsection (a) to be made in such manner as the appropriate authority considers advisable.

Subsections (c) and (d) provide that the authority of section 5307 does not apply to employees whose rates are fixed under the wage board system, and does not impair the authority to adjust rates of pay which may be fixed by administrative action.

Pay limitation

Section 5308 of the conference substitute provides that an employee whose rate of pay is adjusted under the provisions of sections 5301–5307 may not be paid at a rate in excess of the rate of pay for level V of the Executive Schedule (now $36,000).

Miscellaneous

Conference Substitute

Subsection (b) of section 3 of the conference substitute makes the necessary technical conforming changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

Subsection (c) of section 3 of the conference substitute authorizes the President to make the initial adjustment under the new provisions without regard to the provisions relating to the Advisory Committee on Federal Pay, since there will not be adequate time to process the initial adjustment through the Committee procedure.

The subsection also provides that the initial adjustment and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period commencing on or after January 1, 1971, and January 1, 1972, respectively.

This subsection also designates the President's agent, for the purpose of the 1971 and 1972 adjustments, as the Director, Office of Management and Budget, and the Chairman of the Civil Service Commission.

In addition, subsection (c) provides that adjustments by the President under subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule. The rates of pay of such employees were increased April 16, 1970, by the Postmaster General under authority of section 9 of the Postal Reorganization Act (P.L. 91–375). Hereafter such employees will have their rates of basic pay adjusted under the provisions of the Postal Reorganization Act.

Legislative pay

House Bill

The House bill included provisions in subsection (q) of section 5302 authorizing adjustments in the rates of pay of certain employees of the legislative branch, and adjustments in any minimum or maximum rate, limitation, or allowance, applicable to such personnel.

Conference substitute

Section 4 of the conference substitute provides that each time the President adjusts rates of pay under section 5305 of title 5, United States Code, the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate and any minimum or maximum rate, limitation, or allowance applicable to such personnel shall be adjusted by the President pro tem of the Senate in such manner as he considers advisable. No rate shall be adjusted to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

Section 5 of the conference substitute contains authority for adjustments relating to certain employees of the House of Representatives.

Whenever a pay adjustment is made by the President under section 5305 of title 5, United States Code, the Clerk of the House is authorized, in such manner as he considers advisable, to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House, other than a maximum rate equal to or greater than the maximum rate currently being paid under GS–18 as a result of the pay adjustment. Also, the Clerk is authorized to adjust each monetary limitation on, or monetary allowance for, pay applicable to such employee. This provision specifically includes authority to adjust the clerk-hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico, and the allowance for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip. The adjustments are to be in an amount rounded out to the nearest $100 and computed on the basis of a percentage equal or equivalent to, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President.

The Clerk of the House is authorized to determine with respect to the employees covered by this section, the respective amounts of pay adjustments which are equal or equivalent to corresponding increases in pay, as determined by the Clerk, made by the pay adjustments made by the President. The Clerk is required to transmit such information to the appropriate House of Representatives pay-fixing authority concerned.

The pay-fixing authority concerned is authorized to adjust the rates of pay of employees under his jurisdiction in such amounts as he considers appropriate subject to the limitations prescribed and subject to the usual procedures that may be required by the Clerk of the House under section 472(d) of the Legislative Reorganization Act of 1970, Public Law 91–510.

Illustration of pay-fixing authorities in the House are, a Member for employees in the office of a Member, the chairman of the committee for employees of a committee, and the House Administration Committee for employees under the House Employees Schedule. The decision as to whether any pay adjustment is to be made, and the amount of pay adjustment, is entirely within the discretion of the pay-fixing authority.

Subsection (c) of section 5 provides that the authority under this section does not impair any authority pursuant to which rates of pay may be fixed by administrative action. Subsection (d) specifically excludes wage board employees such as employees under the House Wage Schedule.

Subsection (e) places a ceiling on the amount of any increase under this particular section to the rate of basic pay of level V of the Executive Schedule which currently is $36,000.

The provisions of section 5 do not apply to officers of the House of Representatives (Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and Postmaster), because the rates of pay of the officers are not fixed by administrative action, but are fixed by House resolutions, in some cases, or by the directive issued by the Speaker of the House on June 11, 1968 (2 U.S.C. 60a, note), which has the force and effect of law under section 212 of the Federal Salary Act of 1967 (Public Law 90–206).

Finally, the provisions of section 5 do not apply to those employees of the House of Representatives whose specific rate of pay is fixed by House resolution, such as minority floor assistants, under H. Res. 502, August 6, 1969, reporters of debates, under H. Res. 1055, October 19, 1966 and H. Res. 995, October 10, 1968; and reporters to committees, under H. Res. 533, June 8, 1956, H. Res. 335, August 18, 1959, and H. Res. 995, October 10, 1968.

Postal employee fringe benefits

House Bill

Section 4 of the House bill revises provisions of law relating to automatic step advancements for postal employees to permit the employees to reach the top pay step in 8 years instead of the present 21 years.

Section 5 of the House bill provides for a two-step within grade adjustment for postal employees in levels 1 through 11, effective October 1, 1969, and authorizes employees in levels 12 or above to receive a step increase on or after July 1, 1970.

Conference Substitute

The conference substitute does not include comparable provisions as such matters are now covered by the provisions of the Postal Reorganization Act, Public Law 91–375, approved August 12, 1970.

Miscellaneous Fringe Benefits

Premium pay

Section 6 of the House bill amends section 5545(c)(2) of title 5, United States Code, to authorize premium pay for certain employees for Sunday, night, holiday, and overtime work. This provision applies primarily to border patrolmen, Deputy U.S. Marshals, Customs and Internal Revenue personnel, and the Federal Bureau of Investigation.

The conference substitute does not include a comparable provision as similar provisions were included under section 8, Public Law 91–231.

Allowances at remote worksites

Section 7 of the House bill amends section 5942 of title 5, United States Code, to authorize an allowance, not to exceed $10 per day, at remote worksites in order to defray expenses of civilian employees assigned to duty at remote worksites.

Section 6 of the conference substitute includes comparable provisions, but requires that such expenses (including hardship and inconvenience) be above expenses normally encountered in metropolitan commuting.

Allowances for Floating Plant Operations

Section 8 of the House bill adds a new section 5947 to title 5, United States Code, authorizing an additional allowance for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs.

Section 7 of the conference substitute contains a comparable provision.

Nepotism in Postal Service

The House bill does not contain a provision on this subject.

Section 8 of the conference substitute amends section 410(b)(1) of title 30, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law

91–375), to extend the nepotism provisions of section 3110 of title 5, United States Code, to the new United States Postal Service. Section 3110, in general, prohibits a public official from appointing or advocating the appointment of any individual who is a relative of the public official.

Section 8 also corrects an error in such section 410(b)(1) by striking out the word "not" and inserting the word "no" in lieu thereof.

Supergrades

The House bill contains no provision on this subject.

Section 9(a) of the conference substitute amends section 5108(c) of title 5, United States Code, by adding a new paragraph (10) to authorize the Chief Judge of the U.S. Tax Court to place a total of 5 positions in GS–16, 17, and 18, without prior approval of the Civil Service Commission. The Tax Reform Act of 1969 (Public Law 91–172) eliminated the Tax Court of the United States as an independent agency in the executive branch and established a new U.S. Tax Court as a court of record under article I of the Constitution.

Since the Tax Court has been taken out of the executive branch of the Government, the U.S. Civil Service Commission has not allocated any additional supergrades to the Court on the basis that the Court should have its own quota of GS–16, 17, and 18 positions as is the case for several other agencies not under the control of the executive branch, such as the Comptroller General, the Director of the Administrative Office of the U.S. Courts, and the Library of Congress.

Section 9(b) authorizes 20 additional positions in grades GS–16, GS–17 and GS–18 for allocation by the Civil Service Commission among departments and agencies in the Executive Branch in accordance with procedures established and administered by the Commission under section 5108 of title 5, United States Code. The total number of positions now authorized is 2,734 and this section will increase the total to 2,754. By letter dated December 7, 1970, the Chairman of the Civil Service Commission advised that a minimum of 30 new positions is required to meet new critical needs occasioned by new organizations and functions in the executive branch. Specific mention was made of the needs for additional positions in these grades in the Environmental Planning Agency, the Office of Telecommunications Policy, the National Oceanographic and Atmospheric Administration and the Inter-American Social Development Institute.

Amendment to the Title

The title of the House bill reads:

"An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.".

The conference substitute, in order to reflect the new provisions of the substitute, amends the title to read:

"An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.".

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.

COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 2, line 19, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 3, line 12, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 4, line 3, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 5, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 18, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 6, after line 8, insert:

"SEC. 6. (a) For purposes of this section—

"(1) 'employee' means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

(2) 'court of the United States' has the meaning given it by section 451 of title 28, United States Code, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

"(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

"(1) as a juror; or

"(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

"(1) testify or produce official records on behalf of the United States or the District of Columbia; or

"(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d)(1) An employee may not receive fees for service—

"(A) as juror in a court of the United States or the District of Columbia; or

"(B) as a witness on behalf of the United States or the District of Columbia.

"(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

"(e)(1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulations applicable, to that department, agency, or independent establishment for the payment of travel expenses.

"(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

"(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

"(g) No provisions of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CERTAIN REPORTS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file certain reports.

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

There was no objection.

FREE "WORK WANTED" ADS IN DETROIT AREA

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

Mr. NEDZI. Mr. Speaker, it is an economic truism that when the rest of the country catches a cold Detroit catches pneumonia. We have not quite reached the pneumonia stage, but Detroit which

is so dependent on auto sales has been hard hit economically.

A small but nevertheless helpful step has been taken by publisher, Ben Nathanson, owner of a chain of 15 weekly newspapers in southeastern Michigan.

His Detroit Area Weekly Newspapers—DAWN—are providing free "Work Wanted" ads for 3 weeks in all editions.

The DAWN newspapers reach the communities of: Warren, Center Line, Mount Clemens, Fraser, Roseville, Clinton Township, St. Clair Shores, East Detroit, Huntington Woods, Southfield, the Grosse Pointes, and Harper Woods.

I commend Mr. Nathanson and his staff upon their initiative and creative community spirit and suggest that similar efforts by other community newspapers may prove rewarding.

PROVIDING FOR CONSIDERATION OF H.R. 19911, SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1297

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, 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. The gentleman from Texas (Mr. YOUNG), is recognized for 1 hour.

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

Mr. Speaker, House Resolution 1297 provides an open rule with 2 hours of general debate for consideration of H.R. 19911, the supplemental foreign assistance authorization.

The purpose of H.R. 19911 is to authorize additional appropriations for foreign assistance to $535 million; $195 million is for supporting assistance and $340 million is for military assistance. Supporting assistance is economic assistance which will be used in Cambodia and Vietnam to increase their capability to defend themselves against Communist aggression. Military assistance funds will be applied principally to programs in Cambodia and Korea; a small part will be available for programs in Lebanon, Jordan, and Indonesia. Both supporting assistance and military assistance requests contained in the bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the invasion of Cambodia by the North Vietnamese.

The bill also authorizes an additional appropriation of $15 million of contingency funds, as well as appropriation of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

The total authorization in the bill is $550 million.

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

Mr. Speaker, in view of the fact that we will have the railroad bill and others here before us this afternoon, bills that are extremely important, and it will be a long day, I will not repeat any of the remarks of the gentleman from Texas (Mr. YOUNG), who in my opinion has very adequately explained the rule—House Resolution 1297—that will provide for the consideration of H.R. 19911.

In this authorization the total amount is $550 million.

Now, there is $500 million also for Israel for economic and military assistance, but not in this bill, because that was previously provided in the Defense Procurement Act. We will have the last appropriation bill, which will be a supplemental, probably on the floor tomorrow that will include the funds for both of these projects which I have mentioned, with this exception, as I understand, from the testimony which we just heard in the Committee on Rules; the supplemental funds request is at $490 million rather than $535 million or $550 million.

Mr. Speaker, personally I have never voted for any authorization bill or any appropriation bill having to do with foreign aid. I think there are others who are in the same position, but I do not consider this particular legislation foreign aid. It is not. There is a lot of waste, in my opinion, in foreign aid, but ths money is absolutely necessary if our Vietnamization policy is going to work out, and if we are going to get our American servicemen home from this long, extended war over there. Unless we proceed to give them some money so they will have guns, ammunition, and equipment, and can take over for themselves, then our efforts will have been in vain.

So in voting for this bill, which I strongly support, I do not consider it as the same type of foreign aid we have had in the past. I believe it is essential to carry on our Vietnamization policy which in my opinion is working quite well.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding, in order that I may mildly compliment the Rules Committee for bringing us one rule that is a completely open rule.

Mr. SMITH of California. I appreciate the gentleman's congratulations, but may I say to you that we will have others this afternoon that will not be the same—so get ready.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS ON ADVISORY COMMITTEES

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file a report on advisory committees.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FORT LAUDERDALE NEWS AND SUN-SENTINEL REFUSE TO ACCEPT ADVERTISING FOR X-RATED MOVIES

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

Mr. ROGERS of Florida. Mr. Speaker, two newspapers, the Fort Lauderdale, Fla., News and the Sun-Sentinel, located in my congressional district have announced a new policy of refusing to accept advertising for X-rated movies.

I commend these publications for taking a positive stand at the community level to encourage decency and wholesomeness in entertainment, particularly at movie theaters, and I am sure my colleagues in the House are encouraged by the position taken by these newspapers.

I have made known to the President the decision of the Fort Lauderdale News and the Sun-Sentinel to refuse advertising for X-rated movies, and I belive an expression of support from the White House to the publications should be forthcoming.

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. MORGAN. 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. 391]

Abbitt	Gallagher	Morton
Anderson, Ill.	Gettys	Moss
Aspinall	Gilbert	O'Konski
Belcher	Goldwater	Ottinger
Bolling	Gray	Pollock
Brock	Grover	Powell
Brown, Mich.	Gubser	Preyer, N.C.
Burton, Utah	Hanna	Purcell
Button	Hansen, Idaho	Rees
Carey	Hathaway	Reifel
Celler	Hunt	Rivers
Chappell	Karth	Roudebush
Clark	Kee	Rousselot
Clay	King	Scheuer
Collier	Langen	Steed
Collins, Tex.	Lowenstein	Steiger, Wis.
Cramer	McCloskey	Stephens
Daddario	McCulloch	Stokes
Dent	McKneally	Stratton
Dingell	Macdonald, Mass.	Symington
Dowdy	Marsh	Taft
Edwards, La.	May	Thompson, N.J.
Farbstein	Mayne	Tunney
Findley	Meskill	Waggonner
Ford, William D.	Miller, Calif.	Waldie
Forsythe	Minshall	Wiggins
		Wold

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

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

WITHDRAWAL OF MOTION FOR THE CONSIDERATION OF H.R. 19911

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MORGAN) withdraw his motion for the consideration of the bill H.R. 19911.

Mr. MORGAN. Mr. Speaker, I withdraw the motion to go into Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19911.

AMENDING SECTION 213(a) OF THE WAR CLAIMS ACT OF 1948

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That (a) section 213(a) of the War Claims Act of 1948 (50 App. U.S.C. 20171(a)) is amended as follows:

"(1) Paragraph (1) is amended to read as follows:

"'(1) Payment in full of awards made pursuant to section 202(d) (1) and (2), and thereafter of any award made pursuant to section 202(a) to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended, or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.'.

"(2) Redesignate paragraph (3) as paragraph (4) and, immediately after paragraph (2), insert the following new paragraph:

"'(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less.' The total payment pursuant to this paragraph on account of any award shall not exceed $35,000.

"(b) The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107), but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman explain briefly the action in conference and whether the amendment or the amendments by the other body are germane to the bill?

Mr. STAGGERS. They are germane to the bill; yes, sir. The amendment is a small amendment, and I think a good amendment.

The amendment pays up to $35,000 on the unpaid balance of any claims of individuals and the same for corporations. As we provided in the House bill, individual claims would be paid in full, but the other body has added corporations on the same basis, and claims of both can be paid up to $35,000.

Mr. GROSS. And this is an increase from what to what?

Mr. STAGGERS. There is no increase at all. These claims are paid from money in the War Claims that we already have in the Treasury.

Mr. ADAIR. Mr. Speaker, further reserving the right to object, I should like to ask the gentleman from West Virginia in the event no legislation should be enacted by this Congress upon this point, if the money now available would still be available for future use?

Mr. STAGGERS. Yes, it would. But I would say to the gentleman, we had full hearings on this measure. If we deny passage of this bill, we will deny full payment to the religious organizations of America which had properties in the war areas which were destroyed. They are the ones who are affected, and are the ones who are the beneficiaries of the bill. It would penalize all the religious institutions of America. I think the bill ought to be passed because they do have a legitimate claim. I think it is a fair bill. It went through this House without a dissenting vote, and the same over in the other body. The amendment I believe would strengthen the bill.

Mr. ADAIR. Further reserving the right to object, Mr. Speaker, this, then, enlarges the portion of the money that the churches will receive. It changes the distribution formula from what had already been established; is that correct?

Mr. STAGGERS. That is correct.

Mr. ADAIR. And the gentleman is of the opinion, after hearings have been held, that this is an equitable proposal?

Mr. STAGGERS. Oh, yes, indeed, because corporations were paid over 62 percent. I think the religious institutions should have priority for their properties that were destroyed in war zones. We think this is an equitable distribution.

Mr. ADAIR. Did not the religious organizations get 62 percent initially?

Mr. STAGGERS. On the original go-around, that is correct.

Mr. ADAIR. They had the same percentage as corporations?

Mr. STAGGERS. Except some of the small businesses, which were paid their claims in full.

Mr. ADAIR. Yes, I recall that. The small businesses, up to a limit, were paid in full, and I think that relates also to individual claims, does it not?

Mr. STAGGERS. Yes, there was no limit on payments to small business.

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

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

Mr. GROSS. Now I am beginning to understand what this is all about. Does this bill also provide indemnities for damages to race tracks and breweries?

Mr. STAGGERS. Not that I know of.

Mr. GROSS. Distilleries?

Mr. STAGGERS. Not that I know of.

Mr. GROSS. I would hope that practice has been discontinued long ago, but I am beginning to wonder.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1300, Rept. No. 91-1687), which was referred to the House Calendar and ordered to be printed:

H. RES. 1300

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 joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. After general debate, which shall be

confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1300 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRIES

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Does that not require unanimous consent?

The SPEAKER. The Chair will state that a two-thirds vote is required for its immediate consideration.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Is there a typewritten or Xeroxed copy of the resolution available from any source whatsoever?

I am not speaking now of the resolution that makes the joint resolution in order, that is the resolution from the Rules Committee, but is there by any chance a copy of this resolution?

The SPEAKER. The Chair is unable to answer the parliamentary inquiry.

The question is, Will the House now consider House Resolution 1300?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1300.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes on the resolution to the very able and distinguished gentleman from California (Mr. SMITH) representing the minority, pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution simply provides—and I speak now of the resolution from the House Committee on Interstate and Foreign Commerce—that there shall be no strike scheduled for midnight tonight and that there shall be no cessation of the operation of or interference with the operation of the railroads until midnight of March 1, 1971.

Mr. Speaker, I do not know why I should spend a great deal of time here expounding my views about this situation. I realize, as every Member of this House and every responsible citizen in this country must realize, that the railroads are a necessary part of our economy. I recognize, as every Member must recognize that if this ordered strike takes place tonight, the economy of this country becomes paralyzed.

There is considerable argument now that the economy of the country is in a perilous situation. I recognize further, Mr. Speaker, that in this complex society where we live, there are adherents and proponents of the laboring man on the one hand and industry on the other, but that is not the question involved here. The question is very simple: Do we have the strike and paralyze the economy, or do we not have it and give the opposing factions an opportunity to further bargain collectively and bring about an amicable solution?

It is not up to me to say whether one side or the other is right or wrong. In my view, I repeat, the question is: Do we have the strike with the results that are bound to flow, or do we not have it for this period of time?

Mr. Speaker, I am very much concerned about this situation, particularly the one facet here which involves the general direction in which this country seems to be drifting. I do not like this legislation any more than the other Members like it but, Mr. Speaker, I want to repeat what I said in the Rules Committee today, that I was amazed when I saw on the television last night one of the responsible leaders of the union movement say that it did not make any difference. I am not quoting verbatim, but in substance he said it made no difference what the Congress or the courts did about this matter, that the strike was going on. I think that is a pretty strong and brash statement. I think it means simply that one man, the head of an organization, apparently speaking for the organization, says, as some other people have advocated in the past, "We will observe those laws that we like and we will ignore those that we dislike or disapprove."

Now, what does that mean? It means either that we live in a society of laws or we live in anarchy. I am so sorry that a man representing the great body of the laboring people of this country should publicly advocate the disregard of and the flouting of the laws of the land. Suppose other segments of our people take the same position. Suppose the individuals of this great Republic of ours generally and collectively take that position. Then we go back to the days of the caveman, where might and not law is the order of the day.

I do not know what the Congress is going to do about this matter.

I know what I am going to do about it. I am going to give these people, by my vote, an opportunity to settle this thing amicably and peacefully. I do not want to see even an opportunity presented to those who advocate the flaunting of the laws of the country.

It is not in my province to advise or counsel with the President of the United States, regardless of who he may be, but he has the responsibility for the maintenance of order and the observance of the law.

Mr. Speaker, I recall and history records that there was a Governor of a great Commonwealth of this country who, when the police of a great city in that State, to wit, Boston, took that position, that that man then heading that State as its Governor took the position that the law was going to be maintained. The result was that he subsequently was elected President of this glorious young Republic.

Should this happen, it would be a time that will really try men's souls, and the future of our cherished form of government with all of the liberties that it carries with it will be gone.

So, Mr. Speaker, I know nothing to do under the circumstances, faced with the perils of a demoralizing strike, with its resultant ill effects, but to support this resolution.

I hope that sometime the Congress, under the guidance of some administration, will go to the basic problem of solving these problems as they arise rather than having to come to the Congress every time a nationwide strike is impending.

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

Mr. COLMER. I yield to my good friend from Michigan.

Mr. GERALD R. FORD. On that precise point, in February of this year the President submitted to the Congress a message which called for new permanent legislation to handle strikes involving transportation; that is, railroads, airlines, and the trucking industry. I think this is basically good legislation. Unfortunately, no hearings have been held in either the House committee or the Senate committee on it. I have not heard of any violent objection from any party, and yet no party has been given an opportunity to present their views, their objections or suggestions. I deeply wish we could get some permanent legislation that would achieve a finality in disputes instead of having to go through this experience for about the fifth or sixth time in the last 5 years. Permanent legislation, updated, would be a significant improvement from the public's point of view and would avoid this periodic problem.

Mr. COLMER. I thank the gentleman for his contribution to my observation in this field. Certainly it is time that the Congress tackled this problem that keeps popping up every so often.

One final thing, Mr. Speaker. The President asked for an extension of 45 days. The committee in its wisdom saw fit to make this until March 1 of next year which would be approximately 80 days—81 or 82 days.

Now, the testimony before the Rules Committee this morning was to the effect that the period of 45 days would not give ample time, that Congress would not be back here before the 20th, that Congress would be unorganized and would not have the committees set up at the expiration of the 45 days. Therefore, the committee saw fit to make it 81 or 82 days.

Mr. Speaker, I certainly am in accord with that view, for whatever that is worth. Mr. Speaker, we are faced, whether we like it or do not like it, and after all you know no one puts a halter on us—we are faced with this problem and we have got to stand up and be counted, to use the old expression.

Mr. Speaker, as far as I am concerned I am unwilling to go back to face my people and tell them that I was not willing to stand up and face this situation while the whole economy of the country was paralyzed.

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

Mr. Speaker, in view of the fact that all of the documents are not before all of the Members here, I would like to explain the situation as I see it.

Mr. SMITH of California. Mr. Speaker, in view of the fact that all of the documents are not before all of the Members here, I would like to explain the situation as I see it.

This morning in the Rules Committee we met and had a print of a resolution from the Interstate and Foreign Commerce Committee. We granted a rule about 35 minutes ago. Of course, we had to waive the two-thirds rule in order to get it here today and to consider it. Now we are on the rule, House Resolution 1300, which would provide for the consideration of House Joint Resolution 1413, the title of which is to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. This is a copy of it. It is identical to the White House resolution that was sent down, with the exception of the date which the gentleman from Mississippi explained has been changed from January 23 until March 1, 1971.

Mr. Speaker, we must keep in mind that this will be the fourth time this has been done. We have done it four times before since 1963. The present negotiations have been underway since September 1969.

The resolving clause is as follows—and I shall leave this on the desk if anyone wants to see it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of March 1, 1971.

Mr. Speaker, that is what we are considering today.

I urge the adoption of the resolution.

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

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. 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 joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

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 joint resolution (H.J. Res. 1413) with Mr. NATCHER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

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

Mr. Chairman, I have been instructed by the Committee on Interstate and Foreign Commerce to present this resolution to the Committee on Rules, and to the House for general debate. The resolution would extend the period of the prohibition against the railroad brotherhoods' being able to strike, under section 10 of the Railway Labor Act, from midnight, tonight, until midnight, March 1 of next year.

Mr. Chairman, the controversy first started in September of last year, although some of the notices were served in May, with the rest of them being served in September. The railroads and the brotherhoods have been negotiating since that time. As was testified yesterday before our committee, at which the Secretary of Labor and the Secretary of Transportation appeared, plus those representing the management of the railroads and those representing the unions—there were intensive negotiations toward the end with the hope that they would come to some settlement. This dispute was referred to an Emergency Board, and the Board recommended certain pay raises that would have taken place over a period of 3 years.

In the first year the pay raise was to be retroactive, 5 percent, to January of 1970. Then there was to go into effect on November 1 of this year a 32-cent-per-hour pay raise.

Then next year, on April 1, there would be a 4-percent pay raise, and again on October 1, 1971, an additional 5-percent pay raise, and then in the third year, April 1972, there would be a 5-percent increase, and additionally on October 1, 1972, a 5-percent raise.

The pay raise in most instances was not the nub of the controversy. Most of the controversy had to do with work rules.

One spokesman said that pay was their holdup, and not the rules, but I believe that the majority of them were agreed that the pay raises would be sufficient if the parties could reach some agreement on the proposed rules changes—and there are hundreds and I suspect even thousands of rules for the locals that are scattered across the United States.

This affects approximately 500,000 men—a little more than 500,000, who are directly affected.

The resolution that the President sent up would just continue the status quo for 45 more days in the hope that something would be done in the 45 days. In order to cooperate with the administration I introduced a bill with the cooperation of the ranking minority member on the other side of our committee, the gentleman from Illinois (Mr. SPRINGER). We held hearings last night which ran from before 4 o'clock in the afternoon until after 8 o'clock last night. We heard all of the evidence that we could concerning the dispute in the time available.

This morning we had a markup session on the bill. Some amendments were offered and all of them were rejected, except for one extending the date to March 1.

I might say that I offered one amendment, which I think was equitable, and I will offer it again here on the floor. That amendment was based on the fact that if we take away the right of these men to strike, which is their only weapon for gaining any recognition, we at least ought to pay them the cost-of-living pay raise which the Board had recommended plus the 32 cents across the board which they recommended for this period.

We all know that the cost of living has risen more than 5 percent since these men last had a pay raise. I do not think there is any person in this room who would deny that this raise should be coming to them. But if we prohibit them from striking, some may say, "Well, they are going to get it eventually—they are going to get it." Well, how do we know when they are going to get this increase? We know this: that if they take the regular procedure as in all of the other cases that have come before this House in recent years, it will be many months before they get cost-of-living increases, plus any other pay raise that they might have coming.

So I tried to explain this to the committee this morning, and I said I thought that it was only equitable that the employees obtain the cost-of-living pay raise plus the 32 cents recommended by the Emergency Board.

Continuing on the pay for just a moment, I would like to say that the amendment which was offered would give a cost-of-living increase, plus that which would take care of the time which we have denied them the right to strike. The right to strike is the only weapon that labor has in order to acquire any rights at the bargaining table with management. That has been their right down through the years, first clearly recognized in the Clayton Act of 1914. Labor fought hard to get these rights, and this right to strike has made living better for more people in America than any single law that has ever come from the Congress of the United States. The employees do not want to have to go back to the working conditions that existed when a lot of you, as well as myself, were boys.

At the age of 12 I worked in a silk mill, 10 or 12 hours a day. No one prohibited me from doing so. I wanted to work.

I needed the money to continue with my schooling. I do not think it hurt me in any way, but back in those days we had to work long hours in order to get ahead.

As we know, miners used to have to go into the mines and work from sunup to sundown. After they organized and obtained the right to strike their conditions improved.

But the Congress is taking the right to strike away from the railroad workers. This right has brought a better way of living to countless millions in America. It is a better way of living than any other nation has ever known on the face of the earth.

The men and women who work and toil with their hands are the ones who built America. If it had not been for them, we would not have all the things we enjoy today in our homes, as we travel, and the things we see.

Some might say, "Yes, but they get paid for working." That is true, and, comparatively, workers are paid good wages almost all over this land. Sometimes the pay in some industries drops behind, and the workers in those industries must have some effective way of catching up. In the railroad industry the only way the workers can catch up is by sitting at the bargaining table, and if they cannot reach an agreement there, to strike until they can reach some agreement.

It has been said that America would suffer if there is a railroad strike. I would like to remind the Congress that the railroad unions have said that they would carry all defense materials, all war materials, and all of the materials that have to do with health in this land. They would see that those essential materials were carried.

There are those who say that there are some difficulties in doing that. It would be hard to do. Perhaps it would be, but they have agreed to work overtime or do whatever is necessary to see that those materials are carried. But they still want the right to strike in order to settle their other issues. They agree to carry these products for war and health, but this is not acknowledged in the resolution in any way, and we are taking the right to strike away from them. When we do that, I think the least we can say to them is, "Let's give a cost-of-living increase while we are taking this right away." I think the least we can do is to give them what the Emergency Board has said was coming to them during 1970. I am hopeful that when we come to the amendment stage that this will be done.

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

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

Mr. PERKINS. I am just wondering if this action may not be untimely in view of the statement from the labor representatives that in all probability the dispute will be settled before the deadline. I am fearful that we will be waving a red flag by throwing the weight of the Government against the brotherhoods involved at this time. That is my fear. I think we should not take action today in view of present negotiations. All of us know the Congress will be here several days.

Mr. STAGGERS. I agree with the gentleman, but I would say this, that when you are faced with an emergency, as this was brought to our committee, you act. I introduced this measure yesterday. As chairman I wanted to give our committee a free right to vote on it. I think this is the only democratic way to do it, and to bring it to the House for the House to consider if the committee saw fit to discuss it.

As I said, I did not hear any gentleman on the TV or the radio make any statement last night about striking if this bill is passed. We had the gentleman before our committee, and someone said to him, "Would you strike if the law was passed." The gentleman in question, the head of a union, was before our committee and said he had been a law-abiding citizen all his life, but he represented 300,000 men and he did not know what he would do when the time came if he was faced with the situation.

But I believe if we would say to those working men of America—and there are 500,000 of them involved here—that we are going to give them a cost-of-living pay raise plus that which was recommended by the Board until we lift this ban, there will not be a strike. In fact, I do not see how they could strike then.

We are in a period right now where we are almost up to Christmastime. I know there are those who do have large families who do have a hard time sometimes in getting along and doing what they want to do.

I am bringing this legislation to the floor for consideration, and I hope when this amendment is offered the Members will vote for it.

Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, first I would like to disillusion any Member here who thinks this committee relishes bringing this kind of dispute to the floor of the Congress for action. We do not. Since I have been ranking minority Member of this committee, and I believe since the present chairman has been chairman of the full committee, this problem has been before the Congress on three special occasions.

First of all, why is it important that we bring this before the Congress? A railway strike such as is encompassed and defined would result in a national stoppage. I do not mean that every store would be closed up, but I do mean that practically all the heavy ware within this country would close within at least 30 days.

Therefore, why do we present this legislation? I am going to explain what this legislation does, also.

Mr. Chairman, we do it simply because every Member within range of my voice knows this country will not stand still for a nationwide stoppage which would result from a railroad strike of the nature which has been heard by our committee. That everybody knows. I doubt if there is a Member on either side who would say that the people in his district would stand still for a nationwide strike resulting in a nationwide stoppage of delivery of goods. Some people would define it in one way, and some people in another. I think labor possibly would define it in one way and management in another.

Generally speaking, the editorials which have commented on this piece of legislation and legislation similar to it in the past have said that the national interest is overriding. The public interest comes above and beyond the rights of either management or labor. I want to develop that in a moment, as to what the editorial comment of this country is, what it says, and where it stands. I am talking about editorials from the left, if we want to put the Washington Post and New York Times in that classification, to the Chicago Tribune, if we want to put that in another classification over on the right. All of them support the legislation which I am going to mention in a minute, and which was introduced as an amendment to our resolution this morning, but which did not carry.

Different Presidents in the past have met this situation in different ways. I was not here in those days, but I see some of my colleagues who were here in those days, in the latter stages of World War II or just after that in the Truman administration, when President Truman recommended two things, as I recall it: Put some people in jail and draft the remainder. It was rather drastic to recommend that, and those recommendations were not followed by the Congress, I am happy to report.

This threat has occurred in the Eisenhower administration and in the Kennedy administration and in the Johnson administration, and now it recurs in the Nixon administration. There is not anything partisan about this.

There is not anything partisan about this. The fact of it is in the testimony before our committee; yesterday it was greatly free from partisanship either by labor or management, because they both realized this has happened under Democrat and Republican administrations, and every President had met the issue in the same way, and for only one reason: the public interest was overriding that of any particular segment of the American economy.

Three years ago when we were here with the legislation recommended by President Johnson, it was in the nature of legislation which appointed a board which finally mediated. In effect we gave them the power to legislate, which they did. They came in with a finding and it was binding on both parties. That was the Johnson recommendation.

What is the present Nixon recommendation? It is not that. It is not that drastic at all. It does simply one thing. It extends until March 1 the right of the two parties to further mediate their disputes; that is all it does.

Let me repeat it again. This does not legislate anything except to extend the time under present law in which these two parties may mediate their disputes, period.

There will be raised here, as there was in our committee this morning, the question of whether or not we ought to put into this legislation some of the issues in dispute, because nothing has been settled. The recommendations of the board that have been made thus far are not binding in any way. They are only

recommendations of the board. They do not bind anybody. They are merely a basis recommended by the board upon which they may mediate their disputes.

A suggestion that we put in here a pay raise, as the chairman has suggested, which was introduced and defeated in the committee this morning, was for 5 percent plus 32 cents, to give that to labor.

Gentlemen, I do not believe I have an anti-labor record in this Congress. That is one of the principal issues in disputes, the question of the amount of money that is going up be given.

Yesterday, in examining one of the members of the labor panel, he said—I believe I am quoting him correctly, but if I do not quote him correctly I hope someone will correct me—that instead of the 37.6 percent which is provided under the factfinding board they want between, as I understand it, 40 and 45 percent.

Labor wants—or at least this one man on his own for his own group wants—this. He said:

> We want 40 to 45 percent total increase at the end of this three-year period. There is not enough money.

One of the things management wants in exchange—and there has to be something, for there has to be a quid pro quo for either side—is a change in the rules, in the work rules, which they say will then help compensate them for this 37.6 percent over on the other side. So if we give somebody a raise over here, we have taken that out of the dispute and weakened the party on the other side, which has a quid pro quo it wants in exchange for what the party on this side wants.

The issue is just as simple as that.

What we attempted to bring out here was exactly what was proposed by the administration, which was to extend the right for everybody to listen, to talk, to mediate. That is with the help, I may say, so I am told, of the Secretary of Labor. As far as I know, yesterday it was not disputed that the quality of the arbitrators is very good.

The chief arbitrator, a man by the name of Usery for 18 years was a member of a labor union mediating team. In other words, he spent 18 years, as I understood it, arbitrating for labor. On the other hand, as I understood it, management felt he had been evenhanded and fair. As far as I know, there was no objection on the part of labor to him, either. There was a feeling, I thought, as far as the arbitrating machinery was concerned, that it was evenhanded and good. The Secretary of Labor said it was the very best he could find.

May I say the effect of what you hear today is what some of you voted for 3 years ago, which was commonly known at that time as the Pepper-Anderson resolution. You will recall when we had the legislation up 3 years ago we did appoint a factfinding board and allowed them to settle the dispute. In other words, you had in effect forced arbitration. This legislation is not that. This legislation is in effect the Pepper-Anderson resolution of 3 years ago, which merely allows these two parties to continue their mediation until March 1, 1971.

Labor argued that it ought to have the right to strike. Now, what in effect do you have if you do have a strike? If you will turn to page 15 of the committee report, No. 91, which is available, you will see there that the traffic that railroads carry amounts to 46 percent of the meat and dairy products, 74 percent of the canned and frozen foods, 71 percent of household appliances, 76 percent of the automobiles and automobile parts, 78 percent of the lumber and wood, 40 percent of the furniture, 63 percent of the chemicals, 68 percent of the primary metal products, and 86 percent of pulp and paper.

In other words, a strike has a very wide effect, may I say. The average number of passengers affected in the form of commuters would be 4,336,000. The average number of intercity passengers is roughly 1.8 million. So you would have about 6 million people affected by this each day that you would be on strike.

In trying to determine what ought to be done we had legislation which was suggested by the distinguished Member from Texas who has been working on this for over 3 years bringing some kind of a mediation service into these kinds of cases where the national interest is affected.

I remember talking with President Johnson about this legislation when he proposed it in his inaugural speech 5 years ago. I guess it is now 6 years ago. Later I talked with him at the White House about what he thought about getting this legislation out, because he said he was still for it. He was very frank to tell me that he had been informed by the chairman of the committee at least in the other body there that they could not get it out of the subcommittee. So that legislation was not proposed.

Finally let me say this, if I may: The legislation which the gentleman from Texas has proposed has been proposed by other Members of Congress. I think the distinguished Senator from New York, Mr. JAVITS, has had similar legislation to that offered by the gentleman from Texas (Mr. PICKLE) in this body. May I say that that legislation is supported editorially by every single metropolitan newspaper in the country that I know anything about.

If anyone can point out to me one metropolitan newspaper in this country that does not support that kind of legislation, I shall be glad to hear about it.

Mr. Chairman, some 3 years ago I had all of that in one package. I wish I could bring it here and read some of the editorials and the reasons why they felt that this was of such nationwide public interest that they felt there should be permanent legislation on it.

Mr. Chairman, I have been a supporter of free bargaining for a long time. I do not know whether we have reached the point in history where something like this is going to have to be done or not. The State of New York and the City of New York have this type of legislation. I do not understand that to be a backward State. On the contrary, it is my understanding that they claim they are one of the most progressive States in the Union. They have this kind of legislation in the public service field. But may I say that this legislation in every single poll that I know about that has been taken, the legislation described by the gentleman from Texas, has received overwhelming approval by the people who have been polled in those polls. If there is one poll that does not support that, I would like to know when it was taken and the name of the poll.

Mr. Chairman, that legislation is supported by everybody in this country, at least so far as I know by a great majority of the people, except in this body and the other body. These are the only two places that I know about where it does not have the majority support because it cannot get out of the subcommittee in its present form.

Now, it was my feeling that we ought not to enter into the various issues. The purpose of this is to allow the parties to do their own mediating. The chairman firmly believes that it will not. We did have some, I thought, hopeful signs yesterday that perhaps by that time it could be mediated, but there has been a feeling that we probably will be back in here with legislation similar to the Johnson legislation in 1967. As he explained to the Rules Committee this morning, if past experience is any indication, that is probably what will happen, but they will fail in view of the fact that the administration merely asked for more time. The Secretary assured us he felt in his own mind at least that we had a reasonable chance to get a settlement and they recommended this legislation to merely postpone the strike in order to allow the parties to meet.

Mr. Chairman, that is the legislation we bring here today to you, unamended, and as it came to us from the committee, and I recommend its passage.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I want to explain exactly where we stand at the present time.

The situation is that the unions, in negotiation with the railroads, may strike at midnight tonight. They may do so legally, if legislation is not passed. No one here disputes the proposition that a railway strike would be costly. Everyone here, I think, agrees that if there is some way to avoid this even by a stay period, this should be done. But I shall not vote here merely to stay the union's right to strike unless there is some quid pro quo, some balancing provisions to make this bill other than a bill which takes away from one party its bargaining strength.

There is no reason why Congress should enter on one side of the strike and take the lawful weapon of the unions, in order to accomplish their proposed objective, away from them. The thing is, if nothing happens, wages stay the same. The railway workers have been seeking wages now since they opened their bargaining about a year and a half ago and this will simply remove their clout in the bargaining process.

Now, the proposal that the gentleman from West Virginia has suggested here is one of those balancing factors. I am for that. If there are adequate balancing factors I think we should vote for the resolution. If there are none, I can see no reason why a person in this House who can make the least pretense of fairness

to labor unions, I can see no reason why he would vote for this resolution when it wipes away all opportunity for union suasion.

When the amending time comes, I wish to put a balancing factor into the bill.

The situation which has existed with respect to unions and management has been simply this: That since the negotiation is opened as against individual railroads but since the method of negotiation must of necessity be with respect to the industry, the courts have said we will not let you unions strike against an individual railroad; you must strike, if you are to strike at all, against all the railroads.

Now, that is what the courts have said up to now. I do not agree with them, and this decision may be overturned. But the unions have been enjoined from following their ordinary processes of union suasion; that is, simply striking against one employer and then seeing if agreement cannot be reached to set a pattern for settlement in the industry. Well, when the courts enjoin the unions from striking against one railroad, and in that way force them to strike against all, the matter then comes before us, and we in effect enjoin the unions from striking against all the railroads.

Now, what labor suasion is left when you cannot strike against one because the courts up to now have said "no," and you cannot strike against them all because the Congress says "no."

If we today, without giving any quid pro quo or any balancing factor to this resolution, say "you cannot strike against all the railroads," we have simply destroyed the possibility of agreement.

We will extend this, surely. We will extend it to March 1, but on March 1 we will have the same problems brought before us. We have had this done time and time again—and why? Because there is absolutely no economic pressure on the railroads to come to agreement—why should they? Their employees have not received their pay increases. The union has lost prestige in not being able to make an agreement for a period of over a year, and officers of the union are under pressure to come to an agreement.

Let us now look at these three pressures on the other side. The railroads are perfectly happy in paying the existing wages without an increase——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding me the additional time.

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

Mr. ECKHARDT. Certainly, I will be glad to yield to our distinguished chairman.

Mr. STAGGERS. When the gentleman talks about the right of the railroad employees to strike one railroad, did we not just go through a period when we allowed the workers in the automobile industry who worked for General Motors to strike General Motors for a long period of time, and we did not stop them? And was this not also true of the truckers, and the Greyhound Bus Lines in the western part of the country? They were struck for several years, and nobody did anything about that.

But when we come up to this section of labor, the railroad brotherhoods, they say no, you cannot do this.

Mr. ECKHARDT. The gentleman is absolutely correct on that. That is why collective bargaining works in the automobile industry and the trucking industry, but it does not in the railroad industry.

Mr. STAGGERS. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, what I am proposing in the amendment which I will offer when the time comes is simply to provide that up until March 1 there be a stay period for a strike, exactly the same language as in this resolution, but during the months of March, April, and May, with respect to this particular issue, this particular dispute, and with respect to these railroads and these employees, there remains exactly the same power to strike as would exist in the automobile industry, or in the trucking industry, or anywhere else where separate strikes may be brought.

I think this is important. Not only with respect to balancing and to fairness but because I believe that if you add this additional suasion that we will get an agreement before March 1. If you do not add this suasion there is no reason whatsoever why the railroads would come to an agreement.

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

Mr. BROWN of Ohio. Mr. Chairman, the Democratic Congress has had before it for almost a year a proposal from the Nixon administration to provide an improved method for settlement of labor disputes which could result in national emergency strikes. This proposal has never been scheduled by the Democratic leadership for consideration in the Committee on Interstate and Foreign Commerce on which I serve or in the Committee on Education and Labor. I think that is unfortunate and does not serve the cause of good government. It represents a failure of the Congress to meet its governmental responsibility to deal with a continuing problem and has left that problem to be dealt with on an ad hoc basis.

The whole governmental process cannot be indicted for this failure, however. At least the Nixon administration did make a proposal for a permanent method of settlement of such disputes. While the previous administration talked bravely of making such a politically dangerous proposal, it never quite did so during its five years in office. So the Nixon administration, at the very least, deserves credit for making a recommendation on this continuing critical issue—regardless of what one thinks of the merits of the proposal. Had this proposal been brought to hearing, the Committee—and possibly the Congress as a whole—would have had the opportunity to work its will in the hope of bringing about a long-term solution to this continuing problem.

If the Congress intends that one of its committees assume the responsibility of negotiating labor disputes that threaten to become strikes having a deleterious effect on the national economy or national interest, then let us at least take that step forthrightly. If the Congress feels, as I do, that some other method should be found of imposing compulsory arbitration in certain cases, then let us also do that forthrightly. Let us not maintain to railroad labor, or railroad management for that matter, that this industry still possesses the ultimate weapon of collective bargaining—the strike—but then deny that weapon on an emergency basis again and again.

In my brief service of 4 years on the Interstate and Foreign Commerce Committee, two Secretaries of Labor, Mr. Willard Wirtz, and Mr. James Hodgson, representing two Presidents with differing political labels, have come before the committee to tell us that the Nation cannot tolerate a nationwide rail strike because of the economic devastation such a strike would wreak upon the Nation. Mr. Wirtz, in a time of fuller employment than we now have, estimated that—

> Such a strike would cripple the country before it even scratched either party. When that is true, a lockout does not play its normal function in collective bargaining. It would not be against the other party. It would be against the country.

At a time when so many railroads are either in bankruptcy or are showing substantial operating losses, a nationwide rail strike would surely drive to the wall a number of the railroads currently in operation. The negotiator for the companies in the current dispute, Mr. J. P. Hiltz, Jr., testified to this fact Tuesday. He raised the serious question as to whether the inevitable rate increases which will follow wage increases will not do the same thing by leaving the railroads no longer competitive. For the industry's part, he feels the substantial changes in work rules at issue in this dispute are necesary to cut costs and remain competitive with other modes of transportation.

But labor contends that many of these work rule changes will destroy jobs and job security to a greater economic loss to present rail labor than the benefits from increased wages will give to those who work on the railroads. The leaders of rail labor point to pay rates in other modes of transportation and ask why their people must receive so little while labor in other modes receives so much more. It is a valid question and one which must be asked of Government ultimately because of Government's past involvement in the economics of the rail industry.

Are we maintaining the country's railroads as barely competitive with trucking, water, and air transportation by holding down rail wages through the denial of the right to strike while teamsters and airline employees are not denied that privilege? Is that fair Government control?

Let us look at the other controls of Government and see if they are any more equitable. Clearly they are not. The Federal Government once subsidized the development and operation of railroads

with free land for rights-of-way and other exploitation and with lucrative contracts for carrying public mail. But now we build, maintain, and improve the rights-of-way of competitive modes by taxpayer financing of highways, waterways, and airways while requiring the railroads to maintain their own rights-of-way at their own expense. On top of that, we tax the railroad rights-of-way—and usually in excess of normal industrial property tax rates. And as a final insult, we have taken away the mail hauling subsidy and given it to trucks and airlines.

Mismanagement—or worse—may indeed be a goodly part of the cause of the Penn Central bankruptcy and its threatened cessation of operations. But is Government mismanagement of its transportation policies in recent years any more defensible? Our regulation of the rates, routes, and policies of the various modes of transportation is fragmented through several agencies of Government. Even where regulation of two modes—railroads and trucking—is reposed in one agency, the Interstate Commerce Commission, that agency too often makes its decisions affecting the economics of railroads without any relation to the economic effects of the regulatory decisions it makes regarding the trucking industry—and vice versa. Over 20 years ago, a minority of the Hoover Commission recommended reorganization of the regulatory agencies affecting transportation into a single agency. That must be done. It is 20 years late, and perhaps too late to save railroads as a transportation mode and as an employer—but it must be done.

Selective strikes against individual roads, as the rail unions would like, or a national strike against all roads would not threaten to destroy the railroad industry if it had not been for the mismanagement of that industry at the hands of Government over the years. That general public seems unaware of this fact. A national rail strike would certainly bring it to public attention and require Government to act more wisely and in more timely fashion. But what would that strike do to the rest of the economy of the Nation? We are told by officials of the executive branch of Government that we cannot afford what it would do and I accepted that and voted in committee for an extension of the strike deadline in the hope of a voluntarily negotiated settlement.

But I wonder? If this industry is so unimportant that its labor can be left underpaid, that its work rules can be left so inefficiently archaic, that its Federal regulation can be administered so narrowly, and its subsidies and taxes be so unbalanced, how important is it to our Nation?

Rail labor leaders have said they would be happy to see the industry nationalized and why not. At least they would know where they stand. They would not have the right to strike and would have to resort to Government and the political process to get wage increases and work rule changes—and is that any different than what they have to do now?

I do not covet the role of labor contract negotiator. I also feel the record of government in this area and in the field of management of railroads and other industries is demonstrably poor. I feel strongly that the process of collective bargaining cannot be both voluntary and federally settled. On the strength of the hearings before our committee, I am not able to suggest what that settlement should be. So if it must be settled federally, I favor some more sophisticated board of labor negotiators doing so than the Committee on Interstate and Foreign Commerce handling the compulsory settlement.

But this would not deal with the whole problem of the rail industry—rates, regulations, subsidies, taxes, and such. It will not assure the future viability of the rail industry. It may harm it irreparably, but if it is to be harmed, is it better to harm it by Federal action or inaction? What choice is that? If the industry should die and its jobs with it, perhaps collective bargaining or a destructive strike is a more appropriate vehicle for that mutual demise than to have the death occur at the hands of an inept government.

I do not feel the Congress should, or is well enough informed, to resolve the issues of this strike. I shall not vote to do that finally or partly. That is a job for voluntary negotiation. If voluntary efforts fail, either a strike or compulsory arbitration is all that is left. Perhaps a strike could be tolerated for a time before we face the issue of compulsory arbitration, seizure, or doing without railroads. At least it would let the American people know that the time of extremity in the rail industry has come.

And who knows—the people may force the Government to correct its inept handling of the railroads.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS), a member of the committee.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. I thank the chairman for yielding.

Mr. Chairman, I want to indicate to the committee that those of us on the committee who have been through these strikes since 1967 are of the opinion that we have reached the end of the line as far as simple extensions are concerned. This is a railway management bill in its present form. Make no mistake about it. Many of us in the past helped when the gentleman from Florida (Mr. PEPPER) offered his amendment in 1967 to give more time to negotiate on the basis that there would be negotiations and that collective bargaining would work. I supported that resolution at that time, and it had a purpose because we were then considering so-called mediation to finality.

Those of you who have been in the House will remember that was President Johnson's proposal.

The extensions have simply not worked. What has happened, instead, is that railway management has placed these disputes into a national emergency in each case. Railroad management relies on the proposition that the Congress will bail them out at some point, and therefore, negotiations stop. I want to make this point today because unless this amendment is adopted in either 45 days or 81 days, gentlemen, you are going to be right back here doing the same thing you are today, because the die has been cast.

I agree completely with what the gentleman from Texas (Mr. ECKHARDT) said. Something must be put in this bill to require the parties on both sides to bargain. The reason I say this is a management bill—and it has nothing to do with partisanship and it has nothing to do with Presidents, because we have been through this under administrations under the control of both parties—is that you are preventing the men from striking with no pressure on management.

Now, tell me where in this resolution is there anything to say to management that they should do something?

There is nothing.

I will support the chairman's amendment, and I hope all the Members of the House will do so in order to at least give these men something. They started in September 1969 and have been prevented from striking during this period of time, and now we propose to say for another 45 days they cannot do anything—and they have not received a nickel in that period of time.

I also would support the amendment offered by the gentleman from Texas (Mr. ECKHARDT) and it is not an amendment that is mutually exclusive, but it provides for the same kind of thing which we tried to enact in 1967. By "we," I mean a number of us who were in the minority on the conference, but who were very close to being a majority. We simply could not overcome former Senator Morse. We wanted to give the President an arsenal of weapons, such as seizure, in order to create a climate of an artificial strike to make the parties complete their bargaining.

The amendment offered by the gentleman from Texas (Mr. ECKHARDT) is of the same type. It is a selective strike mechanism. It is saying to the people, to both parties, "If you do not settle this, you will be thrown on your economic rights, and then you will have it out," and yet it prevents the situation from becoming a national emergency. It is a very good amendment.

I can assure the Members this: If that provision is not included, I will certainly oppose the legislation, and I will ask for a separate vote on the amendment to extend the time from 45 days to 81 days, because this Member, for one, is not going to go back to the laboring people in this country and in my district and say that we will keep them working without even an increase in wages to take care of the inflation they have suffered for the last year, and further if we have not given them anything. We further say we cannot come back 6 or 7 days early and do something about the situation. I just am not going to do that. Therefore, I would ask for a separate vote on the amendment if this legislation does not include something to balance out the legislation so the parties will negotiate. There will be an opportunity to vote on whether we want to come back early in

January to mediate this if we do not balance the bill. I firmly believe, as the chairman does, that we eventually are going to come back and mediate it then, or we will be back on March 1.

Mr. SPRINGER. I yield 3 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I think we all know the disastrous effects a strike would have upon the people of this country. I think we all recognize the fact that we cannot have a strike. The national interest dictates that we in the Congress take action to prevent a strike from occurring.

But, at the same time, Mr. Chairman, I think we also recognize that we must be fair to both management and labor in this matter. I do not like being placed in the position of trying to settle a labor dispute, because, frankly, I do not know enough about the individual issues involved. I stayed here until approximately 8 o'clock last night in the hearings, listening and trying to learn a little bit, but as I see the resolution that came out of our committee, it provides no incentive whatsoever for anything to be done during this interim period, so far as management is concerned, to settle it.

Why do I make this statement? I make this statement for the simple reason that if this resolution passes, there is no pay raise in it. Without a pay raise management is not paying this money. I am told they have set aside a reserve fund to pay for the retroactive pay increase going back approximately 1 year. The 5 percent really does not compensate completely for the cost-of-living increase that has occurred this past year.

I do not know how much money is in the package that relates to 1970. I am told the total package over 3 years is about $1.5 billion.

Let us say it is only $100 million for the first year. The railroads save the interest on this $100 million by not paying it. The longer they can delay a settlement, they are going to save that much more interest. At 8 percent, interest on $100 million is $8 million per year and probably during January to February of 1971 it will be more than $1 million per month.

So I say the least we can do is to adopt the amendment which I understand the chairman of the committee is going to offer to provide the retroactive pay raise, to which I believe the people are entitled. We can put a stay against a strike, which this country cannot afford. If we adopt the chairman's amendment, I believe there will be an incentive for the parties to get down to serious negotiations and come up with a settlement before next March.

I hope it does occur. If it does not occur, then I suspect we will be back in the same posture we are in now around the last day of February.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Chairman, I thank the ranking minority member for yielding me the 2 minutes. I take this time purely to make an observation with the hope of clarifying some wrongful impressions which may have been gained from the previous debate on this resolution.

First, I commend my friend the gentleman from Georgia (Mr. THOMPSON) for his diligence as a member of the committee. Both he and I stayed around until after 8 o'clock last night listening to all the testimony.

As I recall, a number of the people have said that this is a management bill and it is to the advantage of management to delay and to stall.

I believe the members of the committee should be apprised of this fact, which is a very important aspect of this dispute. Initially I was of that opinion, that the longer they stalled the better it was for the carriers. The facts refute that conclusion. We should all remember that the recommendations of Emergency Board No. 178 this past November were accepted completely by the carriers, and it was the unions which refused to accept these recommendations. Had they accepted them then we would not be faced with this difficult decision today.

So I am convinced, if I may respectfully differ with my friend from Georgia, that it is to management's advantage to settle this thing as quickly as possible, not stall things.

It grieves me to be up here again with this particular matter. This emphasizes and underscores the importance of getting permanent legislation, which apparently we only concern ourselves with when faced with an emergency situation such as this.

Again, let me remind my friends that the carriers accepted the recommendations of Emergency Board 178. It was an impartial Board. I asked the representatives of management and labor whether they knew of any particular discrimination or any particular bias on the part of any of the five members of that Board, and everyone agreed: "No." These were knowledgable men in the field of labor disputes.

They wrestled with that problem and were totally impartial. I read the report of some 90 pages last night. They made recommendations for the resolution of this dispute and the carriers agreed to accept those recommendations, although very costly. But for reasons best known to themselves the representatives of labor rejected them and we find ourselves in this predicament today.

Above all, we must remember that we are not to take sides in this dispute but try to be fair to all while keeping uppermost the interest of the general public.

Mr. STAGGERS. Mr. Chairman, may I ask how much time remains on this side?

The CHAIRMAN. The gentleman from West Virginia has 4 minutes remaining.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding me this time, and I hope I can give some time back for comments he might like to make.

Mr. Chairman, this morning in the committee, when the amendment was offered by our distinguished chairman to provide for a pay increase, I offered an amendment to that amendment which was adopted. I want to read it, so that the Members will have it and it will be in the RECORD. The amendment would have stated:

All proposals for changes in work rules, and other conditions of employment contained in the notices served by the carriers parties to this dispute recommended for adoption by Emergency Board 178 which the Secretary of Labor determines do not require further negotiations by the parties are hereby placed into effect as of the date of enactment of this joint resolution to the same extent as if agreed to by the parties and no change, except by agreement, shall be made in such work rules and conditions of employment prior to December 31, 1972.

That amendment was adopted, and then, by some strange development of the committee procedure, when the full amendment came to be voted on, the amendment and the amendment to the amendment did not pass, although the amendment to the amendment had passed once in the committee.

I will admit to the House it is difficult to explain what all of these rules are that are involved here. Most of them are still subject to negotiation. They embody recommendations and guidelines to the parties and the Secretary of Labor. Because they are not words of clarity and finality, it is hard for me to come to you and say that these rules should come into effect if you will grant the pay raise. It seems to me if we will grant the pay raise, we should have a quid pro quo and we should get some relief in work rules, because that is what management is asking for.

Nevertheless, because we could not explain what all of these rules involved, it was not passed. I do not think I can offer this here, because it is too difficult and too voluminous to lay out in a concrete fashion.

Another amendment was offered which was to make an addition to this bill, H.R. 8446, which I have had before Congress for some 5 or 6 years, which is an attempt to find answers by way of permanent legislation to the problems that we face.

It seems to me if we are going to save collective bargaining, we must make amendments to section 10 of the Railway Labor Act. There are no political hereos with regard to legislation in this field. The only one who wins in this is the public, and it is in the public interest that we should pass this legislation here.

I am going to ask in the full committee that a step-by-step procedure on the bill I have offered to this body be taken and that it be printed at this point in the RECORD.

The schematic outline is as follows:

SCHEMATIC OUTLINE OF PICKLE TRANSPORTATION STRIKE BILL

MEDIATION BOARD

Reports if a dispute exists which threatens "substantially to interrupt interstate or foreign commerce to a degree such as to deprive any section of the country of essential transportation service."

PRESIDENT

"In his discretion," may thereupon create an Emergency Board; or, if he determines that the "dispute immediately imperils the national defense, health or safety, he may

proceed under the provisions of subsection (b), (c) or (d)."

EMERGENCY BOARD (MEDIATION)

(1) Size and membership is choice of President;

(2) Board must report within 60–120 days of appointment;

(3) If instructed by President, Board report will contain findings of fact and/or recommendations for settlement.

PRESIDENT

(1) Holds Emergency Board report for 30 days cooling-off;

(2) After cooling-off, President may return dispute to Emergency Board for 30 days consideration and for their recommendation on whether to proceed under (b), (c) or (d);

(3) President may proceed under (b), (c) or (d) or any combination thereof; he is not bound to follow the recommendations of the Emergency Board as to which procedures to follow;

(4) If President elects to proceed under (b), (c) or (d), he may impose the recommended settlement of the Emergency Board as interim working conditions, pending the time required to exhaust procedures of (b), (c) and (d).

(5) Whenever President determines to pursue (b), (c) or (d) (whether or not an Emergency Board was used) he shall notify the parties 10 days before entering such procedures—such notice need not specify to the parties which of the steps or combination thereof will be taken.

(B) SPECIAL BOARD (ARBITRATION)

(1) Parties have 10 days to select members and procedures; if they fail to do so, President performs this function;

(2) Board is composed of 5 members; 3 public, one labor and one management;

(3) Board has from 60–120 days from appointment to report;

(4) Board has power to make a settlement binding on the parties for a period of the Board's choice, but less than 2 years.

(C) SEIZURE OF CONCERNED CARRIERS

(1) Management of carriers is continued by Secretary of Commerce;

(2) All corporate activities continue as in the normal course of business;

(3) Working conditions remain the same unless the President imposed the Emergency Board recommendations.

(D) CONGRESSIONAL REMEDY

(1) If the President elects to proceed under the provisions of this subsection, "he *shall* transmit to Congress such recommendations for legislation as he may determine are required."

Mr. Chairman, I hope hearings will be granted, and I believe they should be held either in the way of open hearings or through a discharge petition, because we have reached the point where we must move forward in the field of permanent legislation. That legislation would involve an arsenal of weapons on the procedure approach.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the fact was referred to that our committee did not hold hearings on a bill in this field that was sent up from the White House. I would like to explain a little bit why it has not been done. There is no possibility for doing it this year, and I would like to explain why.

I think the minority leader will agree with me, because I heard him make a statement on this earlier in the year, that if we took it up we would be months on a bill, laboring hard and long, before it would come out of our committee. We had so much legislation for the benefit of our Nation that we had to consider this year that we could not bring this up. We brought the last piece of legislation to the Committee on Rules just yesterday hoping that they would get it out. The Rules Committee said this morning that they have not seen anything like this before. They have never seen a committee that was as busy as our committee. We passed out 70 pieces of legislation, and some of them are landmark pieces of legislation, leading, we hope, to a better life in America.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I would like to make a comment or two on the observations made by the distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce.

I do believe that your committee has had a great amount of legislative responsibility in 1969 and 1970. It has held many hearings on many vital matters. It has produced a great deal of legislation covering a wide span.

However, the legislation involving the transportation industry as a whole, where you have labor-management disputes, is as important as any legislation that has been referred to your committee.

This Congress, hopefully, is about to expire. I do not foresee that your committee is going to be as overburdened in the next Congress.

Would the chairman of that committee—and the gentleman is going to be the chairman of that committee in the next Congress—assure the Members of the Committee of the Whole and the Members of the House that there will be hearings held on this permanent legislation in the next Congress?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, we will consider holding such hearings, I will tell the distinguished minority leader.

Mr. GERALD R. FORD. I wish the gentleman would be firmer. To say that he will consider holding hearings is not enough. We are going to have, time after time after time, as we have had in the last 6 years, these emergency problems arising. In these cases, we improvised or we did something in an ad hoc way. I should think that the distinguished chairman of that committee would get fed up with these recurring problems. Why does not the gentleman hold some hearings and pass legislation that will provide a procedure for the settlement of labor-management disputes? Then, we would not have to go through this excruciating legislative experience so often.

Mr. RARICK. Mr. Chairman, as I understand the problem, because nothing constructive has been set forth since the last railroad crisis in March, Congress is again to be used to postpone another rail strike. As under standard operating procedures, we Members are herded into the Chamber at the last minute and in reality given but one alternative; that as a quasi-court of last resort, by legislation, we outlaw all railroad walkouts. Congress is again being asked to be judge and arbitrator in a labor dispute in which we do not have all of the facts, the facilities, nor the forum to attain justice.

The separation of powers under the Constitution have become so confused that the courts pass the laws, Congress is to try the cases, and the President remains in the background as a referee. We are given no explanation as to why the Transportation Department or the involved parties have not sought through the courts the injunction they now ask from us. For certain, the Federal courts must exist for some purpose other than civil rights litigation and supervision over public schools to insure proper racial balance of students.

Neither free enterprise nor free labor can long function under national socialism. This centralizing of power is the cause of the problem which we are again ordered to solve by a majority vote rather than on the equities—the rights and wrongs of the situation.

Neither compulsory arbitration by the force of law, nor the greater evil of Government-enforced work agreements, are in our American tradition. These are Soviet solutions. We should avoid them like the poison they are. Freedom of choice is still the law of our land. Unless men are free to negotiate their wages and working conditions, they must either become slaves or starve.

Unless and until the President is prepared to ask the Congress for a declaration of war, it is totally inappropriate to talk about the relationship between a railroad work stoppage and the so-called war effort. While we trade with the supplier of the enemy, refuse to purchase strategic chrome except from the Soviets, and permit the propaganda and demonstrations in this country designed to aid and abet the enemy, there is no justification for crying "war emergency" to justify the application of naked power by some bureaucrat to the negotiations between labor and management in the transportation industry.

If, as suggested, we sweeten the bill by including some monetary allowances to the workers, are we not by precedent encouraging this body to enter into all future labor disputes? It would seem to me that any American workingman would resent being told that he must work, but also must work under a wage scale which has been arrived at by Congress through some magical formula. What is left when freedom is gone?

We in Congress were not asked to intervene in the Post Office strike nor for that matter in the recent General Motors strike.

Will we next be asked to legislate a solution in the Chavez grape pluckers conflict?

The whole Federal role in labor disputes should be reexamined instead of regularly asking Congress or the courts to apply Federal power in selected situations to put out fires according to the whims of some ivory tower bureaucrats.

Voting for the bill and extending the cooling-off period is like applying a bandaid to a broken leg. The same old railroad problem should be put to rest by carefully drawn amendments to the Railway Labor Act. It should either be amended to protect the rights of all, or it should be repealed en toto.

Because I do not believe the Congress is the proper form for writing labor contracts or for enforcing laws which bureaucrats have written, I find myself in the position of having to oppose the bill.

Mr. LLOYD. Mr. Chairman, if ever there was dramatic evidence of the failure of this Congress to enact or even to debate legislation to prevent nationwide transportation tieups, today's strange proceedings in the House constitute such evidence.

Early in 1970, I cosponsored the administration's labor proposals, as chairman of the House Republican Task Force on Labor Law Reform. Others of the task force also joined in the sponsorship. That legislation has rested for 10 months in the Committee on Interstate and Foreign Commerce. Today the gentleman from Michigan (Mr. FORD) asked the chairman of that committee point blank if he would call the legislation up for committee hearing when the new Congress meets next month. The chairman replied only that he would consider it.

The Emergency Board has had this case under advisement and made its recommendations which were accepted by management and turned down by labor. To place the blame upon management for the impasse which could result in a nationwide strike at midnight tonight is to be inaccurate. Certainly we should not be here settling this dispute. There should be permanent legislation to handle this kind of situation, and the Committee on Interstate and Foreign Commerce clearly has the responsibility to take up this legislation.

The committee has not done so, so we here today and tonight are asked to do a startling thing. We are actually asked—we here as Members of the U.S. House of Representatives—to participate in the negotiation of that contract by awarding to labor part of the demands for which labor threatens to strike.

Labor has been represented in the negotiations. Management has been represented in the negotiations, but the public has not been represented. We are the ones with the responsibility to make that representation of the public's just cause.

When this body represents one party to the dispute; namely, labor, by awarding to labor part of the package which they have attempted to negotiate, we are entering new and dangerous territory. It is a territory which, in my opinion, we should not enter. It is not our responsibility to become a negotiator. It is our responsibility to require the parties to negotiate the contract which should be in the interests not only of labor and management but of the public as well.

I cannot vote for legislation which makes the Congress of the United States the negotiator of a labor contract.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.J. RES. 1413

Joint resolution to provide for a temporary prohibition of strikes or lockout with respect to the current railway labor-management dispute.

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board No. 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 a.m. of February 17, 1971.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 11, strike "February 17" and insert "March 1".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Add at the end of the resolution the following:

"SEC. 2. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by 5 percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section."

Mr. STAGGERS. Mr. Chairman, I have offered this amendment in perfectly good faith because I believe in it. Several of the Members awhile ago talked about justice. We can see the words written on that dias, the second word, wherein our forefathers said of America—the first word is the "Union" and the second is "Justice" and then "Tolerance," which is the keystone.

I would say to you concerning the laboring men on the railroads—I can draw a line down through any piece of paper and you mark on one side what their tools are, and what they will have on their side, and you will find that their principal weapon is that they have the right to strike. When you take away that right, you will find that the balance of the scales on the side of management will go up and you will have to balance those scales with something else if there is going to be justice.

Mr. Chairman, this is the only right, and the only way, that the working man has to balance those scales. When we take away certain of their benefits we unbalance their right and we have unbalanced those scales. We should balance those scales with something else.

Mr. Chairman, we ought to give them the retroactive pay which belongs to them by recognition of the railroads themselves. I daresay that if you polled every railroad in America, they would say, "We are willing for the railroad workers to have retroactive pay." I do not believe that any responsible representative of management would come to this House and say, "Do not give them this, because this is going to aggravate the final settlement."

This increase has been recommended by the Emergency Board, and it ought to go to the employees. I say that the 32 cent provision ought to be included in the amendment, because that will take them over the period of time in which we deny them the right to strike.

What right does labor have except the right to strike? On the one side is the person handling the purse strings saying that this shall be done, and that shall be done, so there is no other right except the right of labor to have an economic factor some place so as to balance these scales. That is all I am trying to do, is to make these scales balance.

If we take the right to strike away, then we give them the right to retroactive pay, the one that has been agreed to by management.

I say again that there is not one management in the railroad industry in this country that would come in here and deny these men the right to have this money.

So I say again that we cannot take something away from some of the people without reimbursing them. And we should not do business any other way, with any group in our land.

We did not take away the right to strike from the people who struck General Motors, and we did not take it way from the truckers in different places in this Nation. And yet we have picked on one segment here, and say they cannot strike.

So I will repeat again, that there is no one in management, I dare say, who would come in and say that the employees do not have the right to receive this money for their families. If this is not done we will do the employees irreparable damage.

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

Mr. Chairman, you had an arbitration group meet, and they made recommendations. Had labor accepted those recommendations this would have included 37.6, including the 5 percent plus the 32 percent that the gentleman from West Virginia mentioned.

Mr. STAGGERS. If the gentleman will yield, and they also would have to pay them far more in the next 2 years.

Mr. SPRINGER. Right up to this time they would have had all this coming to them, they had worked that out, but they did not want to do anything about rules.

Now, Mr. Chairman, you have to balance accounts in this. When you increase the money, then how does a railroad expect to increase its productivity? Only by getting modernization of the rules. That is what they have been trying to get.

The Board made recommendations with reference to those rules, but labor was unwilling to accept them. Sure, they would like to have the 5 percent plus the 32 cents per hour but they do not want to accept the other side of it. The balance is the rules against the money, and they have said that they will not accept the rules.

So if you grant this amendment then you have taken sides in the dispute. You have given one side an advantage, and a definite material advantage, over the other side, which does not get anything in return.

Now, this is a matter that ought to be arbitrated between the people. It ought to be possible for them to make their own decisions.

The Board came in with a recommendation which the committee that was present accepted, and which management accepted completely, and said that is it, we will abide by it.

Labor said we will not abide by it, we want more money, we want 40 or 42 cents, and we do not yield on the rules as have been set by the Board.

Now those are the issues. When we get into this we are getting into a dispute on one side of this in an attempt to give that side an advantage in the beginning. That is something that was not brought before the committee. The committee turned this amendment down this morning for the very reason that we do not want to get into the issues in this dispute. And for that reason I recommend that this amendment do not pass.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think we should clarify what was said by the gentleman from Illinois with regard to what is being suggested.

All that is being suggested by the chairman of the committee is that the men be paid for the period of time during which they have been enjoined. This is for the past year, since September 1969, when they have not had any right to strike. They have not been able to put any economic pressure on the employers at all. During this period of time they have received no increase in wages. Inflation has taken from them any gains that they might have received in the past. It is a matter of simple justice to say to these men, "All right, we have held you for a year and now we will pay you wages for that and in the future—and here is where the bargaining should take place—in the future you must bargain about your future wages and you must bargain about the work rules."

The only reason we did not put work rules into this proposal was the fact that last night the testimony was very clear in response to the questions of the committee that this Emergency Board has not decided on any work rules. All it does is to say, "Here are the guidelines, and then the parties must negotiate them."

In fact it was testified that it is impossible for any arbitrator to set work rules in this very complicated industry because the parties themselves who live with them through their whole lives must settle the rules. And if the parties are not satisfied you gain nothing by arbitrarily telling them that. This will be a particular work rule.

Under the amendment of the chairman of the committee we will pay the men for the period of time that they are being held by injunction.

The rest of their wage package as recommended by the Board will be decided by future bargaining.

If you do not do that then you are asking this Congress and every sitting Member here to say to these men, "All right, you have been held by an injunction for over a year from any economic sanction on the employer and now this Congress is going to hold you up for another period of time—not just 45 days, like the President recommended, but for 81 days," and they are going to say, "You have enjoined us another 81 days and what do we have for that? Nothing."

There is a right in the United States for Americans to withhold their work and I do not know what the men will do about this on these railroads when they are faced with that, because three times before they have had this happen to them and three times before the period of time has passed with no settlement. Management is exactly where it was at the beginning and the Congress had to finally settle the dispute.

So we do not think there is going to be any settlement. I cannot persuade the parties to settle, and if some of you can persuade them, or if the President could persuade them, or anybody in the world could persuade them, that is fine. But I do not think that they are going to be easily persuaded.

There is a problem that faces all these labor union leaders. What do they say to their men? What do they say to their men? Not only because of inflation, but to the man whose work is paid far below other men working with them. The other unions have received wage increases in the last year; and believe me these men in these labor unions and the men leading them are not trying to be arbitrary. They are under immense pressure and that is what is happening in this industry.

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

Mr. ADAMS. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Illinois (Mr. SPRINGER) said that we should not take economic sides. But is it not the effect of the amendment being offered by the chairman of this committee to restore economic equality—because in the absence of this amendment, we would indeed be taking economic sides by adopting this bill without the amendment. This bill would prevent a strike before March 1, 1971. Thus, the bill, without the amendment would make it possible for the railroads to continue getting the services of the railroad worker during the life of the bill, but the worker could not by law get his fair share of the profits. The amendment offered by the gentleman from West Virginia (Mr. STAGGERS) provides that the railroads shall get the services and the worker additional pay. Thus, we establish economic parity instead of denying it to one side or the other.

It seems to me that this legislation, in the absence of the amendment, would definitely take economic sides on behalf of the railroads.

Mr. ADAMS. I agree with the gentleman. I think it takes the side of the railroads.

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

Mr. ADAMS. I yield to the chairman of the committee.

Mr. STAGGERS. Mr. Chairman, what we are doing is taking away the liberties of a certain group of men for a certain period of time, and we are not compensating them in any way. I say this is poor compensation for taking away the liberties of those men and their families who have to live in this land of ours and whose children grow up to be adults. We must be fair and recognize that it is more than merely the workingmen themselves who are involved. It is also the families who are affected when we say we are going to take something away, and we ought to give something back in return.

Mr. ADAMS. Mr. Chairman, I hope the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 90, noes 71.

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STAGGERS and Mr. SPRINGER.

The Committee again divided, and the tellers reported that there were—ayes 93, noes 90.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Strike out all of section 1 and insert in lieu thereof the following:

"That, with respect to the disputes between United Transportation Union, the

Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant employees and Bartenders International Union and the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees upon which the above unions served notice under the Railway Labor Act on May 29, 1969, September 2, 1969, October 15, 1969, October 20, 1969, October 24, 1969 and November 20, 1969, the provisions of the following paragraphs of the Railway Labor Act (45 U.S.C. 160) shall be expanded or altered for the periods hereinafter set forth:

"(1) That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 a.m. of March 1, 1971.

"(2) That the following provisions be in effect as subsections (b), (c), (d) and (e) of Section 10 of the Railway Labor Act (45 U.S.C. 160) after 12:59 P.M., February 28, 1971, until 12:59, May 31, 1971, applicable to these disputes only:

"'(b) It shall be unlawful for any carrier at any time to lock out any craft or class of its employees, or any segment of any such class or craft, or in any manner to diminish its transportation service in consequence of any dispute subject to this Act unless such carrier is caused to diminish such service by a strike of all or some portion of its employees.

"'(c) Whenever any carrier has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with Section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, such carrier may make such change effective without agreement, unless (1) such change was proposed by the carrier as a counterproposal for consideration concurrently with a change or changes in such agreements proposed by a representative of employees, in which case the carrier shall not make such change effective except by agreement unless such carrier's transportation service has been interrupted by a strike of the employees whose representative initiated the proposed change to which the carrier made such counterproposal; or (2) such change is not permitted by other provisions of this Act.

"'(d) Whenever a representative of employees has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with Section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, the employees represented by such representative may selectively strike any carrier or carriers to whom such proposal was directed, without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act. For the purposes of this subsection a strike shall be a "selective" strike if not more than three carriers in any one of the Eastern, the Western or the Southeastern Regions are concurrently struck and the aggregate revenue ton miles transported by all carriers in any one region who are concurrently struck did not in the preceding calendar year exceed forty percent of the total revenue ton miles transported by all carriers in such region in such year.

"'(e) Whenever a strike occurs on any carrier such carrier and the representative or representatives of the employees on strike shall arrange to provide transportation for such persons and commodities to the extent that such transportation is officially determined to be essential to the national safety or health of the United States.

"'The official determination of the requirements of the United States under this subsection shall be made by the Department of Transportation after consultation with the Secretary of Defense and the Secretary of Labor. Such determination shall be made on the basis of facts known to the Department of Transportation. The determination shall be in writing, shall be based on findings of fact stated in the determination, and shall be conclusive unless not made in good faith or made arbitrarily or capriciously.'"

Mr. ECKHARDT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I will explain it.

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

There was no objection.

Mr. ECKHARDT. Mr. Chairman, this amendment does not in anywise touch the amendment which was just put on the bill. The amendment just put on the bill added a new section two. This amendment would amend section one.

This amendment in its first clause—that is, under 1—provides exactly the same terms in the bill with respect to the stay period until March 1 as in the original resolution. It does not change that in any way.

What the amendment does to change the bill is to add an additional provision in section one—in its clause 2—an additional period of 3 months, during which period, after the unions have been required to stay their actions for 81 days, a strike can be conducted in exactly the same way that it would be in the trucking industry or in the auto industry or in any other industry.

I wish to submit this point: Though the Staggers amendment created a degree of balance, and I was for it and I think it greatly improved the bill, this amendment addresses another problem. If we do not want management and labor in the railway industry to come to us again, we must in some way restore the normal pressures of bargaining.

With the Staggers amendment we have a situation in which cost-of-living increases are in effect during this 81 days and in which the provisions that the Board recommended for that period are in effect. But the difficult differences between management and labor will still not be resolved. Those differences concern what is in the package in succeeding years. This is where the big part of the wages exists.

Also, on the management side, what will be done about the work rules?

There is no incentive in the stay order as it is now written to get management to be a bit flexible. I mean, we have the requirement on labor to be a bit flexible because they cannot get their wage desires unless they get agreement.

What we have experienced heretofore is a situation in which whenever we extend this period of time there is no negotiation. So we are faced, at the end of that period of time, with the request for another extension. We will have it here again on March 1 unless we restore the normal processes of collective bargaining.

That is all this amendment does as a general proposition.

Let me explain exactly what it does in detail, what its processes are:

No. 1: Some provisions say just what is now written into the Railway Labor Act; no party which is not under strike can change its conditions. That is the law now. The carrier cannot change wages and working conditions during the term of negotiations when the carrier is not being struck; but, when a strike occurs against a single carrier, that carrier can do anything he wants to do under my amendment. He is then free to engage in the ordinary give-and-take of collective bargaining which may occur when a strike is in process. Unless the possibility of strike lies behind the log at some point there will be no realistic bargaining, and we will be faced with the same problem at the end of the moratorium period.

There is an important limitation in the amendment: you may not treat as a selective strike against carriers, a strike against more than three carriers in a region, or those who handle a greater amount than 40 percent of the service for the region; and, very importantly, it provides that the Secretary of Transportation shall require that those goods that affect health and safety must be carried. They must be carried even by those few railroads and those few railroad people who are on strike.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. ECKHARDT. Now, I want the Members to note that this provision is limited in two ways. This is not a permanent change of the Railway Labor Act. I think it does little more than restate what is the proper interpretation of that act, but up to now the trial courts have forced upon us a nationwide strike. This does not force a nationwide strike. These changes are limited to the particular disputes here involved and are limited in time to the period of 3 months after the 81-day stay.

I have heard from the other side of the aisle—and I think there is some basis for the contention—that we ought to do something to prevent Congress from being confronted time and time again with these problems. Some have said over there that we ought to do something comprehensive, something other than offer an ad hoc solution. I say to all of my friends here on the floor that I think frequently an ad hoc solution is a good one. That is the way the common law works. You have a tough problem and you try to solve it through means which seem to work under the circumstances. If it does not work, you can change it as soon as you come back. You can change it even befre March 1. That is the reason why you wrote the stay period as 81 days, to run out on March 1, so that we would be back for more than 2 months by then.

Now, my colleagues, I believe this scheme will work, and I believe it should be given a chance to work. It is the one thing in the bill that differentiates this

bill from any of the other stay orders that have been issued at previous times.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

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

Mr. PUCINSKI. Do I understand your amendment would set up machinery where the Secretary could designate certain materials as essential to the interest of the Nation and those things would have to be moved even though there was a strike against a railroad against shipment of general cargo?

Mr. ECKHARDT. That is correct. They have to be.

Mr. PUCINSKI. In other words, what you are recommending is a selective strike procedure?

Mr. ECKHARDT. They would have to be moved. It is selective in two ways: First, it is selective by virtue of the fact that not more than three railways can be struck in a region; and, second, it is selective in that the strike could not include the refusal to move any strategic materials or matters relating to health and safety which the Secretary thought had to be carried. In the Second World War, I would assume he would have required almost everything to be moved.

Mr. PUCINSKI. Would the Secretary's judgment in determining what has to be moved be absolute?

Mr. ECKHARDT. It is absolute except that he is required to consult with the Secretary of Defense in this regard.

The ultimate decision is in the interest of the Nation. Labor cannot affect it and management cannot affect it.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, with this concept how do you retain the traditional leverage of economic pressure by the working people seeking some form of solution to their demands? How do you preserve the leverage of economic pressure?

Mr. ECKHARDT. Those pressures would continue in existence because in my opinion the Secretary could not be presumed to undercut the public interest in this respect.

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

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

Mr. ADAMS. Is it not true that in this dispute the unions involved attempted, first, to strike individual lines, and in the memorandum that was testified to yesterday the original strike was scheduled against the B. & O., the C. & O., and the Southern Pacific on September 17, 1970?

Mr. ECKHARDT. That is true. The same situation exists as when we had the shop craft dispute.

Mr. ADAMS. And, they attempted selective strikes so there would not be a national emergency and collective bargaining would be allowed to continue without the emergency situation we face now?

Mr. ECKHARDT. That is right. The reason we are constantly faced with these problems is because of the pattern of nationwide bargaining and the pattern of the requirement of a nationwide strike. We have had strikes all the time in other industries even as big as the telephone industry.

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

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

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

Now, gentlemen, what have we done with the Staggers amendment? This has been done? We have forcibly arbitrated 5 percent, plus 32 cents per hour for labor, in this dispute. We have already made that decision. We have arbitrated your action. If that is what you want to do, then continue with the amendment which we have from the gentleman from Texas (Mr. ECKHARDT) to further arbitrate the dispute.

Now, what is the effect of this amendment which has been offered by the gentleman from West Virginia? Labor already now as of this minute, provided that the Senate accepts this and the President signs it into law—has already gotten every single thing it asked for before our committee, every penny. There is not any incentive on their part whatever to arbitrate anything between now and March 1. They have already got it. This amendment puts it in there.

Now, Mr. Chairman, the quid pro quo on the other side is rules. Why should they arbitrate rules? Why in the world, if I represented labor, would I arbitrate rules, when I have already gotten exactly what they asked for before our committee and said that they want now?

Now, gentlemen, if we are going to arbitrate labor disputes on the floor of the House—you started it and I want to be sure that you understand what is happening when you do a thing like this. If I were a labor leader I would not arbitrate under any circumstances between now and March 1. I have got every single thing that I asked for before our committee yesterday and management has not gotten one single thing.

Management has not gotten one single thing. This is the danger that I pointed out before of us getting into this matter when it ought to be left to the two disputants to work out their problems. If they cannot, they can come back to the Congress and we will come up with legislation as we did before.

So you have already legislated, may I say, away any chances in my opinion of any arbitration in this matter between now and March 1. This has already been done, and if you want to further upset this, in their favor, then take the amendment of the gentleman from Texas and put it into effect, and you will have given them another arm which they can use immediately.

What the gentleman from Texas is trying to do is to overcome a court decision which forbids exactly what the gentleman is trying to put into this resolution.

Now, that is the situation as of this moment. I assume there will be other amendments offered here by those who are representing that part of the spectrum of this dispute in the hope of using some kind of legislative force upon management to further retreat, and to give labor more of what they want after March 1. They have already gotten everything up to March 1, but now you are using this to force management to give them what they want between March 1 and January 1 of 1973.

If everybody understands clearly what they are doing, and they want to vote that way, that certainly is the decision of this House, and I will abide by it, but I want to be sure everyone understands exactly what is being accomplished by this amendment, and the amendment that was offered by the chairman a few minutes ago, and adopted.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

At the outset I want to be very certain to put this in perspective as to what has been done, and what we are voting on.

The amendment offered by the chairman granted only 13.5 percent. This was for the past year, when the men have been enjoined and prevented from doing anything in terms of exercising any rights against management. It is payment only for the past.

What is to be negotiated during the next 81 days is the rest of the package—and incidentally, the wage package and the work rule proposals which are only guidelines, have been agreed to by management, so that what we have remaining is the rest of the 37-percent package which management had agreed to over the next 3-year period, and the work rules.

The men will end this period of the injunction by having been paid for the period of time they have been enjoined.

So, first, I want that to be clear. Second, the pattern of these disputes in the past has been that management, once having taken a position on an emergency board—and they have taken such a position in this dispute—refuses to negotiate further. What the amendment offered by the gentleman from Texas (Mr. ECKHARDT) attempts to do is to have the parties complete the collective bargaining without a national emergency strike.

Now, that can be done. If it is done, the individual lines could be struck. For example, if labor was to strike the three lines that they proposed on September 15, 1970, the pattern can be established between those lines and their union as to what the collective bargaining system should be in the country both as to certain work rules and money, and yet the goods in the United States can move over the alternative routes.

Gentlemen, we are at an historic point in management relations, and if we go with the amendment offered by the gentleman from Texas (Mr. ECKHARDT) we can try to save collective bargaining for both sides, let them have their economic weapons, and make their own solutions. I think this is what we all profess to believe in.

If we do not, if we do not accept such an approach, even now, or in 81 days then, gentlemen, we will follow the pattern that has been followed in this respect since 1963, which is congressional

arbitration for each one of these disputes.

I would say to the gentleman from Illinois that this has been the pattern. I am of the opinion that this dispute has been created by management. This means that if we continue this pattern that in 81 days we will come back and, yes, have to establish a Wage Board or some other set of specialized findings to settle the dispute.

The problem with this, and it was explained to us very carefully last night, is that these Wage Board recommendations do not settle disputes on items such as work rules. The parties will still have to do so. So I hope the amendment offered by the gentleman from Texas (Mr. ECKHARDT) will be agreed to because what it would do is to keep from having to come back in 81 days and arbitrate this dispute. This is an amendment that is separate from what the chairman has already placed in as an amendment to this bill. And believe me the men having future wages that are still in dispute and working rules that are still in dispute gives plenty of incentive for the working men of these railroads to come to a decision and try to settle the matter. And all we want is that both sides have this pressure put on them so they will settle.

Mr. Chairman, I hope the amendment will be adopted.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. With reference to one thing that was said by the gentleman from Washington, this will not in any way prevent us from coming back here on March 1, in my opinion, and we will be back here on March 1, with this bill because there is not going to be any settlement, I can tell you, by virtue of the Staggers amendment—there will not be any settlement. I think I can assure this House that we will be back on March 1 with the Johnson legislation of 3 years ago.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not intended to take the floor at this time but I would like to do so to address a question or two to the gentleman from Illinois (Mr. SPRINGER). I was struck by the statement he made on this amendment because it seemed to me that he devoted most of his arguments to criticizing the amendment just adopted that was offered by the gentleman from West Virginia (Mr. STAGGERS).

So far as the amendment now pending, offered by the gentleman from Texas (Mr. ECKHARDT) is concerned, I noted that the gentleman from Illinois did not criticize in any substantive way the povision that a limited strike should be permitted—a strike against one, two, or three railroads. He did say that this would overrule a court decision. But he did not say that this type of limited strike was bad in itself.

He did not say that such a limited strike would create a national emergency such as a general strike creates.

So I would like to ask the gentleman from Illinois whether in his view a provision which permits a limited strike against one, two, or three railroads is a bad thing, as a way of giving to labor its basic right of collective bargaining without creating the sort of national emergency that we are now confronted with.

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. I can give you a good example of what happened in a case in September of 1969 when they struck American and Pan Am in those 2 busiest months and they kept them on the ground.

One of the members of the CAB came to me and said that the settlement was going to be 48 percent. I could not believe it—48 percent for 3 years or in other words 16-point-something percent per year. They had to do it. So I had them in and they said, "Congressman, there was nothing else we could do, we had to surrender."

Mr. BINGHAM. Mr. Chairman, I decline to yield further to the gentleman who is speaking on my time.

Mr. SPRINGER. Will the gentleman yield further?

Mr. BINGHAM. I will yield in just a moment. I would like to say that what the gentleman seems to be saying is that this is an effective tactic for organized labor to take. I am not opposed to organized labor having effective tactics in its quiver of arrows. What I am concerned about is the kind of general strike which creates a national emergency which is intolerable. But the gentleman has not said that from the national economy point of view a limited strike is intolerable.

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

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

Mr. SPRINGER. I think it does. It is exactly what I pointed out a moment ago.

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

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

Mr. ADAMS. I think the gentleman from Illinois has made our argument for us perfectly, because that strike was settled between the parties and did not come back to this Congress. If you want to do away with collective bargaining, let us do away with it across the board in all industries and not put it only on this one. I think the gentleman's point was beautifully made. The 1969 airlines strike was settled between the parties.

Mr. BINGHAM. I thank the gentleman. I yield back the remainder of my time.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, I am not a member of the committee which is handling this bill, but I am a member of the Labor Committee, and I do have a very profound interest in what happens with relation to the entire labor force throughout the country when you have a work stoppage in the railroad industry.

I remember an occasion some 9 years ago—I believe that is correct, 9 years ago—when President Kennedy invited a group of us as members of the House Labor Committee and a group of members of the Interstate and Foreign Commerce Committee to the second floor of the White House and at that time unveiled legislation that he believed was needed to avoid a nationwide stoppage in the railroad industry at that time.

We have been here now—and I believe my memory serves me right—five different times trying to avoid a nationwide railroad strike, and each time it has been on a kind of helter-skelter basis. I remember President Kennedy telling those of us who were at that meeting that that legislation was not the best way of resolving the problem, but it was the best he could offer. So far as I know—and I will yield to the chairman of the committee or the author of the amendment—so far as I know, this is the first time that we have come here with a bill and an amendment that can build in a system for putting these railroads back into some semblance of order.

Let us not kid ourselves. Most managements of America's railroads leave much to be desired. The rot that has come out of the New York Central exposures and the various other scandals around the country make it eminently clear that the railroads have not always acted in good faith as far as their workers or their responsibilities are concerned. As I understand the amendment offered by the gentleman from Texas, he now proposes meaningful machinery for settling these disputes. He would set up the machinery for collective bargaining. But he would also set up machinery to protect the interest of the country against a nationwide stoppage of shipment of essential goods and services.

I know what will happen when the railroads go on strike tomorrow. You know what will happen, too. The machinery that the gentleman proposes here does permit selective strikes, it does protect the public interest in moving vital goods and services, and it seems to me that we have an excellent opportunity once and for all to get this dispute out of the Congress and on the bargaining table where it belongs between the unions and the railroads.

In a moment I will yield to the gentleman, because that is the way I understand his amendment and if indeed I understand it correctly, I think he has made a monumental contribution here today to bringing this dispute to a conclusion after we have been here time and time again legislating on temporary legislation.

We always come back. As my colleague from Illinois said, you will be back here in March again. You will be back in June. You will be back here again later this year. As I read the amendment, it does set up legislation for finally bringing some meaningful collective bargaining to the railroad industry. Am I correct in my understanding?

Mr. ECKHARDT. The gentleman is correct. The gentleman does not need to yield to me, for he has said it far better than I could have.

Mr. PUCINSKI. Mr. Chairman, I yield back the remainder of my time.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am certain the amendment offered by the gentleman from Texas has some very good information in it and has some very good points in it, but at the same time I think this is a topic on which we need hearings and thorough discussion.

I have confidence the chairman of the committee, when this Congress reconvenes, as we will in January, will make this one of our first orders of business. But for us to incorporate in this resolution today such a broad all-encompassing amendment as is offered by the gentleman from Texas—and I was in the committee meeting this morning, and I heard it read at that time, and though I have also been here this afternoon which I am still not certain what it does—would be, I think, a mistake. It is a bad legislative process, and I urge Members not to support it.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I join the gentleman from Georgia in stating that certainly the gentleman from Texas has given some thought to this amendment. An amendment that is as sweeping as this certainly took some thought. But I think all of the testimony of today has pointed out that three or four Presidents have struggled with this, and the chairmen of committees have struggled to work out this problem. So let us not be misled that one member of the committee in a very few days has written an amendment to take care of the situation. If we vote for it, we vote for it without any testimony whatsoever. It is something with which this committee has been struggling for many years, and which Presidents have been struggling with for many years. What it does, in essence, is give the powerful labor unions an opportunity to pick off the weak railroads one at a time.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from Texas.

Mr. ECKHARDT. I merely wish to say there were 11 members of the committee who thought this was wise. I am merely trying to approach the situation somewhat tentatively, and the legislation is written that way.

Mr. THOMPSON of Georgia. It may well be wise, but I was there this morning, and I did not have ample opportunity to apprise myself of all the terms and conditions. I believe the amendment consisted of 3 or 4 pages. It is something which should be subjected completely to hearings and should be investigated thoroughly. That is the basis on which I oppose the amendment offered by the gentleman.

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

Mr. Chairman, I wish those who are listening would take this amendment and read it. I sat in the committee this morning when it was read and beaten—I believe by 2 to 1. I believe there were 11 votes for it.

Mr. ECKHARDT. Mr. Chairman, a point of order: I may be mistaken, but I believe the gentleman has already spoken once on this amendment.

The CHAIRMAN. The gentleman is correct.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

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

Mr. EDWARDS of Alabama. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, many of the Members who are lawyers I hope will take the amendment and read it thoroughly. As I said to the gentleman from Texas in committee this morning, he is a wise lawyer and a good lawyer and a very clever lawyer. But I cannot understand this amendment. If a Philadelphia lawyer can explain it to me, I would welcome that. I tried this morning and could not get an explanation, except what the gentleman told me he thought this meant. I do not read into it what the gentleman has said.

I do not know whether the gentleman drew up this amendment or whether somebody else did. I will give him credit. Maybe he did draw it up, but it does not sound to me like anything that anyone I know around here could draw up. There is paragraph after paragraph in it that I cannot understand, although the gentleman has explained what it means. I am not impugning the gentleman's good faith in any way. I want Members to understand that, but I cannot understand the amendment, and I know there are other Members who cannot understand it by reading it.

I think I am a fair country lawyer, and I cannot understand what the amendment means. It is indeed a tremendously complicated matter of four pages, with references to various numbers and letters of the alphabet in the various parts of the Railway Act, which I cannot comprehend myself. I think it is an extremely dangerous matter to try to undertake to pass this amendment today, because I have great hesitancy in believing that all that is in the amendment is what the gentleman said is in it.

Mr. ECKHARDT. Mr. Chairman, will the gentleman from Alabama yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Texas.

Mr. ECKHARDT. If I had another 5 minutes I should not ask a Philadelphia lawyer to explain it, but I should try to do it myself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 48, noes 114.

So the amendment was rejected.

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

Mr. Chairman, I rise first to set the record straight about what the Pepper amendment in 1967—June 15, was when legislation of similar character to this today was before the House.

My able friend, the gentleman from Illinois (Mr. SPRINGER), I know, has not reviewed the RECORD recently, or he would not have stated that the Pepper amendment was the same as the resolution before us today before adoption of the Staggers amendment.

In the CONGRESSIONAL RECORD, volume 113, part 12, page 15925, my amendment was read. This is the way it was read by the Clerk:

> Amendment offered by Mr. PEPPER: On page 4, strike out line 25 and all that follows down through and including line 24 on page 5, and renumber the succeeding section accordingly.

Then I made a brief statement in explanation of the amendment. I believe this paragraph would suffice to clarify it: I quote:

> Mr. Chairman, this amendment preserves in its entirety the resolution which we are considering today, but would strike from that resolution all of section 5. That is the compulsory arbitration section of the resolution.

Mr. Chairman, the able gentleman will recall that the resolution then before the House in section 5 made binding the recommendation of the Board which was provided for in that resolution. My amendment eliminated the binding effect of the recommendation of the Board and left the recommendation of the Board to be considered by the public and by management and by labor. It did not become effective by provision of law, by the elimination of that section 5.

I just wanted to state that I am sure my friend was inadvertently in error.

Mr. SPRINGER. Would the distinguished gentleman yield?

Mr. PEPPER. Yes; I yield to the gentleman.

Mr. SPRINGER. Insofar as the distinguished gentleman's statement is concerned, it is essentially true. I do think that the ultimate effect was simply to take out the binding part of the arbitration, which was to throw the two parties back into arbitration again. That is all it did. It is my recollection the gentleman had a time limit, however, on the time which they could have.

Mr. PEPPER. No; it was open. My amendment left it open to management and labor and to the public to consider with what weight they might tend to give it the recommendations of the Board, but it did not have the effect of law, as the resolution would have had but for the effect of my amendment.

Mr. SPRINGER. I stand corrected, then. But I think the effect was merely to postpone it. They did not take it out, but they did leave it to the two parties. To that extent I stand corrected.

Mr. PEPPER. Mr. Chairman, I want to take advantage of this opportunity also to add this observation. Since 1963, we have had four instances of this sort of resolution which is before us today. Had we not done what we have done today in adopting the Staggers amendment, we would have many more. Obviously a pattern was appearing that when there was a dispute between labor and management in the railroad in-

dustry all that management had to do was to stand by its own determined opposition to whatever the demands of labor might be with the assurance predicated on several precedents in this Congress that the Congress would not let labor strike. As the able gentleman from West Virginia (Mr. STAGGERS) said earlier today, we would take away the only positive weapon of economic force that labor has. Therefore, management had the incentive and the encouragement not to make too many concessions, because they believed Congress would come to their side and not let labor use its economic power by striking. Today in the adoption of the amendment offered by the able gentleman from West Virginia, the chairman of the committee, we did what the axioms of equity require of a man who comes into a court of equity. They require that he who seeks equity must do equity. And that he who comes into a court of equity must come with clean hands. The word will go out from this House that from today we are not going to stop labor from striking without requiring that management make concessions that will give fair consideration to labor's demands. What we did today, therefore, I think, will diminish the number of cases of this sort which will come before Congress, because if management knows that Congress henceforth is going to demand that they do equity as they seek it, then they will be more agreeable to finding some means of settling these disputes through sincere collective bargaining.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, pursuant to House Resolution 1300, he reported the joint resolution 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?

Mr. SPRINGER. Mr. Speaker, I demand a separate vote on the so-called Staggers amendment.

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

The Clerk read as follows:

Amendment: Add at the end of the resolution the following:

"SEC. 2. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by 5 percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section."

The SPEAKER. The question is on the amendment.

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

Mr. SPRINGER. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. STAGGERS and Mr. SPRINGER.

PARLIAMENTARY INQUIRIES

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SPRINGER. I want to be sure that we know what we are voting on. It is the Staggers amendment; is it not?

The SPEAKER. The gentleman is correct.

Mr. STAGGERS. Mr. Speaker, am I permitted to ask for a rollcall vote on this amendment? Can I demand a rollcall vote?

The SPEAKER. A rollcall vote demand is in order at the present time.

Mr. STAGGERS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from West Virginia demands a vote by a call of the yeas and nays which would be in order.

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Is it in order after a vote by tellers has been ordered to demand a rollcall vote after the Speaker has announced that a teller vote had been ordered?

The SPEAKER. The Chair will state that the demand for a rollcall vote before the tellers have taken their place and the beginning of the vote by tellers would be in order.

The gentleman from West Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 184, not voting 47, as follows:

[Roll No. 392]

YEAS—203

Adams	Daniels, N.J.	Harrington
Addabbo	de la Garza	Harsha
Albert	Delaney	Hathaway
Alexander	Diggs	Hawkins
Anderson, Calif.	Dingell	Hays
Anderson, Tenn.	Donohue	Hébert
Annunzio	Dulski	Hechler, W. Va.
Ashley	Duncan	Heckler, Mass.
Barrett	Dwyer	Helstoski
Bennett	Eckhardt	Hicks
Bevill	Edmondson	Holifield
Biaggi	Edwards, Calif.	Horton
Biester	Eilberg	Howard
Bingham	Evans, Colo.	Hull
Blanton	Evins, Tenn.	Hungate
Blatnik	Fallon	Ichord
Boggs	Farbstein	Jacobs
Boland	Fascell	Johnson, Calif.
Brademas	Feighan	Jones, Ala.
Brasco	Fish	Jones, Tenn.
Brooks	Flood	Karth
Brown, Calif.	Flowers	Kastenmeier
Burke, Mass.	Foley	Kazen
Burlison, Mo.	Ford, William D.	Kluczynski
Burton, Calif.	Fraser	Koch
Byrne, Pa.	Friedel	Kyros
Carey	Fulton, Pa.	Leggett
Carney	Fulton, Tenn.	Long, Md.
Carter	Gallagher	Lowenstein
Casey	Garmatz	McCarthy
Celler	Gaydos	McFall
Chisholm	Giaimo	Madden
Clark	Gibbons	Mathias
Clay	Gonzalez	Matsunaga
Cohelan	Green, Pa.	Meeds
Collins, Ill.	Griffin	Melcher
Conyers	Griffiths	Mikva
Corbett	Halpern	Miller, Calif.
Corman	Hamilton	Mills
Culver	Hanley	Minish
	Hansen, Wash.	Mink
		Mollohan
Monagan	Randall	Stanton
Moorhead	Rees	Steed
Morgan	Reid, N.Y.	Steiger, Wis.
Morse	Reuss	Stokes
Murphy, Ill.	Riegle	Stratton
Murphy, N.Y.	Roberts	Stubblefield
Natcher	Rodino	Stuckey
Nedzi	Roe	Sullivan
Nichols	Rogers, Colo.	Symington
Nix	Rooney, N.Y.	Thompson, Ga.
Obey	Rooney, Pa.	Tiernan
O'Hara	Rosenthal	Tunney
Olsen	Rostenkowski	Udall
O'Neill, Mass.	Roth	Vanik
Ottinger	Roybal	Vigorito
Patman	Ruppe	Wampler
Patten	Ryan	Whalen
Pelly	St Germain	White
Pepper	Sandman	Wilson, Charles H.
Perkins	Saylor	Wolff
Philbin	Scheuer	Wright
Pickle	Shipley	Yates
Podell	Sisk	Yatron
Price, Ill.	Slack	Young
Pryor, Ark.	Smith, Iowa	Zablocki
Pucinski	Snyder	Zwach
Railsback	Staggers	

NAYS—184

Abernethy	Findley	Myers
Adair	Fisher	Nelsen
Andrews, Ala.	Flynt	O'Neal, Ga.
Andrews, N. Dak.	Ford, Gerald R.	Passman
Arends	Foreman	Pettis
Ashbrook	Forsythe	Pike
Ayres	Fountain	Pirnie
Baring	Frelinghuysen	Poage
Beall, Md.	Frey	Poff
Belcher	Fuqua	Price, Tex.
Bell, Calif.	Galifianakis	Quie
Berry	Goldwater	Quillen
Betts	Goodling	Rarick
Blackburn	Green, Oreg.	Reid, Ill.
Bow	Gross	Rhodes
Bray	Gubser	Robison
Brinkley	Gude	Rogers, Fla.
Brock	Hagan	Rousselot
Broomfield	Haley	Ruth
Brotzman	Hall	Satterfield
Brown, Ohio	Hammer-schmidt	Schadeberg
Broyhill, N.C.	Harvey	Scherle
Broyhill, Va.	Hastings	Schmitz
Buchanan	Henderson	Schneebeli
Burke, Fla.	Hogan	Schwengel
Burleson, Tex.	Hosmer	Scott
Bush	Hutchinson	Sebelius
Byrnes, Wis.	Jarman	Shriver
Cabell	Johnson, Pa.	Sikes
Caffery	Jonas	Skubitz
Camp	Jones, N.C.	Smith, Calif.
Cederberg	Keith	Smith, N.Y.
Chamberlain	Kleppe	Springer
Chappell	Kuykendall	Stafford
Clancy	Kyl	Steele
Clausen, Don H.	Landgrebe	Steiger, Ariz.
Clawson, Del	Landrum	Taft
Cleveland	Latta	Talcott
Colmer	Lennon	Taylor
Conable	Lloyd	Teague, Calif.
Conte	Lujan	Teague, Tex.
Coughlin	Lukens	Thomson, Wis.
Cowger	McClory	Ullman
Cramer	McCloskey	Van Deerlin
Crane	McClure	Vander Jagt
Cunningham	McDade	Ware
Daniel, Va.	McDonald, Mich.	Watson
Davis, Ga.	McEwen	Watts
Davis, Wis.	McMillan	Weicker
Dellenback	Mahon	Whalley
Denney	Mailliard	Whitehurst
Dennis	Mann	Whitten
Derwinski	Marsh	Widnall
Devine	Martin	Williams
Dickinson	May	Wilson, Bob
Dorn	Michel	Winn
Downing	Miller, Ohio	Wold
Edwards, Ala.	Mize	Wyatt
Erlenborn	Mizell	Wydler
Esch	Montgomery	Wylie
Eshleman	Mosher	Wyman
		Zion

NOT VOTING—47

Abbitt	Gettys	Macdonald, Mass.
Anderson, Ill.	Gilbert	MacGregor
Aspinall	Gray	Mayne
Bolling	Grover	Meskill
Brown, Mich.	Hanna	Minshall
Burton, Utah	Hansen, Idaho	Morton
Button	Hunt	Moss
Collier	Kee	O'Konski
Collins, Tex.	King	Pollock
Daddario	Langen	Powell
Dent	Long, La.	Preyer, N.C.
Dowdy	McCulloch	Purcell
Edwards, La.	McKneally	

Reifel	Stephens	Waggonner
Rivers	Thompson, N.J.	Waldie
Roudebush		Wiggins

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.
Mr. Reifel with Mr. Grover.
Mr. Thompson of New Jersey with Mr. Hunt.
Mr. Waggonner with Mr. Burton of Utah.
Mr. Moss with Mr. Button.
Mr. Edwards of Louisiana with Mr. Langen.
Mr. Long of Louisiana with Mr. Collier.
Mr. Abbitt with Mr. Collins of Texas.
Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.
Mr. Rivers with Mr. King.
Mr. Purcell with Mr. Hansen of Idaho.
Mr. Preyer of North Carolina with Mr. McCulloch.
Mr. Gettys with Mr. Minshall.
Mr. Gray with Mr. Meskill.
Mr. Stephens with Mr. McKneally.
Mr. Dowdy with Mr. MacGregor.
Mr. Daddario with Mr. Roudebush.
Mr. Waldie with Mr. Pollock.
Mr. Aspinall with Mr. Morton.
Mr. Kee with Mr. Mayne.
Mr. Hanna with Mr. Wiggins.
Mr. Gilbert with Mr. O'Konski.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Amendment: On page 2, line 11, strike out "February 17" and insert "March 1".

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER. The question is on the passage of the joint resolution.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 167, not voting 46, as follows:

[Roll No. 393]

YEAS—220

Abernethy	Clark	Fulton, Pa.
Adams	Collins, Ill.	Fulton, Tenn.
Addabbo	Colmer	Galifianakis
Albert	Conyers	Gallagher
Alexander	Corbett	Garmatz
Anderson, Calif.	Corman	Gaydos
Anderson, Tenn.	Coughlin	Giaimo
Annunzio	Culver	Gibbons
Ashley	Daniels, N.J.	Gonzalez
Baring	Davis, Ga.	Green, Oreg.
Beall, Md.	Davis, Wis.	Griffin
Bennett	de la Garza	Griffiths
Bevill	Delaney	Gude
Biaggi	Dellenback	Hagan
Biester	Diggs	Haley
Blanton	Donohue	Halpern
Blatnik	Downing	Hamilton
Boggs	Duncan	Hanley
Boland	Dwyer	Hansen, Wash.
Brademas	Eckhardt	Harsha
Brasco	Edmondson	Hastings
Brinkley	Edwards, Ala.	Hathaway
Brooks	Evans, Colo.	Hays
Broyhill, Va.	Evins, Tenn.	Hébert
Burlison, Mo.	Fallon	Heckler, Mass.
Byrne, Pa.	Farbstein	Henderson
Byrnes, Wis.	Fascell	Hicks
Caffery	Feighan	Hogan
Carey	Fish	Horton
Carney	Flood	Howard
Carter	Flowers	Hull
Casey	Flynt	Hungate
Celler	Foley	Ichord
Chappell	Fountain	Jarman
	Fraser	Jones, Ala.
	Friedel	Jones, N.C.
Jones, Tenn.	Patman	Stafford
Karth	Pelly	Staggers
Kastenmeier	Pepper	Stanton
Kazen	Philbin	Steed
Kluczynski	Pike	Steele
Koch	Pirnie	Steiger, Wis.
Kuykendall	Podell	Stratton
Kyros	Poff	Stubblefield
Landrum	Price, Ill.	Stuckey
Latta	Pryor, Ark.	Sullivan
Lennon	Pucinski	Symington
Long, Md.	Quillen	Taylor
Lowenstein	Railsback	Thompson, Ga.
Lukens	Randall	Thomson, Wis.
McCarthy	Rees	Tiernan
McClory	Reid, N.Y.	Udall
McDade	Reuss	Ullman
Mahon	Rhodes	Vanik
Mann	Riegle	Vigorito
Meeds	Roberts	Wampler
Melcher	Rodino	Watts
Mikva	Roe	Weicker
Miller, Calif.	Rogers, Colo.	Whalley
Miller, Ohio	Rogers, Fla.	White
Mills	Rooney, N.Y.	Whitehurst
Minish	Rooney, Pa.	Whitten
Mink	Rostenkowski	Wilson, Charles H.
Mollohan	Roth	Wolff
Monagan	Ruppe	Wright
Montgomery	St Germain	Wydler
Moorhead	Sandman	Wyman
Morgan	Saylor	Yates
Morse	Schneebeli	Yatron
Murphy, Ill.	Shipley	Young
Murphy, N.Y.	Sikes	Zablocki
Natcher	Skubitz	Zwach
Nichols	Slack	
O'Hara	Smith, Iowa	
O'Neal, Ga.	Smith, N.Y.	

NAYS—167

Adair	Eshleman	Nedzi
Andrews, Ala.	Findley	Nelsen
Andrews, N. Dak.	Fisher	Nix
Arends	Ford, Gerald R.	Obey
Ashbrook	Ford, William D.	Olsen
Ayres	Foreman	O'Neill, Mass.
Barrett	Forsythe	Ottinger
Belcher	Frelinghuysen	Passman
Bell, Calif.	Frey	Patten
Berry	Fuqua	Perkins
Betts	Goldwater	Pettis
Bingham	Goodling	Pickle
Blackburn	Green, Pa.	Poage
Bow	Gross	Price, Tex.
Bray	Gubser	Quie
Brock	Hall	Rarick
Broomfield	Hammer-schmidt	Reid, Ill.
Brotzman	Harrington	Robison
Brown, Calif.	Harvey	Rosenthal
Brown, Ohio	Hawkins	Rousselot
Broyhill, N.C.	Hechler, W. Va.	Roybal
Buchanan	Helstoski	Ruth
Burke, Fla.	Holifield	Ryan
Burke, Mass.	Hosmer	Satterfield
Burleson, Tex.	Hutchinson	Schadeberg
Burton, Calif.	Jacobs	Scherle
Bush	Johnson, Calif.	Scheuer
Cabell	Johnson, Pa.	Schmitz
Camp	Jonas	Schwengel
Cederberg	Keith	Scott
Chamberlain	Kleppe	Sebelius
Chisholm	Kyl	Shriver
Clancy	Landgrebe	Sisk
Clausen, Don H.	Leggett	Smith, Calif.
Clawson, Del	Lloyd	Snyder
Clay	Long, La.	Springer
Cleveland	Lujan	Steiger, Ariz.
Cohelan	McCloskey	Stokes
Conable	McClure	Taft
Conte	McDonald, Mich.	Talcott
Cowger	McEwen	Teague, Calif.
Crane	McFall	Teague, Tex.
Cunningham	McMillan	Tunney
Daniel, Va.	Madden	Van Deerlin
Denney	Mailliard	Vander Jagt
Dennis	Marsh	Ware
Derwinski	Martin	Watson
Devine	Mathias	Whalen
Dickinson	Matsunaga	Widnall
Dingell	May	Williams
Dorn	Michel	Wilson, Bob
Dulski	Mize	Winn
Edwards, Calif.	Mizell	Wold
Eilberg	Mosher	Wyatt
Erlenborn	Myers	Wylie
Esch		Zion

NOT VOTING—46

Abbitt	Button	Dowdy
Anderson, Ill.	Collier	Edwards, La.
Aspinall	Collins, Tex.	Gettys
Bolling	Cramer	Gilbert
Brown, Mich.	Daddario	Gray
Burton, Utah	Dent	Grover
Hanna	MacGregor	Purcell
Hansen, Idaho	Mayne	Reifel
Hunt	Meskill	Rivers
Kee	Minshall	Roudebush
King	Morton	Stephens
Langen	Moss	Thompson, N.J.
McCulloch	O'Konski	Waggonner
McKneally	Pollock	Waldie
Macdonald, Mass.	Powell	Wiggins
	Preyer, N.C.	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.
Mr. Thompson of New Jersey with Mr. Hunt.
Mr. Reifel with Mr. Grover.
Mr. Waggonner with Mr. Burton of Utah.
Mr. Moss with Mr. Brown of Michigan.
Mr. Edwards of Louisiana with Mr. Collins of Texas.
Mr. Macdonald of Massachusetts with Mr. McKneally.
Mr. Abbitt with Mr. Collier.
Mr. Rivers with Mr. King.
Mr. Purcell with Mr. Cramer.
Mr. Preyer of North Carolina with Mr. Hansen of Idaho.
Mr. Gettys with Mr. Langen.
Mr. Gray with Mr. Mayne.
Mr. Stephens with Mr. McCulloch.
Mr. Dowdy with Mr. MacGregor.
Mr. Daddario with Mr. Meskill.
Mr. Waldie with Mr. Wiggins.
Mr. Aspinall with Mr. Minshall.
Mr. Kee with Mr. Pollock.
Mr. Hanna with Mr. Morton.
Mr. Roudebush with Mr. O'Konski.
Mr. Gilbert with Mr. Powell.

Messrs. TAFT, BINGHAM, BURKE of Massachusetts, and NIX changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19911, with Mr. PRICE of Illinois 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 Pennsylvania (Mr. MORGAN) will be recognized for 1 hour and the gentleman from Indiana (Mr. ADAIR) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 19911 provides authorization for a total amount of $550 million for foreign aid. The bill increases three of the authorizations for the fiscal year which ends on the 30th of next June.

The authorization for supporting assistance is increased by $195 million. The authorization for military assistance is increased by $340 million, and the au-

thorization for the contingency fund is increased by $15 million.

Mr. Chairman, there is one very significant difference between the bill before us this afternoon and other foreign aid authorization requests which have been presented to the Congress during the last 20 years.

This bill does not provide funds to finance long-range development programs. It is directed toward serious and urgent problems that confront us in only seven countries.

These problems cannot be avoided. They have to be faced. If we do not provide the money which this bill authorizes, these problems will not go away.

I believe, and most of the members of the Committee on Foreign Affairs believe, that the best way to deal with these problems is to make it possible for the Executive to carry forward the operations which the funds authorized in this bill would finance.

Consider the problem we face in Cambodia: The new Government of Cambodia and the people of Cambodia have shown rather impressive and somewhat surprising determination to fight the North Vietnamese forces that have invaded their country.

There were many people in the United States and elsewhere in the world who did not believe that the people of Cambodia had either the determination or the capability to resist an invasion.

While the situation in Cambodia is uncertain, and if the Communists from North Vietnam increase their pressure the situation may deteriorate, the fact is that the Cambodian Army is doing better than most of us expected.

The Cambodian military has increased from some 40,000 just before the Communist invasion in April 1970 to approximately 150,000 at the present time. If this force is to be combat effective, if it is to continue to fight, it must have weapons and equipment. As the military requirements increase, however, the funds available are decreasing.

Now I know that all of us have in mind the argument that if we supply $85 million of additional military aid to Cambodia and $70 million of economic assistance, which funds are included in this authorization, we will find ourselves involved in another Vietnam with U.S. ground forces going in to help out the Cambodians when they get into trouble and with the United States finding itself committed to support the Government of Cambodia.

The President, the Secretary of State and the Secretary of Defense all say that they intend to avoid getting the United States entangled in another Vietnam, and the programs provided for in this bill are designed with that purpose in view.

The Secretaries of State and of Defense have assured the committee that they do not intend to send U.S. ground forces into Cambodia and that they are not going to send U.S. military advisers to Cambodia.

Our military people recognize, and the committee agrees, that there will have to be some sort of U.S. logistics team in Cambodia to make sure that the ammunition and other military equipment gets to the proper destinations and that it is properly stored.

We are assured, however, that U.S. military personnel will not become any more deeply involved than that.

Now there are some who sincerely believe that if we undertake even a limited operation in Cambodia, we cannot avoid going the rest of the way; and that the Congress should put a stop to it right now.

But, let me repeat what I said a while ago. We have a problem in Southeast Asia. Our boys are fighting and dying in Vietnam. We are bringing them home as fast as we can without betraying the people of South Vietnam whom we have encouraged to fight; 165,000 to date and another 100,000 before end of fiscal year.

We do not know whether the people of Cambodia, even with the guns and ammunition we supply, can defend their country against the forces from North Vietnam.

We believe, however, that if the Cambodian forces put up a good fight, it will save American lives and speed up the withdrawal of U.S. forces. Most of us on the committee, and, I firmly believe, most of us in the Congress think that spending U.S. funds for this purpose is a good investment.

Now, Mr. Chairman, let me turn from Cambodia to Korea. The authorization in this bill includes $150 million to modernize the armed forces of Korea. It also authorizes the transfer to Korea of the equipment now being utilized by U.S. forces that have been or will be withdrawn from South Korea; 20,000 before the end of the fiscal year 1971.

This is another case where we face a serious problem. I do not believe that the people of the United States are willing to abandon the people of South Korea to defend themselves against the Communist world. Too many American boys died there, and the Koreans themselves put up such a good fight that we cannot say that it does not matter to the United States what happens in Korea.

At the same time, we want to reduce our own Armed Forces and bring home as many American boys serving overseas as possible.

We believe that the Koreans can take over some of the defense responsibility from U.S. forces if we provide them with more sophisticated and more up-to-date equipment. They have demonstrated that they are good soldiers, and they are well trained.

The Government and the people of Korea were very much alarmed when they first heard that the United States was considering bringing some of our forces home. They feared that we were abandoning them. So that the Congress by approving the authorizations to improve the equipment of the Korean forces accomplishes two things: In the first place, we increase the fighting capability of these forces so that we can reduce our forces in Korea; and, second, and perhaps just as important, the Korean people will interpret this action by the Congress as a vote of confidence in them and an assurance that they still have our support.

On the other hand, if the Congress is not willing to authorize these funds for Korea, the United States will be confronted with a major problem. Shall we continue to pull out our troops or shall we accept the consequences of a substantial reduction in the capability for defending South Korea?

Mr. Chairman, the largest amounts of money in this bill are scheduled for Cambodia and Korea, to which I have referred.

In addition, funds are included for small military assistance programs for Jordan, Lebanon, and Indonesia.

The bill provides $30 million for Jordan and $5 million for Lebanon. In both of these countries, the governments are trying to keep the Palestinian guerrillas from taking over. There was severe fighting in Jordan between the army and the guerrillas last summer, and the Government forces lost a lot of equipment.

The existence of moderate, stable Governments in Jordan and Lebanon are important to the achievement of a lasting peace settlement in the Middle East. And, while both the Governments of Jordan and Lebanon are unfriendly to Israel, their continued existence is in Israel's best interests. For, if the present governments were to be taken over by radical guerrilla elements, the chances for peace in the Middle East would be more seriously impaired than they already are.

The major U.S. foreign policy objective in the Middle East is lasting peace. It, therefore, seems to me that it is also in the best interest of the United States to help those governments in their efforts to help themselves.

The bill also includes $3 million of military assistance to Indonesia. The present Government of Indonesia is strongly anti-Communist and is trying to maintain law and order in all parts of its scattered island area. The additional funds provided in this bill are to make available some more patrol boats, small aircraft, and other transportation and communication equipment to assist the Government in maintaining internal security.

The bill provides $65 million of additional economic assistance to Vietnam. Military assistance to Vietnam is funded from Defense Department appropriations, and there are no military assistance funds for Vietnam in this bill.

Economic aid of $50 million is to finance commodity imports. Vietnam has always paid for more commercial imports with its own foreign exchange than were financed by the U.S. foreign aid program. As the number of U.S. troops in Vietnam is reduced, the expenditures we make to maintain them and the money the troops themselves spend goes down. This has reduced the dollar exchange available to the Government, and it is necessary for the United States to finance additional commodity imports.

An additional $15 million will be used to implement the land reform program in Vietnam which has been accelerated as a result of legislation enacted this spring by the Vietnamese Legislature. While this contribution will finance commodity imports, the local currency proceeds will assist the Vietnamese Government in meeting the initial piaster costs.

Mr. Chairman, the only provision in this bill that is not directly related to our national security is an authorization of

an increase of $15 million in the contingency fund.

The committee in the last foreign aid bill authorized $15 million for the contingency fund for the fiscal year 1971. Most of that money was allocated before the cyclone and tidal wave struck East Pakistan last month.

The contingency fund exists to enable us to take care of unforeseen problems. No one ever knows in advance what is the right amount to authorize for the contingency fund, and it is obvious that adequate provision was not made to provide the help needed in the case of a disaster of the magnitude of the recent occurrence in East Pakistan.

We do not know today how much may ultimately be required. There is no question that the people of East Pakistan need our help, and I am sure that the people of the United States want to come to their assistance. The figure of $15 million is, at best, an educated guess. The committee believes, however, that it is important to let the people of East Pakistan know that the United States is prepared to provide them with a substantial amount of help.

There is one other aspect of the bill which I want to mention. When the government of Prince Sihanouk was overthrown and the new Government and the people of Cambodia showed a determination to resist the Vietcong invaders, the United States immediately made available weapons, ammunition, and other basic equipment.

To finance this military aid to Cambodia, the President used authority provided in the Foreign Assistance Act to transfer military assistance funds previously allocated to other countries from those countries to Cambodia. In addition, the President transferred $60 million of economic assistance funds to military assistance for this purpose.

The bookkeeping is rather complicated and the details are given in the committee report.

The bill authorizes $60 million to restore the supporting assistance funds which were transferred and $67 million of military assistance funds to replace the amounts taken from the military assistance programs of other countries.

Mr. Chairman, in conclusion, let me remind you again that the United States faces serious problems in Cambodia, in Vietnam, in Korea, and in the Middle East. This bill provides funds which will enable our Government to deal with these problems.

In addition, we believe that it is in our interest to assist the Government of Indonesia to maintain order, and that we ought to provide funds to help repair the damage caused by the recent cyclone in East Pakistan.

In no one case can we be sure that voting the money in this bill will solve these problems. We can be pretty sure, however, that if we do not vote the money, these problems will be aggravated.

Mr. Chairman, I urge the approval of this bill.

Mr. ADAIR. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, I join the distinguished chairman of the House Committee on Foreign Affairs in supporting the President's supplemental request.

Of the $535 million requested by the President in this authorization bill, a total of $340 million is for military assistance and $195 million is for supporting assistance.

Cambodia would receive military and supporting assistance totaling $255 million, of which $100 million would be used to pay back funds diverted to Cambodia from other sources.

Vietnam would receive $65 million in supporting assistance, while the Republic of Korea would receive $150 million in military assistance to begin a modernization program of its armed forces. In addition, Jordan, Indonesia, and Lebanon would receive lesser amounts.

Also, the Committee on Foreign Affairs approved a $15 million increase in the contingency fund for flood relief in East Pakistan.

In my opinion, the funds requested are reasonable. Aid to Cambodia and Vietnam will help to further the Vietnamization program. Modernization of South Korea's Armed Forces is essential as we withdraw troops from that country. And our relief assistance to East Pakistan is well justified on humanitarian grounds.

The funds requested by the President for military and supporting assistance are needed to implement the policy of lowering our profile abroad and reducing U.S. forces overseas. If this policy, which most Americans support, is to continue, we must make it possible for our friends and allies to assume a greater responsibility for their own defense.

I, for one, believe the request we consider here today to be a good investment. I consider it a good investment when America, by a relatively modest expenditure, can help a friend and ally to handle more of this own defense so that U.S. forces can return home.

This legislation will help to provide the American people with maximum security at minimum cost—both in terms of their tax dollars and the hardships to which those who serve in the armed forces are exposed.

If we are to preserve our Nation's security interests, while withdrawing troops from overseas, we must provide the assistance requested in this legislation. This is, in effect, a test case, for friend and foe alike will consider our action here today a signal of our future intentions. From our action they will judge whether we will continue to seek to preserve our security interests throughout the world by helping our friends and allies to help themselves, or whether we are beginning a retreat toward a new isolationism.

Mr. Chairman, I urge my colleagues to support H.R. 19911.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, the Nixon doctrine has two major aspects. On the one hand the American profile is being dramatically lowered. On the other hand, we are steadfastly supporting our treaty commitments and assisting our friends and allies to assume the primary responsiblity for their own defense. We do not intend to withdraw from the world. We do intend to alter the character of our involvement.

Success in this endeavor requires the striking of a careful balance. We can diminish a nation's incentive to help itself if we do too much for it. We will invite challenges and perhaps induce a sense of despair in our friends if we do too little for them.

Israel, Cambodia, South Korea, Jordan, Indonesia, Lebanon, and Vietnam are not lacking in self-reliance. Their efforts are the key to the preservation of local balance of forces in the Middle East and the repulsion of aggression in Asia.

The limted funds that we have thus far transferred to Cambodia have been a successful investment in the continued progress of pacification in South Vietnam. Cambodian Armed Forces harass the North Vietnamese Army, disrupt their supply routes, and help impede their use of border areas.

U.S. military assistance funds have also helped create a South Korean military force that is competent and large enough to permit a reduction in the U.S. military presence on the peninsula and the transfer of an increasing share of the burdens of mutual defense to our Korean allies. They are willing to bear that increased burden if we will provide our share of the means.

In the Middle East our ability to avoid direct confrontation with the Soviet Union depends in large measure upon the preservation of Israel's security position. It is imperative that the Israelis have the means to provide a credible deterrent if our efforts to solve that conflict are to be successful.

These programs entail costs, but when compared to the alternatives from which we must choose, those costs are minimal. The administration has moved resolutely to support our friends and allies while minimizing U.S. direct involvement and economizing U.S. resources by supporting self-help. The supplemental funds which it has requested are justified and the request deserves our support.

Mr. Chairman, in the interest of time at this late hour I am going to insert the remainder of my rather brief remarks in the RECORD; but I cannot let this occasion pass without an additional comment: We are very near the end of the 91st Congress. This is probably the last major bill to be reported out of your Committee on Foreign Affairs. It seems to me I would be remiss in both my feelings and my responsibilities were I not to express my view that all members of this committee, on both sides of the aisle, owe a great debt of gratitude for the service of our distinguished friend from Indiana (Mr. ADAIR). This will probably be his last major effort on the floor of the House, at least for the time being, since he is not returning in the 92d Congress.

We have disagreed in our committee, never really along party lines, but in personal differences of opinion. The dis-

tinguished gentleman from Indiana and I have not always seen eye-to-eye, even on our side of the committee.

I think every member of this committee, of both parties, regardless of personal views of agreements or disagreements, would agree that the efforts of the gentleman from Indiana, in the constructive work of the committee and trying to see that the committee does a good job, has been a great contribution. I think we would have absolutely unanimous agreement on this, and I wish to pay my respects to the gentleman and wish him well in the future.

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

Mr. MAILLIARD. I yield to my distinguished chairman.

Mr. MORGAN. Mr. Chairman, I want to endorse and emphasize what the gentleman from California said about the ranking minority member of the committee, the gentleman from Indiana (Mr. ADAIR). I have had the opportunity of serving with the gentleman from Indiana as members of the Committee on Foreign Affairs for many years. The gentleman and I have not always agreed on matters of foreign policy during the different administrations under which we have served, but I must say I have never worked with any Member of Congress or any member of the Committee on Foreign Affairs who was more devoted to his duty than was Ross ADAIR. And even though Ross many times did not agree as to the amounts of money provided in the foreign aid bill or on the basic approach to foreign aid which has been adopt I never had a Member who was more helpful to take to conferences with the other body than Ross ADAIR. We always worked very closely together in conference, and I must say that in the next Congress as we return and start all over again, I am going to miss the gentleman from Indiana very, very much.

Mr. MAILLIARD. I thank the gentleman from Pennsylvania.

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

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

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

Although it has not been my privilege to serve on this able committee with the gentleman from Indiana, I have observed the type of work which the gentleman has performed and his appearances on the floor have reflected. I join in this tribute not only to his ability and integrity, but also his fairness. He has had a great impact on the work of the committee and on this House. We can ill afford to lose men of such stature. He will be truly missed.

I join in an expression of congratulations and good wishes to the gentleman and his lovely wife. We wish them much happiness in the years ahead.

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

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

Mr. DENNIS. Mr. Chairman, it has not been my privilege to serve on the Committee on Foreign Affairs with the gentleman from Indiana (Mr. ADAIR) and the other Members who have spoken here, but since I am on the floor, and since I am a member of the delegation from Indiana, I would like to take occasion as a junior member of that delegation to express the respect all of us from the State of Indiana have for our senior Member (Mr. ADAIR), and also my own personal appreciation of his kindness and courtesy to me since I have had the honor of being a Member of this body.

The gentleman will certainly be missed here, and he is certainly regarded by all of us as one of the most distinguished citizens of our State.

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

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MAILLIARD).

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

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

Mr. HAYS. Mr. Chairman, I would like to join in the tribute to the gentleman from Indiana (Mr. ADAIR). I have served on the Committee on Foreign Affairs with the gentleman from Indiana for more years than either of us want to talk about, and he has been a member of the subcommittee, which I chair, since I have been the chairman.

I have been to many conferences with the gentleman and we have not always agreed in the subcommittee or the committee or in the conference. We have never had an agreement that was disagreeable, and we have never had a disagreement in which the gentleman was not gentlemanly. He presented his point of view, and if he was outvoted, he acknowledged that he was, and went along.

I would like to pay special tribute to the gentleman for his contributions in the conferences. There, because the conference is a place where we compromise and reconcile views, the gentleman was always a strong advocate of his point of view, but he was always reasonable and always amenable to any reasonable compromise, and he was a tower of support to the chairman, as he was to me on the subcommittee when we marked up a bill. I remember the Fulbright-Hays Act for one, and I remember the Foreign Service Act amendments for another instance. I am going to miss the gentleman on the subcommittee. As I say, his contributions have been great and very meaningful over the years.

Mr. MAILLIARD. I thank the gentleman.

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

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

Mr. ZABLOCKI. I thank the gentleman from California for yielding.

Mr. Chairman, I wish to join the distinguished chairman of the Committee on Foreign Affairs and the other members who have preceded me in paying tribute to our distinguished and respected colleague from Indiana, E. Ross ADAIR, who will no longer be with us after the close of this Congress.

Having served with Ross on the Foreign Affairs Committee for some 20 years, I have come to know and respect him as a conscientious Member of this body.

Moreover, my wife and I have had an opportunity to meet and know his lovely wife, and to share experiences with the Adairs in carrying out our congressional duties.

As others have said before me, Ross just could not be disagreeable. Often we did not agree on issues before the committee. And although he would be adamant in defense of his position, he was always adamant in a pleasant and amicable way.

Ross ADAIR was, indeed, one of those individuals who can disagree without being disagreeable.

We in the committee and in the House will miss him.

My wife and I join in wishing him and his wife and family a fine and fruitful future.

Mr. MAILLIARD. I thank the gentleman from Wisconsin.

Mr. MORGAN. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I regret that I shall vote against this measure. In general, I have supported over the years the granting of assistance to other countries to help themselves.

The problem I have with this bill is, first, it tries to do too much, it deals with too many countries, it initiates too many new policies, to be considered and enacted by the House in the brief time we have had to consider it.

The Foreign Affairs Committee has spent as much time on the unfortunate refugee who sought asylum on a U.S. ship as it has on this measure.

One of the questions unanswered through the hearings that we held, is what is the U.S. interest in Cambodia? I would favor assisting the Government of Cambodia resist foreign invasion. It is another matter, however, for the United States to be involving itself in a military and economic assistance program to a country solely in order to serve inadequately defined U.S. interests, real or imagined.

I fear that we seek to utilize the armed forces of Cambodia in support of U.S. objectives in Southeast Asia. I fear that our interests are not those of serving the interests of the people of Cambodia but rather in aiding our effort in Vietnamizing the war, the war centered primarily in Vietnam.

Until I am able to know more about the U.S. policy I cannot find it in the public interest to vote in favor of these many hundreds of millions of dollars for Cambodia.

It is a fact that the witnesses before our committee both in private and public session were either unable or unwilling to tell me, for example, as to whether or not the U.S. Air Force was flying air support missions on behalf of the Cambodian Army. There are extensive newspaper clippings which suggest that the U.S. Air Force is flying such missions for the Cambodian Army, yet neither in public nor private session would the Government witnesses give me an answer.

I resent this very deeply. It is clear to me that the other side, whoever they may be, whether it is the Liberation Front or the North Vietnamese, know the facts. This is another instance of the executive branch of the Government treating the Congress in a manner that is inconsistent with the furtherance of the interests of the United States.

Moreover, there is no need for the rapid treatment which was given this bill. There has already been transferred to the accounts for Cambodia some $90 million or $100 million, which will provide Cambodia with assistance, with ammunition, for some months to come.

Clearly there was no reason to add the beginning of an extensive program of military assistance for Korea at this time. That ought to have been considered in the regular foreign assistance measure which we will take up next year.

I think it is worth noting that United States policies toward Asian countries have changed under the Nixon doctrine. I think it is worth noting that this change in U.S. policy has come about not because of deliberations by our committee, not by reason of deliberations by the House of Representatives, but by reason of changed attitudes and changed perspectives by the American people. The witnesses who came before our committee disclaimed any intention of involving the United States deeply in the Cambodian war. This is consistent with the Nixon doctrine. Why is it over the past 8 years I have served on our committee that our committee has had no role in fashioning the new understanding and the new perspectives about the United States in the world? This, in my judgment, goes to the heart of a very serious problem which we faced here in the House. No one could be more fond of, no one could like our chairman more than I, and no one could find a staff which is easier to work with. The fact of the matter is that the House Committee on Foreign Affairs—and I think we all bear some collective responsibility in it—in my judgment, has not undertaken to search out what the realities of the world are and what kinds of perspectives we ought to have about American interests abroad. Every time that our committee has approached the hard questions on the war in southeastern Asia or on related questions we have seen the measures rammed through with inadequate hearings. Clearly our efforts have not been sufficient to ferret out as much information as possible about the circumstances involved in each measure.

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

Mr. FRASER. I am glad to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

With regard to Cambodia, it is not true that the gentleman tried to get from administration witnesses some specific facts as to the length of time that the current supplies of ammuniton might be expected to last and was unable to get that information?

Mr. FRASER. The gentleman is exactly right. General Warren appeared before our committee and was unable to give us information as to how long the ammunition which we had purchased for Cambodia would last the Cambodian forces.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, if this bill were defeated, would the administration be without recourse insofar as providing additional assistance to Cambodia is concerned?

Mr. FRASER. No; the executive branch has ample authority to continue to furnish assistance either in the manner they have already been doing or by the transfer of existing defense stocks.

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

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

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

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

Mr. FINDLEY. I thank the gentleman for yielding.

Recognizing that under the existing statute the President could undertake rather massive aid in various forms to Cambodia, the fact is that he has come to the committee for an authorization and it does present us with the opportunity to speak to fundamental policy on the Cambodian commitment.

While I understand the gentleman's thoughts and find myself agreeing with much that he has offered, I wonder if he is really pursuing the right course in simply opposing the bill, rather than seeking to write into the legislation provisions through amendments which will help to clarify the attitude or intent as to the nature and extent and scope of the commitment to Cambodia?

Mr. FRASER. As the gentleman knows, I supported his amendment in the committee and I expect to support it on the floor. I think this would improve the bill. I sought to get at least two additional witnesses brought before the committee who would have some expert knowledge of the Southeastern Asian situation, witnesses who were not tied to U.S. policy, but I was only able to get permission for one to testify. I regret the fact that we were not able to find out as much as we possibly could on this subject.

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

Mr. FRASER. I yield to the distinguished gentleman.

Mr. MORGAN. The gentleman from Minnesota is making some serious accusations about the work of the committee. The gentleman did come to me and ask for one witness which I agreed to and that one witness did appear before the committee. However, on that occasion, the gentleman left the room and he did not wait for the other two witnesses.

I do not know why the gentleman did not stay and listen to the testimony of the other witnesses. The gentleman was not present when they testified.

I think if the gentleman is going to criticise and ask for additional witnesses, the gentleman had better make the effort to be present while the committee is in session.

Mr. FRASER. I asked for the right to have more than one outside expert. The two gentlemen who testified——

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

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

Mr. FRASER. The two gentlemen the chairman refers to were not among those I asked to testify. However, I am glad they did testify. It turns out that I had to be at a meeting of the Committee on the District of Columba which was marking up the District of Columbia revenue bill. I also knew what the witnesses were going to say. However, I wanted to get more information through the use of experts on our enlarged commitment contained in this bill.

Mr. MORGAN. The chairman of the committee has the responsibility of running the committee. He serves only on the one committee. I do not serve on the Committee on the District of Columbia, the Committee on Veterans' Affairs or the Committee on Government Operations. On both sides of the aisle of the Committee on Foreign Affairs there are Members who serve on other committees. As chairman of the committee I have to try to operate the committee in an orderly fashion and this situation presents a very serious problem. I have to schedule the witnesses and try to get the Members there.

Mr. FRASER. I am only saying to the chairman that I tried to get the right to have more expert witnesses come in but I was unable to get permission for that purpose.

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

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

Mr. GALLAGHER. I think it should be brought out for the RECORD in defense of the committee that I know of no single member of our committee during the years I have been on it who has requested a study or a hearing that has been turned down by the chairman of the committee, or any kind of fact-finding commission, or any kind of investigation.

I must say this, too, for the RECORD: All of the hearings that have been held on the various aspects of our foreign policy were not started by the other body but by this committee. I remember that the first hearings which were started on Southeast Asia were held by one of our subcommittees and 11 months later the other body got around to hearing the same witnesses on the same subject. This has happened time and time again. I think the record of our hearings and studies and fact-finding missions within the Foreign Affairs Committee have been far more penetrating than in the other body.

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

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

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

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

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

Mr. Chairman, I would like to take this opportunity to express my admiration and respect to the gentleman in the well for the contributions his courage, his wisdom, and his persistence in seeking the truth have meant not only to the Committee on Foreign Affairs, but in no small sense to the Democratic Party through his leadership in the House, as well as the House as a whole.

I very much regret any suggestion that the remarks by the gentleman in the well were aimed at the chairman of this committee personally, or in fact at the general experience in its administration.

I know that the gentleman has expressed himself better than I might do as to the respect and affection in which the Chairman of the Foreign Affairs Committee is held by the Member in the well.

Mr. Chairman, I also wish to associate myself with the very eloquent explanation that the gentleman has made today about the inadequacies in the consideration of this bill.

For whatever combinations of reasons, this has made a full examination of the very crucial policy issues and questions inherent in this legislation impossible.

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

Mr. MORGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. I thank the gentleman.

Mr. MORGAN. If the gentleman will yield, I just want to say to the gentleman from Minnesota that the comments I have made in this colloquy are in no way to be considered as in criticism of the gentleman. I want to say that the gentleman from Minnesota is one of the hardest working members of the Committee on Foreign Affairs. The gentleman comes to the committee well prepared, and the gentleman has been very useful to me over the years in helping with the major foreign aid bills. I should point out also that the gentleman from Minnesota is really the author of the 2-year authorization for foreign assistance that we are working under this year. I wish to note that any criticism the gentleman has made concerning the operations of the committee are not taken by me as in any way diminishing the gentleman's willingness, ability, or the availability of the gentleman's expert knowledge to the Committee on Foreign Affairs.

Mr. FRASER. Mr. Chairman, I thank the distinguished chairman, and I would only make this point about his comments: They illustrate why it is very difficult to take issue with the gentleman from Pennsylvania on any matter, because he is always gracious, but we do have a very crucial matter under consideration, and I do hope that it is one that we can deal with more fully in the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I did not ask the gentleman from California (Mr. MAILLIARD) to yield when he was saying some very appropriate and flattering things about the gentleman from Indiana (Mr. ADAIR), because I wanted to use at least a few minutes of my own time to pay my tribute to my friend.

In my opinion, and I am sure this is widely shared in the committee, the gentleman from Indiana (Mr. ADAIR), has been a tower of strength on the committee. He has shown constantly a sense of responsibility. He has been level-headed, undramatic but effective. He has shown, I think without exception, good judgment on a lot of tough questions. He has shown that he is a man of intelligence and integrity.

It is curious also, Mr. Chairman, that there is a special order scheduled today to praise another man who has served our committee for many years, but in a different capacity, and who has many of the same good qualities. I refer to the retiring staff director of the committee, Boyd Crawford. Here again we have a man who has been an invaluable asset to the committee.

Most people, when they talk about whether Congress is effective or not, talk about the headline hunters, or the men and occasional women who get headlines. I would like to pay tribute today to the people who do not often make headlines, but who make a committee like the Committee on Foreign Affairs tick.

The fact that we are losing the services of both the gentlemen from Indiana (Mr. ADAIR) and Mr. Crawford, is going to constitute a real loss to all of us. However, we can be thankful for the services that they have contributed, both to us on the committee and to the House in general.

I would also like to comment very briefly on the situation referred to by the gentleman from Minnesota. He at least indicated that there are some differences of opinion within the committee. I think this is healthy. I might say that I too have been restive at times about the way in which the committee has handled, or has failed to handle, some of the responsibilities which fall within the jurisdiction of the committee; but I think it is grossly unfair to suggest even by indirection that this bill was rammed through without adequate hearings.

I think we all know what this bill represents. I am quite sure the majority of the committee did it with their eyes open and with an awareness of what it meant. Of course, we might have taken a different look or a deeper look at the situation in Cambodia. Of course, we might wish that the Foreign Affairs Committee had been something more than a very junior partner compared to the executive branch in the development of policy with respect to Cambodia. However, this bill represents no new commitment to that area. This is not a departure from U.S. foreign policy.

Mr. Chairman, this bill, instead, is, in keeping with the administration's continuing effort to reduce direct U.S. involvement in East Asia, and to promote peace and political stability in the Middle East. The aim is to assist friendly governments in both areas to maintain their own independence and integrity. I support this effort and the recommendations submitted by the majority of our Committee on Foreign Affairs.

It seems to me that we cannot avoid, and certainly we should not avoid, the necessity of providing essential economic and military assistance to our friends in East Asia as we withdraw our forces from that area and assign to those countries a larger share of responsibility for their own defense.

For instance, I believe it is prudent to act now, and not next year, to underline the continuing U.S. commitment to Korea by contributing to the modernization of Korean Armed Forces at a time when we are engaged in the withdrawal of 20,000 troops from that nation. Similarly, the proposed investment in the tranquillity of the Middle East is intended to preclude the possibility of U.S. military intervention in that dangerously unstable part of the world.

Mr. Chairman, even though Congress has already authorized funds for Israel, I should like to comment briefly on the situation there. First of all, the United States has important interests and concerns in the Middle East. These relate not only to Israel and other states in the area, but also to the growing involvement of the Soviet Union and the resulting danger of a military confrontation of the two great powers. As President Nixon said on October 23, 1970:

> In this region, in particular, it is imperative that the two major powers conduct themselves so as to strengthen the forces of peace rather than to strengthen the forces of war.

Our basic concern is the continued sovereign existence and the internal growth of the states of the area. I believe that U.S. interests in the Middle East can best be promoted—indeed, they can only be assured—by a peaceful settlement of the Arab-Israel conflict.

Over the years U.S. policy on arms shipments to all nations in the area has been one of restraint. This policy, founded on our desire to avoid a wasteful arms race and encourage use of the region's resources for economic development, is sound. But in the face of massive arms shipments from the Soviet Union which threaten the balance of power in the Middle East, it is now obviously necessary to increase U.S. assistance to Israel. At the same time, we must also continue to support moderate, friendly Arab States. Because it is in the interest of peace that a balance of power in the area be retained, we must demonstrate our determination to preserve that balance by providing what is necessary to maintain Israel's strength.

The President, in his request to the Congress, is seeking to maintain the balance of power in the Middle East. In seeking this objective he deserves our support.

Another fact, Mr. Chairman, which should be mentioned is that $100 million of the funds requested for Cambodia is needed to restore funds transferred from other important military and economic programs for Greece, Turkey, Taiwan, Vietnam, and Latin America. Reductions in the funding of these programs would not be a proper and responsible method of expressing one's misgivings over the Cambodian venture.

In his budget message last February, the President warned of the possibility that future events in Vietnam might require an additional $100 million authorization later this year, to support the Vietnamization policy and an extensive land reform program. No mention was made of Cambodia at that time, presumably since there were then no plans for a military operation in that country. Subsequently, that operation was defended on the ground that it was integral to the defense and withdrawal of U.S. troops in Vietnam. While I am willing to accept this argument at face value—in the absence of persuasive evidence to the contrary—I regret the lack of timely consultation between the executive and legislative branches at the time of the Cambodian invasion.

It is true that we are now being asked to pass upon the transfer of funds which have already been utilized—on an ex post facto basis—without full opportunity to exercise the normal procedure of legislative review. I share some of my colleagues' misgivings over this procedure; I trust it will not be repeated. Any subsequent requests which are submitted to our committee for consideration should be submitted promptly, and all such requests must be carefully scrutinized.

On balance, as I have said, I believe this request is justified and I urge its adoption by this body.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Chairman, I wish to thank the distinguished chairman for recognizing me.

I would also like to take this opportunity to express my sentiments concerning the departure of our colleague, the gentleman from Indiana (Mr. ADAIR).

Throughout the period of time I have had the honor to serve on the Committee on Foreign Affairs it has been truly without exception that the service of the gentleman from Indiana has been characterized by diligence and courtesy, and for that I know I shall always have a great personal appreciation. I certainly wish him well and congratulate him on his many years of dedicated service to the Congress of the United States.

Mr. Chairman, in view of the time situation this afternoon, I will ask permission when the Committee rises to insert at this point in the RECORD the minority views on the pending bill.

The matter referred to is as follows:

MINORITY VIEWS OF HON. DONALD M. FRASER, HON. JONATHAN B. BINGHAM, HON. BENJAMIN S. ROSENTHAL, HON. JOHN C. CULVER, AND HON. EDWARD R. ROYBAL

INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available $40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a ceiling of $300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S.-supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an ex post facto and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(1) *What is the nature of the U.S. commitment to Cambodia?*

Is the United States now involved in an effort to keep the Lon Nol government in power? The authorization for Cambodia has been defended almost solely in terms of vietnamization. And yet, no witness was willing to say that U.S. military aid to Cambodia would cease once vietnamization is completed.

(2) *How much is our involvement there going to cost in the future?*

One witness for the executive branch termed the $185 million in military aid and $70 million in supporting assistance for Cambodia in this bill a first installment in our program there and revealed that the administration expects to ask for even more money for Cambodia in fiscal year 1972.

(3) *Will the United States ultimately be forced to send in advisers to assist the Cambodians and perhaps ultimately to send combat troops?*

It is clear that the quantity of aid to Cambodia authorized by this bill will require a substantial increase in the number of American military personnel in Cambodia. Ostensibly these men would be involved only in logistics supply activities related to the delivery and use of American military equipment to be bought with funds authorized by this bill. It is but a short step, however, from such tasks to combat field advisory work. And, as the Vietnam experience shows us, the next step can be direct combat involvement of American fighting men. No witness, it should be pointed out, would predict that such a chain of events would not be repeated for Cambodia.

(4) *What is happening inside Cambodia?*

Executive branch witnesses were lavish in their praise for accomplishments of the Cambodians in fighting for their homeland against North Vietnamese invasion. Cambodian enthusiasm, determination, desires "to do the job themselves" have been cited frequently. Such assurances echo hollowly against the background of daily headlines which tell of North Vietnamese victories inside Cambodia. We have heard such overly sanguine reports before:

"During the last 6 months there has been steady and notable progress in military, political, social, and economic fields. Vietcong losses in personnel, weapons, and logistics support have increased sharply. Government forces are making forays into Vietcong strongholds which were never penetrated during the whole course of the Indochina war. Defections from the Vietcong have increased. Popular support is being gained by the Government. The rural population is rejecting communism. The people are fighting to protect themselves against the Communist guerrillas."

That statement was made by Adm. H. D. Felt, then commander in chief in the Pacific, on May 14, 1963, in testimony before the House Foreign Affairs Committee in support of a greatly expanded military aid bill for Vietnam. In those days, it may be recalled, we had no combat troops in Southeast Asia, no prisoners of war there, no tens of thousands of men killed or wounded in combat, no billions of dollars expended. The assurances which have been given us on Cambodia sound ominously like the kinds of things Congress was being told about Vietnam in the early 1960's.

(5) *What are other nations in the region doing to assist Cambodia?*

The Nixon doctrine, quite rightly, makes a point of defense cooperation in a regional or some other mutilateral framework. Yet in Cambodia we are doing the job virtually by ourselves. Witnesses cited small amounts of aid being given by third countries but this assistance to Cambodia clearly does not entail any real sacrifice for the donor countries. Moreover, it may legitimately be questioned whether the United States has both engineered the aid and is indirectly paying for it—as recent hearings have revealed to be the case in Vietnam.

OTHER TROUBLE SPOTS IN H.R. 19911

Although our primary concern is with the Cambodian authorization, there are several other provisions of the bill which trouble us. They concern the authorizations for Indonesia and Korea:

(1) *Indonesia:*

No satisfactory explanation has been offered for the drastic and emergency increase in the MAP program for Indonesia, nor for the decision to provide the Indonesians with arms in addition to purely civic action-type equipment. We believe this action signals a move away from the successful low-profile policy in that country and raises the real possibility of the United States becoming a sole source supplier of weapons to the military-run Government of Indonesia. Playing that supplier role in Indonesia from 1960–65, the Soviet Union pumped in more than $1 billion worth of military equipment. Today much of it lies rusting and unusable while Indonesian-Soviet relations are strained. In that story lies a lesson for the United States.

During the hearings the question was raised of why the United States is not providing military aid to Indonesia in a multilateral framework, as we are our economic aid to that country. Although such an idea would seem to be of the essence of the Nixon doctrine, the Secretary of State made it clear by his answer that a military aid consortium for Indonesia had never been seriously considered.

(2) *Korea:*

While we are generally in support of the modernization of Korean Armed Forces which will allow the United States to withdraw substantial numbers of American troops, we do not believe the executive branch has explained its plans and intentions thoroughly enough to ask congressional approval at this time. This legislation contains $150 million in new grant aid to upgrade Korean forces, and permits the transfer to the Republic of Korea of defense articles of the U.S. Armed Forces deployed in that country. The value of this equipment has been set at from $117 to $122 million by the Secretary of Defense.

These funds are a first installment in a 5-year commitment by the United States to Korea, but the committee was not briefed on the amounts which will be requested in subsequent years, the forcelevels we project for the Koreans, the effect of modernization on the strategic and political situation on the Korean peninsula, and the relationship between Korean modernization and the drawdown of American forces.

CONCLUSION

As a result of the circumstances which have been described, we have concluded that H.R. 19911, the foreign aid supplemental bill, should not be approved in the undue haste enforced by the artificial deadline of congressional adjournment. The stakes are too high, the possible future costs too enormous, the responsibilities of Congress clearly too grave, to permit a decision made precipitously and without full information.

DONALD M. FRASER.
JONATHAN B. BINGHAM.
BENJAMIN S. ROSENTHAL.
JOHN CULVER.
EDWARD R. ROYBAL.

Mr. CULVER. Mr. Chairman, I rise today to express my very serious opposition to H.R. 19911, the foreign aid supplemental authorization request. My opposition is based, not only on the specifics of the authorization request, but perhaps far more importantly, on the very manner in which this request has been presented to the House and as a result, the manner in which the House is considering the request.

In my judgment, if we as Representatives are to fulfill our constitutional responsibilities, if we are to act in a manner which we can in good conscience defend to our constituents, and if we are to serve the real national interests of our country, we must devote the most careful consideration to all of the short-term and far-reaching implications of the action we are considering today. Because in a sense, our decision today concerns not only millions of dollars but the very manner in which the Congress and the Executive work together on the subject of foreign aid.

Let me say at the outset that, in our constitutional system, the Congress cannot and should not be a substitute for the President in foreign affairs.

No Congressman, even if he is the most senior and gifted Member, can develop a comprehensive expertise on the whole range of public policy questions.

This results in part from the complexity and diversity of issues which confront the Congress, but it also stems from the very institutional structure and process of lawmaking.

Having said this, I want to emphasize my own strong conviction that Congress does have a vital role to play in the formulation of our foreign policy—and in my judgment, we are not fulfilling that responsibility if we give hasty approval to the request before us today.

Democratic government cannot persist in the long run if its principal representative institutions fail to contribute significantly to the shaping of the Nation's most important policy decisions, foreign or domestic.

Congress must be both a constructive and creative critic of administration policies, and a watchdog over the broad conduct of foreign relations.

Although very rarely does it have the opportunity to formulate the fundamentals of our foreign policy.

It can and must sanction them.

It can and must set the outer limits of Executive action in some spheres.

In terms of the supplemental authorization request before us today, the basic question becomes then, how long is the Congress going to be asked to give approval to Executive actions, which commits U.S. forces and resources, particularly in Southeast Asia but certainly not limited thereto, on an ex post facto, urgent basis, with little or no time to analyze the political and military implications which might follow from that action.

Clearly, our answer must be, that allowing such a situation to persist is irresponsible and thus intolerable. But granting hasty and ill-considered approval to the request today, we would be reinforcing a most undesirable precedent as well as acting in a manner which is both unnecessary and unwise.

It is unnecessary because the Executive already has the power to carry out its present foreign policy program in accord with existing provisions of the Foreign Assistance Act.

Continued shipments can come through Presidential determinations provided under sections 610 and 614, as has been done in the past. Existing Department of Defense stocks can be tapped under section 506. Thus our failure to approve this bill would neither deter nor prevent U.S.-supported combat effort options in Cambodia and Vietnam.

It is unwise because the Congress has not had sufficient time to carefully scrutinize the far-reaching implications of this request and thus cannot make this decision in a responsible manner. Nor has the Executive, I might add, fulfilled its responsibility to the Congress, by providing it either the necessary time or information on which to make such a major decision.

Consideration by the Foreign Affairs Committee was limited to five sessions. Only one of those sessions included witnesses from outside the Departments of State and Defense. Despite the request by some members of the committee for additional witnesses, and outside expert advice, only three private witnesses were allowed to testify during only one session.

In the judgment of many, this bill contains the seeds of commitments dangerously similar to those made to South Vietnam during the late 1950's and early 1960's. Moreover, we are being asked to endorse previous decisions pertaining to Cambodia which were made without prior congressional consultation although we had received every assurance that such consultation would be forthcoming.

If the Congress is to endorse such major policy directions, it must, at the very least, do so in the most carefully considered manner.

Because we have not fulfilled this responsibility, or even attempted to fulfill it, I urge my colleagues to join me in opposing the supplemental authorization request before us today.

Mr. ADAIR, Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, in his inaugural speech and his statement at Guam in the summer of 1969, the President sketched the outline of a new U.S. foreign policy addressed to the realities of the 1970's.

Its aim is to reduce U.S. power and presence to rational limits throughout the world and to open an area of negotiation with the other major powers of the world.

The Pacific, and particularly Indochina, has been the focal point of that new policy.

What Mr. Nixon said in Guam was that the United States would reduce its military presence in Asia while maintaining a nuclear shield for our Asian allies against aggression by another nuclear power.

He said we would encourage Asians to handle their own security problems, whether in the face of internal subversion or external aggression, without the help of American combat troops. But he indicated America would assist with military, economic, and technical aid.

In subsequent speeches and actions, the President has begun to implement that new doctrine in ways that most Americans have applauded.

U.S. troop withdrawals from Vietnam have continued at an accelerating rate with U.S. force levels falling in recent months to the lowest point in 4 years. Casualty rates, although still too high, have decreased markedly.

Elsewhere in the Pacific, an agreement has been concluded calling for gradual withdrawal of U.S. forces from Okinawa as the Vietnam war ends and the island's reversion to Japan.

In Korea, a cutback has begun in the 50,000-plus U.S. garrison with a promise that we will help provide the South Korean military with modern equipment before we leave.

All of these actions carry with them the responsibility to fulfill our promise to provide supporting assistance to our allies in Asia and throughout the world as we lower our profile.

The President's supplemental aid request will help implement this doctrine both in Asia and the Middle East and speed the removal of the U.S. presence in Indochina.

The United States has a long history of support for the rights of neutrals to defend themselves against aggression. It is not in our interest to signal to the world that invaders may work their will on the nonaligned nations of the world.

I believe that it is vital that we continue to give tangible evidence of our determination to support the self-defense efforts of neutrals, and that we do so in such a fashion as to clearly demonstrate by the very nature of our support that the recipient does not compromise his neutrality in accepting it.

I believe that it is essential that we demonstrate to the world, and especially to Asia, that neutrality has a positive place in the Nixon doctrine, and that the Nixon doctrine does not imply the abandonment of the nonalined states to the will of their neighbors.

The President has stated that our policy in Asia is to use our material resources in support of the efforts of free Asian states to defend their independence against aggression.

Cambodia's neutrality has clearly been violated. Her independence is clearly threatened by the Communist forces of North Vietnam and the Vietcong. She has sent an urgent request for help to all powers, not only to the free world, but also to the Communist world.

We have responded to that call with a carefully designed program of limited support for the determined efforts of the Cambodian people to retain their independence. That support neither contemplates nor implies the involvement of U.S. advisers or support personnel. As Secretary of State Rogers said on November 25 in testimony before the House Committee on Foreign Affairs:

> We have no military forces or advisors in Cambodia, nor do we intend to have any.

Nevertheless, I believe that it is the responsibility of this body to make clear its intent that the adoption of this legislation is never construed as creating a new commitment involving U.S. troops. For that reason I fully support the amendment offered by the gentleman from New York (Mr. BINGHAM) stating:

> Use of United States Armed Forces—the furnishing of economic, military or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country, or as creating a new commitment to provide any further assistance beyond that which is authorized under this Act.

Our support for Cambodia does demonstrate our continued resolve to support the right of neutrals, and to assist Asian nations under the Nixon doctrine in their efforts to repel aggression and retain their independence.

While the President's request for $500 million in additional aid for Israel is authorized under legislation already adopted, it is, however, vital to the success of this same doctrine.

I am proud of my support of the conference report on H.R. 17123, the Armed Services Procurement Authorization Act of 1971. The new law reflects the recognition of the Congress of the real danger to Israel. Not only does it provide the authority for the President to take the necessary steps to aid Israel, but it contains some unprecedented language.

The bill states:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

We must now consolidate our position in support of Israel by backing up with actions what we have pledged in words. A strong start has been made.

The President's request for additional aid for Korea exemplifies the essentials of our doctrine throughout Asia: That we will provide the material assistance—but not troops—to help those governments willing and able to muster the manpower and initiative to defend themselves against aggression.

The Republic of Korea has made great strides since the early 1950's. It has built an economically and politically stable society under the ever-present threat of aggression from the Communist North.

In the past 3 years, the North Koreans have launched a massive attack by sea against the South, attempted to assassinate President Chung Hee Park, seized the U.S.S. *Pueblo* and mounted hundreds of border incursions.

The people of South Korea have made enormous sacrifices to keep their country prepared for aggression; so far they have met every threat. In addition, they have provided 50,000 crack troops to help reduce our burden in Vietnam.

While South Korea's 627,000-man military force is among the best trained and best disciplined in the world, North Korea is better equipped in almost every area of defense.

The South is most deficient in its air force, in modern communications facilities and naval craft and equipment for patrolling its vast coastal areas.

In addition, the North has 2,700 heavy artillery pieces, 4,000 mortars and 1,800 antiaircraft weapons. South Korea has 1,000 less artillery pieces, 2,000 fewer mortars and 1,400 fewer antiaircraft guns. The North Koreans have 700 short-range rockets capable of firing 20 rounds at once, another 20 missiles with a 60-mile range, and 210 ground-to-air missiles. South Korea, on the other hand, has no ground rockets or missiles, only 80 antiaircraft missiles. The same discrepancy exists between their respective naval forces.

Still, the huge difference in firepower counts for little beside the appalling obsolescence of the South Korean weaponry. Seventy-five percent of their trucks and jeeps are of World War II vintage, and should have been junked years ago. South Koreans still carry World War II carbines and M–1's. Even worse, the North Koreans have 19 factories capable of producing 73 million small-arms rounds, 6.5 million hand grenades, 650,000 artillery rounds, 14,000 tons of explosives, 150,000 rifles, and 300 mortars. South Korea does not have one such factory.

As a result, the South has become highly dependent on the U.S. garrison which has backstopped its own forces since the 1950's. We must be extremely careful that we make certain the South has the equipment and the confidence to defend itself before we begin withdrawing that garrison. The way to insure this confidence and capability is to begin a long overdue modernization program before we remove additional U.S. troops.

Last year I introduced an amendment—which passed the House—to provide initial funds for this modernization. In a conference committee dispute over language these funds, originally earmarked for Korea, were diverted to other areas. Meanwhile the administration went ahead with its withdrawal announcement.

The Nixon doctrine calls for the United States to reduce its military commitment to our Asian allies. I agree with that doctrine. But it also states that we will assist those allies in their efforts to achieve self-reliance. The $150 million in grants to the Republic of Korea authorized by this bill would provide a start toward the eventual modernization of its military defense forces. It will enable them to continue their strong resistance to Communist aggression. It will enable us to withdraw our forces on a rational and orderly basis.

This investment will be more than offset by the savings which result from the withdrawal of our forces. Present estimates indicate that net savings will amount to more than $450 million over a 5-year period. This assistance is not only good foreign policy, but good economy as well.

Finally, may I call to the special attention of my colleagues what I am certain will be one of the least controversial and most humanitarian aspects of this bill—the terrible plight of the people of cyclone-ravaged East Pakistan.

The massive cyclone and tidal wave which struck East Pakistan on November 13 with winds of 150 miles per hour and 20–30 foot tidal waves took the lives of 750,000 people. About 250,000 houses were completely demolished and another 110,000 partially damaged. Total crop and property loss has been estimated at $150 million.

The immediate needs of the area for clothes, blankets, food, and water have been met. The $10 million in American assistance played a large part in assisting the survivors of this greatest natural disaster of the century.

But the largest effort still remains to be made. An extensive reconstruction program will be needed as soon as possible, in order to take advantage of the dry-weather construction season which is now just beginning. The rice crop in the affected areas has been virtually wiped out, and in certain hard-hit regions 90 percent of the bullocks used by farmers to till their fields have been killed. Coastal embankments, roads, dwellings, schools, markets, dispensaries, grain storage facilities, and other public buildings are gone and must be replaced. Significant delays could mean the loss of an entire year before the productive output of the region is restored.

Of AID's $20 million fiscal year 1971 contingency fund, $11.5 million has been spent for various purposes, with $5 million going directly to Pakistan. The $8.5 million balance will not be adequate to meet the long-term needs of East Pakistan for reconstruction. Moreover, if these funds were all spent on East Pakistan there would be no way in which we could meet other similar emergency needs for the rest of fiscal 1971.

It is clear, therefore, that additional funds must be made available to further assist East Pakistan and to restore the AID contingency fund to a meaningful level. The committee amendment to the supplementary aid request is one I was proud to introduce. It would increase the fiscal 1971 contingency fund by $15 million, $10 million of which must be spent directly on East Pakistan.

Immediate aid from the United States would have a strong public impact on Pakistan and would encourage other donors to participate in the longer-term reconstruction effort. So much remains to be done: a broad rehabilitation effort would employ thousands of destitute workers. American financial aid would permit the Government of Pakistan to maintain its present programs for population control, agricultural development, education, and public health. Most important of all, it would put 2 million East Pakistanis back on their feet and give each one of them renewed hope for a brighter future.

Also, Mr. Chairman, I should like to join with other Members in paying tribute to the distinguished gentleman from Indiana. I have had the pleasure of working with him for many years in the committee, and he has been a tower of strength to me personally. I know that his work has been of great importance to the entire legislation that we have considered over the years, and I, too, want to join with other Members in wishing him as well as Marian, his wife, the very best.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I am sure that nothing I could say here this evening will induce anyone to stop giving away additional hundreds of millions to foreign countries. But there are a few things I would like to say.

In the first place, in response to our distinguished chairman of the committee that this money is necessary for Cambodia and other areas of Southeast Asia, there is no assurance from any source whatsoever that this money or any amount of money will salvage the situation in Cambodia, Vietnam, or anywhere else. We have spent an awful lot of money many, many, many times over the amount here to be authorized for those countries and the Middle East, and there is no assurance whatever that if we continue to pump money in it will solve any situation.

It is interesting to note that Uncle Santa Claus is making a return visit with foreign aid this year. We are almost up to the Christmas season, and it is apparently fitting that Uncle Santa Claus should put in another appearance for the purpose of delivering more foreign aid. And this is foreign aid, despite what you may have heard earlier this afternoon in the presentation of the rule on this bill. This is foreign aid, because a substantial amount of the money herein proposed to be authorized was raided from foreign aid funds, and this is simply putting it back.

I am opposed to this bill and the amounts contained herein for one reason among several, but for one reason, if the President can raid Foreign Assistance Act funds, if he can deobligate and reobligate as he has done, this bill being for the purpose of restoring money that he has raided from the funds already appropriated, if he can do that, he can go right on reobligating, deobligating, and reobligating funds, because there are many billions of dollars in the pipeline.

There is no reason why this bill should be here today at all for power has been delegated to the President to use unexpended foreign aid funds. I would point out, too, that the House Appropriations Committee, in reporting the supplemental appropriation bill late this morning, cut the funds authorized in this bill by some $60 million. If the House sustains the action of the Appropriations Committee we are dealing to some extent in an act of futility here this afternoon.

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

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

Mr. HAYS. I was interested in what the gentleman had to say about obligating, deobligating, and reobligating. The gentleman is aware—and I do not necessarily agree with it—but the facts are that, when we get this program presented to us, it is what they call an illustrative program, and they make no guarantee that the amounts they talk to us about are going to be the amounts any country gets; is that not correct?

Mr. GROSS. That is right. There is nothing at all to stop the President, since vast power is given to him in the Foreign Assistance Act, to do just about anything he pleases with all money in the foreign assistance operation.

Mr. HAYS. I do not know how the gentleman voted in the Post Office and Civil Service Committee, but I have heard a lot of complaints around here about the President having too much power. But I read in the newspaper that the Post Office and Civil Service Committee is now going to give him the power to set the salary of everybody in the country, and they do not come back to the Congress any more. Is that right or wrong?

Mr. GROSS. Yes; that was the bill that was adopted in conference yesterday afternoon, and, since we are on that subject, I am the only conferee who voted against and refused to sign the conference report. I am opposed to that unconscionable delegation of power.

Mr. HAYS. Let me compliment the gentleman. This is one of the occasions on which he and I see eye to eye.

Mr. GROSS. I thank the gentleman for raising the question and his support in opposition to the conference report will be greatly appreciated when it comes to the floor of the House next week.

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

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

Mr. MORGAN. Of course, the gentleman realizes the differences between the authorization bill here today, and the bill the Appropriations Committee reported out of the full committee, and the legislation which was presented to the Rules Committee this morning. In this authorization the $15 million for Pakistan is authorized out of the contingency fund, and the Appropriations Committee, running ahead of the House, did not know that was in the authorization bill, so there is no fund in there for an increase in the contingency fund, so that will cover $15 million.

Mr. GROSS. And there is no assurance it will be put in the appropriation bill unless there is an amendment to the bill on the House floor.

Mr. MORGAN. I am sure that would be the proper approach.

Mr. GROSS. Of course, it would be, but there is no assurance that the $50 million is going to go in.

Mr. MORGAN. Of course, I will also say we will have the land reform program for South Vietnam. The Appropriations Committee also struck out the $50 million that is authorized in this request. Therefore, there was the additional $30 million. Of course, the other funds, with the small reduction in the foreign assistance funds, are for South Vietnam, but that is the difference between the two bills. There is very little difference, if that is taken out, between this authorization request and the appropriation request.

Mr. GROSS. It depends upon what the gentleman means by very little differences. To me a million dollars is quite a little difference.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, to me this is a much more important occasion than it seems to be to some other Members of those present in the Chamber at this time. The bill does embody a new commitment on the part of the Congress where none presently exists. Unquestionably the administration has undertaken a commitment in some respects to the Government of Cambodia. That goes without saying. But so far as I can recall, this is the first occasion upon which a congressional sanction has been sought for aid to Cambodia in any form for quite a number of years.

The Committee on Foreign Affairs is the policy committee of the Congress dealing with policy in the foreign affairs field. Here is a fundamental question of

policy, because it involves the sanctioning of a commitment to a country where none presently exists, and it does seem to me highly appropriate that we have better attendance on the floor at this time, and that we also consider amendments to the measure before us which will give some definition of policy.

The administration by tradition likes to have the maximum of flexibility in the field of foreign policy. That is completely understandable, and to a degree, it is commendable, because one cannot foresee the circumstances that may come. The Congress has wisely provided authority from which the administration can draw military goods without prior authorization, up to a total of $300 million. It could draw upon that sum for emergency unexpected developments in Cambodia.

I think it is also commendable though that the administration has asked for a congressional sanction at this point, because of the gravity of the question, and because Cambodia is adjacent to the area where we have expended so much in terms of dollars and lives in recent years, and because there is concern on the part of many people that this might prove to be a fundamental step that would lead to other steps and perhaps in time involve us rather broadly in Cambodia.

All of us are perfectly aware that there are voices within the administration today, as there were yesterday—voices which are prominent which argue for a larger military role on the part of the United States on the Asian mainland. These voices are in contest with other voices within the administration.

I feel that this gives added importance to the deliberations of the Congress. We have a responsibility, of course, first and foremost to the American people; and, second, to ourselves under the Constitution. But beyond that I believe we have a responsibility to give some encouragement and guidance to the voices of reason within the executive branch. Therefore, I make no apology for the fact that I have prepared the amendment which I will offer. At this moment it looks as if my voice will be a relatively lonely one, but this does not deter me from taking a stand, as I have often in the past been a rather lonely voice in this Chamber.

To me this is a significant occasion, because it gives the Congress that rare opportunity which comes so seldom to speak to the question of fundamental commitment; that is, the sanctioning of a new commitment in foreign policy to a country where no commitment presently exists.

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

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. I appreciate the valiant effort of my friend from Illinois to limit the commitment implied, at least, by this kind of legislation. I am sure his purposes are high.

I have a difficulty, which is this: If one is not persuaded of the merits of what is now called the Vietnamization program in Vietnam, how should one vote on an amendment which would stipulate that funds for Cambodia should only be used to further implement the program of Vietnamization?

Mr. FINDLEY. I might say to the gentleman, my amendment does not use the term "Vietnamization." I deliberately used the term "withdrawal of United States military personnel from South Vietnam." I know that the term "Vietnamization" lends itself to broad and varied interpretations.

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

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

Mr. FINDLEY. So I would hope that my friend from New York would feel that the program under which we are withdrawing troops from South Vietnam would be a commendable one to which he would like to give his support.

May I add further, to my knowledge never in the 7 or 8 years we have been actively engaged in military action in South Vietnam has this Congress really spoken to the question of withdrawing our troops. I have made several efforts on the floor to get amendments added to legislation to that effect. To this day the Congress has even shrunk from giving its approval or endorsement to the policy of getting out of South Vietnam.

Mr. LOWENSTEIN. If the gentleman will permit, I should like to pursue this further.

Mr. FINDLEY. Surely.

Mr. LOWENSTEIN. Suppose that the process of withdrawing our troops from Vietnam, under the present timetable, or nontimetable, should last for many years into the future. Couldn't connecting the funds for Cambodia with the removal of troops from Vietnam over an undefined period at least imply a commitment to continue support for Cambodia until whenever, if ever, our troops are ultimately withdrawn from Vietnam?

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

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

Mr. FINDLEY. I would say in response to that that the funds provided here are relatively limited, and I believe it would be stretching one's imagination to assume that approval of this legislation would really imply a long, multiyear obligation in Cambodia, whether for the purpose of securing the independence of Cambodia or for the more restricted purpose of facilitating the withdrawal of U.S. troops from South Vietnam.

Mr. LOWENSTEIN. If the gentleman will yield further, I would like to reiterate that I appreciate the purpose of the gentleman's amendment. What I am troubled about is whether limiting the use of funds as he proposes might not have the paradoxical effect of implying a commitment to continue assistance to Cambodia over a very protracted period.

Mr. FINDLEY. That is why I deliberately chose the words "withdrawal of our troops" rather than the imprecise word "Vietnamization."

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

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

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

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

Mr. VANIK. I would like to commend my colleague for his minority views and his amendment.

I would like to say one other thing with respect to the procedures under which we consider this important legislation. This bill is silent on the really deep ramifications that are involved. It provides authority without congressional control. I just regret that there are only about 30 Members on the floor at this time to hear this debate. I regret that the pressures to legislate result in blanket, uncontrollable authorities. It is time that we took the time to exercise our constitutional authority to control and direct the course of foreign affairs and American expenditures and commitments which result.

Mr. FINDLEY. I would express the hope that there will be no effort on the part of anybody to close off debate under the 5-minute rule.

Mr. VANIK. I want to thank the gentleman for his contribution.

Mr. MORGAN. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I join our distinguished and esteemed chairman, Dr. MORGAN, in support of H.R. 19911, the foreign aid supplemental bill.

During the recent hearings on this legislation, I questioned the witnesses closely on the emergency nature of this request. While their replies did not satisfy me that each individual item in the authorization package requires urgent action, I have concluded that prudence would dictate to give the executive branch the benefit of the doubt as to their judgment and therefore support the request for additional military assistance even though I would personally prefer this action be taken early next session of Congress.

I should like to point out that much of the urgency derives from the failure of the administration to come to Congress before the elections to request an authorization for Cambodia and Vietnam.

Unfortunately, in the case of Cambodia, the President chose to use the vehicle of Presidential determinations under the Foreign Assistance Act to take funds from other country MAP and supporting assistance programs and diverted them to Cambodia.

The result has been a severe dislocation in the MAP program which this authorization request is designed to repair. It would have been better—far better—had the administration come to the Congress at the time the need first arose for substantial funding in Cambodia. But it would only be compounding the initial error for the Congress now to refuse to set things straight by providing the necessary funds.

It should be pointed out that fully one-fifth of the total amount requested in this bill, $100 million, will be used to reimburse countries which lost significant amounts of preprogramed funds from military and supporting assistance when the decision was made to aid Cambodia.

Programs for Korea, the Republic of China, Turkey, Greece, the Philippines,

Tunisia, and Ethiopia were substantially reduced, and all material programs for Latin America and the Congo were withheld.

Those programs were presented to the Congress in the request for fiscal year 1971 appropriations. Justification for the programs was contained in the fiscal year 1971 MAP presentation.

The countries involved had been notified of the amounts which they would be provided. Joint planning of the recipient country and our military assistance advisory groups—MAAGS—had proceeded on the basis of the original figures. When the shift in funds came, the action negated weeks and months of planning and work.

Since that time there has been no change in the international military or political situation that would justify any reductions in those country programs. Therefore, restoration is necessary to maintain the confidence of our friends and allies.

Most particularly at this period of our troop withdrawals from forward positions in Asia and elsewhere, the United States must demonstrate that it intends to stand by its security agreements and that the United States is truly inerested in strengthening indigenous forces against aggression and subversion.

To date, unfortunately, we have not always consistently given that impression to those who have looked to us for assistance.

At present the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments is in the last stages of a yearlong indepth study of military assistance training as it operates worldwide.

One judgment which has emerged from that investigation is the importance of the United States acting consistent with its rhetoric. There have been statements about a Nixon doctrine which will mean aid to friendly nations in order to allow them to modernize their forces and thus fight aggression and subversion without direct involvement by U.S. combat forces. The recipient countries accept that doctrine—but they expect us to make good on our promises.

Too often they have been disappointed—particularly those nations which have experienced deep cuts in their country programs because of the Cambodia transfers. Since their confidence in our Nation is an essential element in stability and world peace, we must begin to express our determination, not just in words, but in dollars.

Therefore, I am not supporting this authorization today because the executive branch has operated a letter-perfect program. It clearly has not.

Nor am I supporting it because of any mistaken notion that by this authorization we will be freed from meeting future military assistance and supporting assistance needs. It clearly will not do the whole job.

Rather, I am supporting this legislation because of my belief that in doing so we are enhancing the assurance that American men will never again be sent into combat when Asian or African or Latin American manpower could do the job if given proper training and equipment.

Mr. Chairman, I urge the approval of H.R. 19911 without amendments.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I would begin by joining in the tributes which have been paid to the gentleman from Indiana (Mr. ADAIR).

The gentleman from Indiana has given distinguished leadership to this committee, to our country and to the Congress. He is a Christian statesman in every sense of that word. His high integrity, his great ability, his character and his spirit have been valuable assets to this Congress and we shall greatly miss his leadership on this committee.

I would also like to join in the tributes to Boyd Crawford, who is one of the good men of the legislative branch of the Government, who has made a very fine contribution over many years. He shall be greatly missed.

Mr. Chairman, here is an opportunity for those who have been concerned about the extent of the money that has been expended on such military operations as the struggle in Korea and the struggle in Vietnam, and who have been concerned about the wise use of the assistance we give, to cast a vote for substituting a few million dollars in economic support and in military assistance for the many billions of dollars that have been expended in such conflicts as Korea and Vietnam heretofore.

Our President in the Guam or Nixon doctrine made clear that he intends, and firmly intends, to assume a lower American profile in Asia. He does not intend again for us to become embroiled, as we have in Korea and Vietnam, in the massive use of our own forces, and in the expenditure of the many billions of dollars that have been involved.

So here we are given an opportunity to give our assent to the withdrawal of troops from Vietnam, and to the withdrawal of troops from Korea. It is a policy which would substitute for our massive presence, for the expenditure of billions of American dollars through the Department of Defense, and for the expenditure of many thousands of irreplaceable young lives, a policy of economic support and military assistance to help other people to help themselves. I say this is the right policy for America, and it deserves the endorsement of this House overwhelmingly, and I hope it shall receive it.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in strong support of this legislation, and I would also like to associate myself with the remarks made by the gentleman in the well who just preceded me, the gentleman from Alabama (Mr. BUCHANAN).

Also, Mr. Chairman, I would like to make expression of my appreciation for the wise and conscientious leadership of the distinguished gentleman from Indiana (Mr. ADAIR), and to thank the gentleman for the unfailing courtesy and graciousness he has always extended to me even as a relatively new member of the Foreign Affairs Committee and for the high quality of his leadership.

Mr. Chairman, it seems to me that this issue really boils down to whether or not we have confidence in the pledge of the Nixon administration to end this war and do so in a responsible manner. I am reminded of the fact that when this administration assumed responsibility for our military activities in Indochina there were in the neighborhood of 550,000 troops in Vietnam. Pledges were made that those troops would be reduced, and would be withdrawn from that part of the world, in an expeditious manner and that pledge has been kept.

Approximately 200,000 troops have been withdrawn, and the pledge is being kept and will be kept that additional troops will be continually withdrawn.

At the height of our spending before this administration took office the annual expenditure for military efforts in that war were just under $30 billion. That has been reduced by about $15 billion. In this fiscal year the cost is about $14.5 billion. There again is ample evidence that this administration is keeping its pledge.

Now, this is a request by the administration for supplemental assistance in Vietnam, in support of Vietnamization and for very significant assistance to Jordan, to Lebanon, to Israel and Korea, and for the controversial assistance to Cambodia. The evidence at our hearings has been clear, that this does not involve the participation of American military personnel in Cambodia—a statement which I trust. The majority of this military assistance is for ammunition and in support of the withdrawal of our troops from Vietnam.

It seems to me that this body, in support of these pledges which have been kept by this administration, should signify its faith in the Secretary of Defense, the Secretary of State, and the President of the United States, because they have clearly followed a policy to which they have adhered with fidelity and which is supported by the great majority of the American people today.

So, Mr. Chairman, I do support wholeheartedly the legislation before us today and urge its passage by the House.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FULTON).

CONGRESSMAN ROSS ADAIR

Mr. FULTON of Pennsylvania. Mr. Chairman, may I say with a feeling of deep appreciation about our ranking Member, Congressman Ross ADAIR of Indiana, that he has been an inspiration to all of us through the years on the House Foreign Affairs Committee. His calm and his statesmanlike approach have been of immediate benefit and a great value to every one of us as well as to improvement of the legislation that has been prepared and reported out of the Foreign Affairs Committee.

Congressman ADAIR has the broad experience and has had the balance of judgment and the integrity to make a real leader. We, personal friends, really are going to miss Ross ADAIR on the completion of his congressional service, because so many of us have depended on him for consultations and for recommendations of moderation. Ross ADAIR has consistently maintained a good con-

servative point of view so that Congress does not run off in all directions in U.S. foreign policy, without program limits to prevent waste and inefficiency.

In closing might I say further that Congressman ADAIR is one of those who when he takes the floor of the House is listened to. That is one of the great characteristics that represents a real leader. So I would say to my good friend, Ross, even this evening when they are giving you the compliments you are listening and keeping your quiet composure which we all admire so much.

These compliments for Ross ADAIR are very well deserved and they are the kind of compliments that we could only pay to a good friend such as you, and mean it in full measure.

Mr. Chairman, I strongly support this legislation to authorize further assistance to Cambodia, Indonesia, Jordan, Korea, Lebanon, and restoration of funds already transferred from other country programs. We at this time of uncertainty cannot see just exactly how far this policy is going—because nobody knows. Conditions are uncertain, the time is short, and the emergency grows. But we in Congress must place some limits on this policy to prevent future Vietnams. For legislative history, I refer specifically to the limits stated by Secretary of State Rogers when he stated on the question of U.S. military advisory personnel in Cambodia, "We have no military forces or advisers in Cambodia, nor do we intend to send any."

That is a complete limit, publicly stated, and is specific limitation on this legislation and its purpose.

In our report the Foreign Affairs Committee says:

> The committee is in full agreement with the Secretary of State that the United States should not furnish military assistance advisers to Cambodian forces engaged in combat.

Mr. Chairman, I thoroughly agree with that position as the basis and intent for this legislation.

Further the committee report says:

> It is recognized, however, that U.S. military personnel should be provided to supervise the distribution and care of U.S. military supplies and equipment deliveries to Cambodia

This is certainly a necessary precaution and authorized activity under this legislation, because it means that on the distribution of the U.S. military supplies and equipment we will have U.S. observers and inspectors there in Cambodia to see that it goes efficiently to the right places and in the right amounts and for the right purposes.

Mr. ARENDS. Mr. Chairman, the bill before us, H.R. 19911, would authorize an important increase in the military and economic assistance commitments of this country. The $550 million to be authorized are designed to meet extraordinary and urgent requirements in two areas of the world where the United States has special and substantial commitments, and where we have a vital interest in the outcome of current events.

As you are aware, $500 million has already been authorized to provide for credits to Israel, and it is anticipated an appropriation bill including this figure will shortly come before the House. These loans will provide for the weapons which are essential if the balance of arms in the Middle East is to be maintained, and if the defense of Israel is to remain credible.

H.R. 19911 provides additional modest emergency funds for Lebanon and Jordan, two moderate Arab countries who have suffered greatly in the crossfire of the Middle East conflict. These funds would assist them in the maintenance of their independence and would help assure the presence of moderate voices in that part of the world.

In Asia, the commitment of the funds requested provides our friends and allies with the essence of the good faith commitment of the United States under the Nixon Doctrine. It assures them and the world that the United State has not abandoned its interests in the Pacific, nor has it retreated from its commitments.

These funds also provide for the replenishment of funds which were borrowed for emergency requirements in the Far East. The Congress agreed at the time of their original appropriation that they were essential and in the best interests of the United States. That condition is still true, and the restoration of these funds for two NATO allies, Turkey and Greece, as well as China and others, is necessary.

This request represents our resolve to provide support to Asian nations in their efforts to defend their freedom and independence. In providing such countries as Vietnam, Cambodia, and Korea with the means to resist aggression we also make it possible to reduce the number of U.S. forces in Asia. The money savings of those force reductions far outweighs the costs entailed in strengthening our Asian friends, or the provisions of this supplemental appropriation. The savings in American lives cannot be calculated.

The Foreign Affairs Committee added $15 million to the contingency fund for disaster relief to Pakistan. This timely action is a reaffirmation of our friendship for Pakistan.

This is a good bill. Its provisions are prudent. It supports our commitments. It assists in creating the conditions under which our troops can be brought home. It restores funds to programs which we have agreed are sound, but which were tapped to meet emergency requirements. It makes clear that we intend to assure that the balance of power is retained in the Middle East. It demonstrates our resolve under the Nixon doctrine to support our Asian friends. It deserves our support.

Mr. GALLAGHER. Mr. Chairman, I, too, wish to join my colleagues in their expressing of admiration for the gentleman from Indiana, Ross ADAIR. By every measure he has served his country with dedication, integrity and patriotism. He will be grossly missed.

There are, as I see it, a number of good reasons why we shall be well advised to grant the administration's request for additional military assistance in fiscal year 1971. The documentation submitted in support of each item included in the $340 million supplementary request seems to me fully to validate a specific need for additional authority and appropriations. One item, however, is particularly significant both because it accounts for more than 44 percent of the total amount we are asked to provide in this category, and also in light of the benefits we may expect to accrue if we approve it.

I refer, of course, to the $150 million needed to make a start on the long overdue modernization of the Armed Forces of the Republic of Korea. The substantial amounts of military assistance furnished to that strategically vital country in the past have been put to excellent use by a stanch ally whose defensive capabilities represent an important bulwark of freedom in the Far East. In recognition of both presently existing South Korean military strength and its potential for growth commensurate with the availability of newer and better equipment, President Nixon has announced a forthcoming reduction by 20,000 of the authorized level of U.S. forces stationed in the Republic of Korea. The prospect of this reduction created considerable consternation, not only on the part of the South Korean Government but also among other allied and friendly nations in East and Southeast Asia. Hopefully, their fears have since been put to rest by repeated reassurance that the United States had no intention of abandoning the area or of withdrawing from its longstanding security commitments.

I am, however, not nearly so sanguine about the reaction of the Communist Government of the Peoples Republic of North Korea; and I shall feel a great deal more comfortable when our words are backed up with appropriate action and we thus leave no doubt in the mind of its bellicose leader, Kim Il Sung, that we mean what we say. Unless the reduction of U.S. forces in South Korea is accompanied by an offsetting increase in the defensive capabilities of the ROK forces which are to assume greater responsibility for the protection of their homeland, its weakened security posture would offer North Korea an opportunity—which I am sure it would not be slow to exploit—to exert higher pressure at lower risk. Such a situation must not be allowed to develop because it would not only threaten the continuing existence of the Republic of Korea as a free nation and staunch ally, but it might well confront us with an inescapable need to honor our mutual security commitments by deploying more, rather than fewer U.S. forces to South Korea and placing them all in greater jeopardy.

The far wiser, safer and eventually less expensive alternative is to proceed forthwith to give the South Korean forces the more modern and effective military equipment they have so long needed to realize their full potential contribution to self-defense. Modernization has had to be deferred because, within the increasingly limited funds available for the worldwide military assistance program, the amount which could be allocated to South Korea has been fully utilized in supplementing the efforts of its government to keep existing forces in operation and for fixed expenses. Meanwhile, the effectiveness of those forces has been restricted by the obsolescent condition of their equipment. This situation cannot

be allowed to continue if we are to proceed with the highly desirable reduction of U.S. forces in South Korea. We must, therefore, provide the means to remedy it without further delay.

We have no greater ally than Korea and I wish to take this time to publicly express our hope for their continued success under the extremely difficult circumstances that face them from North Korea. I think, too, that among the leaders of the world America has no greater friend than President Park.

Mr. HALPERN. Mr. Chairman, I rise in strong opposition to H.R. 19911, a bill to provide military and supporting assistance to Cambodia, Korea, and other countries.

I firmly believe that no good case has been made to justify the haste with which this important legislation is being considered. The nature of our commitment to Cambodia and the extent and cost of our possible involvement there in the future has certainly not been spelled out.

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an Executive action; approval of Congress was not sought nor were Members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.8 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

My principal concern, however, is that this legislative package contains the seeds of commitments to Cambodia paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Have we not learned anything from the lessons of recent history? Are we again going to allow American resources and American lives to become involved in yet another ghastly farce like Vietnam? I would hope not.

I strongly urge that the pending bill be defeated.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BINGHAM). As a member of the Committee on Foreign Affairs, I was very interested in the hearings we held on this legislation, for I share the concern of certain of my colleagues on the extent of the U.S. commitment to aid Cambodia. I could not favor any legislation which would lead to an enlargement of the Vietnam war.

I am satisfied after questioning Secretaries Rogers and Laird and the other witnesses that the nature of the aid for Cambodia will be consistent with the goal of helping that country defend itself. This follows the path of a policy I have advocated for some time, that of providing other nations of the world with the means to defend themselves. Rather than sending American men to fight the battles of other nations, we can provide them with the equipment to defend themselves, as the Cambodians want to do.

Also, unlike the unsuccessful Vietnamization program which has proven a great disappointment, the nature of our aid to Cambodia can be useful. For instead of providing sophisticated military equipment, we will be providing Cambodia with small arms and ammunition to equip their forces for their own self-defense.

The committee was assured by the Secretaries that no American personnel would be committed to Cambodia with the exception of 25 to 50 men needed to provide the logistical direction that will enable the Cambodians to get this basic equipment to their forces in the field. In no way can this be construed as the same thing as when we first committed "advisers" to Vietnam.

The important point here, Mr. Chairman, is that we are not, as some fear, opening the door to a commitment of U.S. forces. Nor are we providing unrealistic assistance. Rather, we are providing basic equipment greatly needed by Cambodia.

This must be looked upon as part of a broader policy to which I alluded above. That policy calls upon us to lend assistance in the form of equipment to countries that are responsibly committed to defending themselves. Self-defense is the keyword which reassures us that U.S. aid will be limited and constructive. If I had any doubt that this was the purpose of the authorization now before us I would have to vote differently. But I am satisfied after thorough hearings that this important goal is being served and thus I shall vote for this authorization.

Finally, Mr. Chairman, the amendment offered by the gentleman from New York (Mr. BINGHAM) is not a limiting amendment but merely codifies the guarantees which the committee received from Secretaries Rogers and Laird. I can see no reason why we should not make it part of the bill to serve the goals set forth by these men.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the proposal to authorize the spending of an additional $550 million in foreign aid this year.

I realize my action is unusual in light of the fact that I have consistently voted against foreign aid bills and have opposed the foreign aid program, for that matter, since my election to Congress. In my judgment, however, the bill before the House today is vastly different in some very important respects from the run-of-the-mill foreign aid appropriations Congress has been passing for the last 20 years.

This bill, H.R. 19911, does not provide funds to finance long-range development programs in foreign countries. Instead, the bill is directed toward and focuses upon serious and urgent problems that confront us in troubled areas of the world. The areas I am referring to are in Cambodia, Vietnam, Korea, the Middle East, Indonesia, and East Pakistan.

I believe we must face the problems of these countries. I believe it is in our national interest to do so. For if we do not attempt to meet the problems of these countries by appropriating the funds necessary to provide them with assistance, these problems will not be resolved.

Mr. Chairman, I would like to address myself separately to the particular needs of these countries, that the provisions of H.R. 19911 are directed to. I think this approach will clearly highlight some of the problems this Nation must respond to.

In Cambodia, government forces are trying valiantly to prevent Cambodia from becoming a Communist outpost and a supply base from which the enemy can launch murderous attacks against U.S. soldiers and South Vietnamese troops fighting in Vietnam.

Despite the fact that the Cambodian Government has increased its fighting forces from some 40,000 just before the Communist invasion last April to approximately 150,000 at the present time, the military situation is uncertain. Part of this uncertainty is due to the fact that the manpower of the Cambodian military has increased far more rapidly than has the ability of the government to supply its troops with equipment.

This Nation can simply not realistically expect the Cambodian military forces to stave off continuing Communist thrusts in the absence of appropriate amounts of equipment. At present, the Cambodians are doing a far better job of defending their homeland than was expected by some. But their successes will be shortlived, however, unless this Nation supplies that Government with the wherewithal for it to augment its military capabilities.

This bill provides $85 million in additional military aid to Cambodia and $70 million in economic assistance. These funds will not inextricably tie us to the fate of Cambodia; for even with this assistance, it is not known whether or not the present Government will be able to withstand the Communist onslaught. But what I am confident of is that if we enable the Cambodians to stand on their own two feet, it will help save American lives in Vietnam, and will facilitate the Vietnamization of the war in that country. For these reasons, I think this money represents a wise and prudent investment.

Speaking of Vietnam, $65 million is allocated to that country and is earmarked for economic assistance. The focus is on the Vietnamese economy rather than the Vietnamese military because military assistance funds to Vietnam are taken from Defense Department appropriations.

Of this $65 million, $50 million is channeled to finance commodity imports, and $15 million will be used to implement the new land reform program that was enacted by the Vietnamese Legislature last spring. Commodity imports need strengthening for two reasons: First, South Vietnam needs more goods to help restructure and refurbish its domestic

economy so badly battered by years of warfare. Second, as U.S. troops are withdrawn, the money that this Nation expends to maintain them and the money that is circulated by our forces is correspondingly lowered. This has created a partial loss of revenue for the Government of South Vietnam, a loss which reduces the ability of the Government to buy imported goods. Financing commodity imports as set forth in H.R. 19911 will help the Republic of Vietnam alleviate this problem.

The $15 million allocated for implementation of the new land reform program will go a long way toward helping the Government of South Vietnam secure the loyalties of the rural villagers who have long been a prime target for Communist infiltration and subversion. If the land reform program is successful, thousands of villagers will become landowners, and capitalism will have become rooted in the soil of Southeast Asia. I cannot overemphasize the importance of this fact. For the land reform program marks nothing less than an historic attempt on the part of the South Vietnamese Government to alter the basis on which land is held and developed by the people.

In my opinion, the $65 million provided for South Vietnam is money well spent. The economy of South Vietnam must be revitalized; that is clear. In addition, helping to establish capitalism in Vietnam is one of the most effective long-range weapons against Communist aggression the free world has in its arsenal. Communism simply cannot successfully compete with capitalism, for when a man owns the means of this production he feels like the master of his fate, and he becomes increasingly unwilling to subordinate himself to a new and foreign form of government.

Turning to Korea, H.R. 19911 channels $150 million for modernization of the Armed Forces of Korea. This money is vitally needed, and it will be well spent. As I have stated on previous occasions, South Korea is a showcase of democracy in Asia. Not only it is a bulwark of freedom, it is part of our first line of defense against any attempts on the part of Communist China to expand its territorial control in the East.

Looking at Korea from another perspective, this Nation has decided as a matter of national policy to reduce the number of American forces stationed overseas. As this will involve pulling troops out of South Korea, the question may be raised as to whether the American people are willing to leave the people of that nation to defend themselves against the aggressive tendencies of North Korea and Communist China. I, for one, do not believe that the people of the United States are willing to abandon the people of South Korea to an uncertain fate. Too many Americans died in that land defending the freedom of the South Korean people for this Nation now to walk away.

Having served as a jet fighter pilot in the Korean conflict, I am very familiar with the high caliber of the well-trained and well-equipped South Korean fighting man. Thus, I am confident that buttressed with our assistance, as is envisioned under this bill, South Korea can effectively shoulder more of the burdens of its own national defense.

Mr. Chairman, H.R. 19911 provides $30 million in assistance for Jordan and $5 million for Lebanon. In both of these countries, Palestinian guerrillas are waging a battle for supremacy so that they can turn the two countries into forward staging areas from which commando assaults can be launched upon Israel. Needless to say, the course of action the guerrillas have chosen to pursue has contributed greatly to the political instability of these two Arab countries to the general uncertainty in the entire Middle East.

Providing assistance to Jordan and Lebanon as contemplated by this bill will facilitate the achievement of political stability in these two key Arab nations. Such stability is a necessary precondition for a peaceful settlement to the Arab-Israeli conflict. And, as it is clearly in our national interest to help promote a lasting peace in the Middle East, I think the United States has everything to gain by helping the Governments of Jordan and Lebanon reequip their military forces and reestablish the legitimate authority of their respective governments.

The bill before the House also provides $3 million of military assistance to Indonesia. Indonesia is one of the giants of Asia whose economic and social development has been greatly retarded by the effects of Communist domination and control At the present time, President Suharto is leading Indonesia on the long road back to economic recovery, but his efforts are becoming increasingly frustrated by the continued existence of Communist elements in outlying areas who are fast at work fomenting social discord and revolution.

The funds from this bill will make available to Indonesia some additional patrol boats, small aircraft, and other transportation and communication equipment desperately needed by the government to maintain internal security. This, in my mind, is money well spent. This Nation has a vested interest in maintaining the Western orientation of Indonesia and preventing that country and its people from once again falling to the Communists.

The last country covered by this supplemental appropriation is East Pakistan. Under the terms of H.R. 19911, $15 million is authorized to be utilized to help the government of that nation recover from the catastrophic effects of the natural disaster which has overwhelmed East Pakistan. Anyone who has witnessed on television the utter devastation caused by hostile winds and waters, or has seen pictures of ragged survivors struggling to exist in a suddenly alien and barren land cannot help but commiserate with the loss that East Pakistan and its people have suffered.

We do not know how much assistance will ultimately be required, but there is no question that simple humanity demands we assist the people of East Pakistan in it time of need. One characteristic of a civilized society is its willingness to help others in distress.

Mr. Chairman, I think the needs of the countries I have just described cry out for U.S. assistance. Without our help, these problems will no doubt become aggravated and the Communist cause will thereby be strengthened. To foreclose that grim possibility takes initiative, it takes resoluteness.

As I stated at the beginning of my remarks, this will be the first foreign aid appropriation I have supported since coming to Congress. But then again, this is the first foreign aid appropriation that I have found worthy of support.

Mr. SCHMITZ. Mr. Chairman, in addition to the other excellent arguments which have been presented against H.R. 19911, amending the Foreign Assistance Act of 1961, I would like to call particular attention to one point that has not been made in the debate: The significance of the clause in this bill reaffirming a policy of "achieving international peace and security through the United Nations."

I want the RECORD to show that I have no confidence in achieving international peace and security through the United Nations, which was itself a very conspicuous aggressor in Katanga some years ago and may well be so again. If this bill had been limited to military assistance to nations now experiencing, or directly threatened by Communist aggression, I might have supported it. But it contains far too many extraneous provisions such as this one, which can work directly against our national interest and the interest of the free world.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, 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, That (a) section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by striking out "for the fiscal year 1971 not to exceed $414,600,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $609,600,000".

(b) At the end of such section add the following new sentence: "None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said Government and the United States is fair to both countries."

SEC. 2. Section 451(a) of such Act is amended by striking out "for the fiscal year 1971 not to exceed $15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $30,000,000", and by striking out the period and adding at the end thereof the following: ": *Provided,* That, in addition to any other sums available for such purpose, $15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan.".

SEC. 3. Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: On page 2, line 14, after "Pakistan" insert ", Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic and Yugoslavia" and on line 15, after "section" insert ", with the approval of such countries,".

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

Mr. FULTON of Pennsylvania. Mr. Chairman, my amendment is to section 3 of the bill and applies to the use of excess foreign currencies held by the United States for assistance to the people of Pakistan, who have suffered great disaster through the recent hurricane and flood.

My amendment would expand the use of U.S. foreign currencies held not only in Pakistan but also in other countries, such as Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic, and Yugoslavia. There is no program, nor known use at present for these millions of dollars worth of local currencies now held by the United States in these countries.

My amendment provides that section 3 will read that:

Excess foreign currencies held in Pakistan, Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic, and Yugoslavia not allocated on the date of enactment of this section with the approval of such countries are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

You will see that my amendment says, "with the approval of such country," specifically, which is not set out in section 3 of the act as it now exists.

I would point out that any country where United States can purchase any supplies with U.S. excess local currency to assist the people of East Pakistan at this time should be contacted to work out assistance and survival help to these impoverished, starving, people who are injured and threatened with disease.

There is a total of excess of currency held by the United States in local currencies in foreign countries in the amount of $1,678,300,000 at the present time. These countries and amounts of excess currencies held by the United States are as follows: Burma, $14 million. Burma is right next door to East Pakistan, so rice and foodstuffs are readily available.

Guinea, $6.9 million.
India, $772.6 million.
Morocco, $14.3 million.
Pakistan, $104.5 million.
Poland, $393.5 million.
Tunisia, $28.5 million.
United Arab Republic, $264.7 million.
Yugoslavia, $79.3 million.

My position is simply this: Certainly the American people can find no better use for part of these excess foreign currencies, held by the United States for some time, for which there has been no use to date. What could be better use than to alleviate the disaster which has occurred to the people of East Pakistan. My amendment will show what countries will assist us in our assistance to the suffering people of East Pakistan, the United States has the power by agreement with these countries, to determine for what purposes the excess currencies shall be used.

These are excess local currencies held by the United States which have been generated by U.S. foreign aid programs as well as by Public Law 480 sales programs for the supplying of food to other countries. I would, therefore, recommend that the ability and authorization for the U.S. Government to use these excess foreign currencies now held by the United States be extended to the Government of Pakistan, and these additional countries where such similar excess local currencies are held by the United States, to help these unfortunate people in East Pakistan.

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

We have a total of $1,782 million in excess currencies in various countries around the world. These excess currencies will have to be spent in the countries where they are located. I wonder also if we will get the great Committee on Appropriations to appropriate the spending of $393 million of Polish zlotys in Poland or the Committee on Appropriations to appropriate $772 million of Indian rupees that we have in India. I think this amendment will not do Pakistan any good. The reason that these currencies are excess is that these countries do not have anything to supply to other countries that can be bought with these local currencies. The large amount of funds in India cannot be spent in India.

I ask that the amendment be voted down.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. FULTON of Pennsylvania. Mr. Chairman, my purpose is to have the authorization for appropriation available, and this is an authorization bill and not an appropriation bill.

My second purpose is that wherever the United States has excess amounts in local currencies that can be used for the purpose of disaster relief, Congress certainly should give the House Appropriations Committee the authorization to use such excess funds in case of necessity.

The final point is this. Surely in India we are not expecting to have India use the $772 million excess rupees owned by the United States, nor in Burma the whole amount the United States has in excess currencies in that country. But certainly we can say to India and Burma that as to these excess currencies, with our agreement and their country agreement, part of these funds can and should be used for the devastated disaster area right next door in Pakistan. Rice and local food supplies could be easily and quickly bought in each country.

Mr. MORGAN. I want to say to the gentleman that the Appropriations Committee has not been requested to appropriate these funds, and I would not attempt to forecast what they might do if they received such a request.

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

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

Mr. GALLAGHER. Mr. Chairman, I ask the chairman, for purposes of the record, are not the majority of these currencies nonconvertible, which means they cannot be used in any other country than in the country in which those currencies are now?

Mr. MORGAN. That is correct.

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

Mr. Chairman, with reluctance, I, too, rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. FULTON), and in support of the position of the chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN).

We have in this bill authorized $15 million in U.S. dollars for the purposes of assisting the people of East Pakistan in this time of their great tragedy. We have further made available in this bill local currency which we hold in Pakistan. This holding approximates the equivalent of $104 million in Pakistan rupees. It is felt that that is about as much as Pakistan can possibly use efficiently and effectively for this humanitarian purpose.

It is true, I think, that everyone in this Chamber and everyone in our country would want us to do what we can to assist these hundreds of thousands of unfortunate victims of the hurricane and the tidal wave in East Pakistan.

We are doing just that. We want to do everything that is possible.

Assuming further that some of our excess foreign currencies were made available in countries other than Pakistan, they would have to be expended in the countries of origin, because they are not convertible. Further supplies were bought in other countries, we would be faced with questions such as shipping charges of supplies from these countries to East Pakistan.

Mr. Chairman, in view of the fact that we have made available what we believe to be ample funds and the problems that would arise in trying to make additional funds available, I would respectfully suggest that we not support the amendment offered by the gentleman from Pennsylvania.

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

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

Mr. DERWINSKI. I thank the gentleman for yielding.

I believe it is accurate to say there are few Members of the House who have as much compassion for their fellowman as the gentleman from Pennsylvania (Mr. FULTON). Certainly this motivates his amendment. But the chairman of our committee and the ranking minority member and other committee members have very effectively pointed out there are logistical, technical, and legal complications which make this amendment, well intended as it may be, completely unworkable. Therefore, the only logical course of action for us to follow is not to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 504(a) of such Act (22 U.S.C. 2312(a)) is amended by striking out "$350,000,000 for the fiscal year 1971" and inserting in lieu thereof "$690,000,000 for the fiscal year 1971".

AMENDMENT OFFERRED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: Page 2, beginning in line 21, strike out "$690,000,000 for the fiscal year 1971" and insert in lieu thereof "$725,000,000 for the fiscal year 1971, of which not less than $35,000,000 shall be available solely for assistance to Israel under this chapter".

Mr. FULTON of Pennsylvania. Mr. Chairman, this is an amendment which would permit grant aid to Israel, in the same total grant amount, $35 million, which is authorized for Arab countries, under this legislation. There already exists authorization for $500 million for Israel to purchase U.S. arms on credit.

Secretary of Defense Laird in his testimony before the House committee on November 25 revealed that $375 million of the request will be spent before June 30 of this year and the remaining $125 million during the fiscal year beginning then. Israel, according to Secretary of Defense Laird, needs the credits to pay $100 million in debts for military equipment already purchased which are due this December 31, 1970. Israel needs another $275 million to pay on debts to come due in the United States on June 30, 1971. So we can see, then, that there is only $125 million worth of credit which is really presently available for Israel's defense for current purchase under the $500 million credit sales authority, already established.

I should like to point out that Israel is in a war of attrition and needs economic aid badly. Israel needs prompt aid to maintain her own defenses, and to maintain the security of the Israeli people. I must say to the Members that there have been U.S. grants-in-aid for arms, as well as sales, to countries all over the world, whether dictatorships of the left or right, or democracies. I am speaking of Israel, a democracy with friendly people, whose arms are purchased with obligation to repay. These friendly people of Israel are in great danger and our U.S. policy of maintaining the security of the people of Israel must be firmly maintained. The United States must state strongly again and again, Israel shall be neither destroyed nor driven into the sea.

Israel, of all the modern nations in the world, spends 30 percent of her gross national product on her defense and security. As a matter of fact, we in the United States are spending much, much less in proportion. Every other modern industrial country in the world spends much less for her security in proportion to her gross national product.

Under these circumstances, I believe that unless the United States acts and acts quickly to assist Israel economically, Israel will be in a position that she cannot pay for the debt amounts that Israel already owes. At present Israel has been compelled to dip deeply into her foreign currency reserves. For example, Israel had $750 million of foreign currency reserves early in 1967. During that year her reserves increased to a record-breaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

Under these present financial circumstances, there is only a tenuous cease-fire existing which might break out into open warfare at any moment. There is serious economic pressure on Israel and Israel for her own survival is being forced much beyond her capacity to defend her people. How long can our American people stand to see Israel stretched to the breaking point? How long will the patient citizens of Israel be able to hold out without our substantial assistance?

I believe the U.S. Government must consider in the next year's budget 1971–72, that the administration is now preparing, a sum of $50 million for fiscal year 1971–72, which would be for economic grant aid to Israel. My amendment would authorize $35 million U.S. economic grant aid at this time.

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

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman.

Mr. FRASER. It is a fact, is it not, as you have already pointed out, as you look around the world and look at other governments, totalitarian governments, we give them military aid. Israel, which is a very vigorous democratic nation, has to pay back in hard cash for any military aid we provide her with? Is that not the case?

Mr. FULTON of Pennsylvania. I thank the gentleman for his good comments. I agree with the gentleman completely. These are military equipment sales to Israel, not grants and the amounts must be paid back in full with interest. It is estimated that 85 percent of the Government budget of Israel is allocated toward Israel's defense and security. As a matter of fact, on the purchases in Israel's proposed fiscal year 1971 budget in the military procurement program there will be over $1 billion for that year. Of these Israel military budget funds $800 million will be spent for purchases in the United States. Israel has already contracted for $590 million worth of equipment in the United States, and more will be spent. Under these circumstances, where we have such a good friend and a loyal democracy in the Middle East, I hope this amendment will pass.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FULTON of Pennsylvania was allowed to proceed for 1 additional minute.)

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to withdraw the amendment at this time because I just want to give adequate notice, and to call to the attention of the Congress and the administration that there is a real and immediate need in the new Federal budget being prepared for fiscal year 1971–72 for adequate U.S. economic aid amounting to approximately $50 million for Israel for its defense and for the maintenance of Israel's position of security in the Middle East.

I think that the administration and Congress must recognize, as soon as possible, the requirement to meet Israel's urgent need for economic assistance.

Americans have watched with great admiration and respect the gallantry of Israel's fighting forces. We have full knowledge of the extent to which the Israeli people and their friends have sacrificed themselves and their funds in their struggle to resist immediate threat of destruction.

This summer marked a turning point in American policy in the area. We had hoped that the Arab States might be ready to enter into genuine negotiations and respect the conditions of cease-fire. The administration exercised great restraint in pursuit of a Mideast policy based on the hope that our restraint would be emulated.

The cease-fire has been fragile, with claims of violation and impending threats of commencement of military action hanging over the whole Mideast. Accordingly, this Congress is on record in favor of military credits to Israel in the hope that the American people might ease Israel's tremendous burden.

As far as Israel is concerned, it is a war of attrition directed against her economy. Israel has asked recently for economic assistance. I do hope that the administration will undertake now a thorough review of Israel's economic position so that in the administration's foreign aid program proposals for fiscal 1971–72 there will be included adequate economic grants necessary to support Israel's economy.

No country in the world and no people are required to rely exclusively on their own resources in defense of their survival, but Israel is defending itself almost singlehanded. Israel is a country of the world which is bordered by age-old antagonism. One neighboring nation has repeatedly stated that it is determined upon Israel's destruction and deny her recognition and peace.

To meet the growing threat of the arms buildup in the Middle East, the people of Israel have been compelled to allocate about 30 percent of Israel's gross national product—more than $1,200 million for defense purposes. In contrast, the United States spends about 9 percent of its gross national product for defense and security. European countries allocate about 5 to 6 percent of their gross national product for defense and security.

To point out the effect of the superhuman efforts to form, build, and maintain the State of Israel, upon Israel's progress, I wish again to point out the specific facts of Israel's budget. We must remember, in Israel's fiscal year 1971 it is expected that Israel's military procurement program will mean an expenditure of $1 billion or more, $800 million of which will be spent in this country. Israel has already contracted to purchase $580 million of equipment in the United States and more will definitely be spent. It is estimated that 85 percent of Israel's Government budget is going for defense. This means that housing, education, welfare, and other social needs are being cut dangerously and much of the progress that the Israel people have made over the years is now jeopardized.

All this means that Israel has been compelled to dip into her foreign cur-

rency reserves. These totaled $750 million early in 1967. During that year Israel foreign currency reserves increased to a recordbreaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

In this connection, it should be stressed that over the years the Israelis have borne the highest per capita foreign currency debt in the world. That is because Israel has been compelled to pay for her necessary weapons for defense. Israel has never received grant military aid from anyone. Past U.S. administrations have not provided Israel with grant military aid, but over the years, going back to the Johnson, Eisenhower, and Kennedy administrations, our Government and the American people have maintained economic assistance to Israel at a good level in order to make it possible for her to continue her development and strengthen Israel's economy.

Substantial U.S. economic aid to Israel ended several years ago. The time has come for us to consider Israel's needs anew. Last year Israel asked for our Government a grant of $50 million for special assistance. Israel asked to be allowed to purchase substantial quantities of surplus commodities. Israel also requested development loans from the United States. The administration should make provision for a substantial direct grant to Israel in preparation of the new Federal budget. I hope and strongly urge that for the coming year this will be done. I strongly believe that the evidence supporting this request is persuasive and will have excellent support in Congress.

With Congressman MORGAN, of Pennsylvania, in 1951, I was one of the members of the House Foreign Affairs Committee who cosponsored legislation authorizing grant economic aid to Israel. The U.S. Congress approved this proposal and this was the beginning of the support assistance program which was used effectively and efficiently by the people of Israel.

Over the years Israel developed her economy and established one of the highest growth rates in the world. Israel opened her doors and absorbed hundreds of thousands of Jewish refugees, survivors of concentration camps, the victims of discrimination and persecution in many of the countries around the world. Israel's resettlement program has been an epic demonstration of the way in which a people can offer sanctuary and transform a helpless and broken people into a strong self-reliant citizenry contributing both to the economy and defense of the country. Israel's progress is an example which encouraged many other peoples throughout the world to fight for their independence and, at the same time, to concern themselves with the welfare of their people and the achievement of higher standards of living.

Israel fought for independence for the state but she also fought for freedom for the individual. And all over the world, in Asia, Africa, and Latin America, other peoples have been inspired by her fine example.

Now this epic chapter of Israel must not end. It is for us in America to help determine the final outcome. We who advocated aid to Israel did so in the conviction that this was in the highest interest of our own country, as well. We know that both Israel and America share a strong commitment to democracy. Our program in Israel contributed to her economy but also to strengthening a country which stood with the United States in the defense of freedom. Our U.S. aid program in Israel is a demonstration that aid can be used effectively and equitably when it is administered by people who have a personal interest in their country and who are sincerely committed to its development and the progress of all her people. Israel has become the showcase for American aid. The American people have a tremendous stake in that country. The United States must certainly do everything it can to maintain the integrity of Israel's development. I sincerely trust that Congress and the administration will respond affirmatively to this plea to place in the new Federal budget, substantial economic grant aid for Israel. Israel shall not be destroyed.

Mr. FULTON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

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

Mr. GROSS. I object.

The CHAIRMAN. Does the gentleman from Pennsylvania ask unanimous consent to withdraw his amendment?

Mr. FULTON of Pennsylvania. I do.

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

Mr. GROSS. Mr. Chairman, I object.

Mr. MORGAN. Mr. Chairman, I thought the gentleman from Pennsylvania would be permitted to withdraw his amendment, but if he does not have that right, of course, I want to oppose the amendment.

Mr. Chairman, Israel is not asking for grant assistance at this time. I am sure if they wanted it, this Congress would grant it to them.

Under the Jackson amendment, which passed the other body and which was approved by the House when it adopted the conference report on the defense procurement authorization bill, this bill constitutes the authorization for the administration's request for $500 million.

Mr. Chairman, Israel seems to be well satisfied with this arrangement. The credit terms are very favorable.

Out of the proposed $500 million, $150 million would be paid back over a period of 10 years at the going rate of interest and $350 million would be subject to a 5-year grace period during which they would pay nothing. This is better than a grant program. Israel is well satisfied with what they are getting under the Jackson amendment.

Therefore, I think this additional request is uncalled for and I doubt that the Prime Minister of Israel requested this amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. FULTON of Pennsylvania. I had understood indirectly that Israel has made a request of the administration for $50 million in grant aid recently for economic purposes for the coming budget.

Mr. MORGAN. That was before the program under the Jackson amendment was worked out.

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

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

Mr. GROSS. A year or so ago the Foreign Affairs Committee went out of its way to offer Israel economic assistance only to find that what Israel really wanted was jet military planes.

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

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

Mr. LOWENSTEIN. I am just curious to see if the chairman of the committee can explain to me that if this procedure is better, the procedure whereby we give good loans to Israel, is better than grants, why everyone does not want good loans and grants.

Mr. MORGAN. Most other countries cannot get these favorable terms.

Mr. LOWENSTEIN. But they could get good terms.

Mr. MORGAN. I am for these favorable terms, especially in view of the amount of military assistance that other countries are getting in the Middle East.

Mr. LOWENSTEIN. Mr. Chairman, if the gentleman will yield further, I am just curious as to why we do not extend this sort of arrangement to the Cambodians by lending them the money rather than giving it to them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LOWENSTEIN

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOWENSTEIN: page 2, line 22, strike out the period and insert semicolon and add "; *provided*, That no funds authorized by this Act shall be used to extend military assistance to the Government of Greece."

Mr. LOWENSTEIN. Mr. Chairman, in view of the hour, I shall not take my 5 minutes. However, I think it is important that we face the question sometime before we finish considering this bill as to whether we really improve the security of this country or contribute to freedom anywhere in the world by continuing to assist governments that are not threatened by aggression from outside their borders and that deny freedom to their own people. Take for instance the Government of Greece. There is not really much prospect of an attack on Greece when you think about it. Then why should we contribute taxpayers' money to support a government that is threatened, if at all, only by its own people? Should not we begin at long last to indicate that we are not going to spend any more money to support governments that do not face aggression and do not have the support of their own people? That kind of restriction would do wonders for

the foreign aid program and for the good name of the United States, to say nothing of what it would do for our overburdened taxpayers. And Greece is about as good a place as you could find to begin to overhaul the image—and the facts—of foreign aid. Few governments that have so little need for military aid have done so much to deserve no aid at all, if the purpose of such aid is supposed to be the bolstering of freedom.

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

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

Mr. FRASER. Mr. Chairman, I want to commend the gentleman from New York for the amendment he has offered. As the gentleman knows, the Greeks recently refused to renew an agreement with the International Red Cross with which they had had an agreement with respect to the inspection of prisons, and the treatment of prisoners.

The gentleman probably also recalls that the Council of Greece was about to expel Greece for their torture of prisoners when Greece withdrew, knowing how the vote would come out.

There is considerable evidence, in spite of all the promises to the contrary, that there is no intention on the part of the present rulers of Greece to return the responsibility for running the country back to the people of the country. It seems to me that it demeans the United States to extend grant military aid to a military junta which has destroyed freedom in its own country. So I hope the amendment will get all the support it deserves.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the comments of the gentleman from Minnesota. Let me simply underscore what seems to me too obvious—that we do not in fact contribute to freedom or to the security of the United States by refusing to pass amendments which would prohibit sending money as if it existed in such unlimited quantity that we could find nothing better to do with it than to help maintain oppression in faraway places. Among other things, this approach has made suspect the whole purpose and concept of military aid. I would think those who have favored the principle of military assistance over the years—and I am one—would see the importance of this amendment for the most pragmatic, hard-nosed reasons.

Mr. FULTON of Pennsylvania. Mr. Chairman, would the gentleman yield?

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

Mr. FULTON of Pennsylvania. When we are thinking of the philosophy of U.S. foreign aid, and then we find that we are granting aid, military or economic assistance, to dictatorships on the left and right, and in between Communist countries, and then when we get to a good democracy like Israel and find that there is no grant in military aid, that they have to pay for it, and everything has to be on the line, and when it is all tied up with repayment, and when it is a democracy that is in trouble and yet we tie them up with the strictest terms, even though they are easy credit terms, nevertheless they are required to pay it back even though it may be with the greatest of difficulty, then I really cannot see the basic philosophy of what our U.S. foreign aid is trying to do if it is not trying to assist our friends in democracies and make it possible so that they can enjoy the rights of freedom. What would the gentleman say to that?

Mr. LOWENSTEIN. I was trying to join in support of the proposal of the gentleman from Pennsylvania. I think the gentleman makes a very valid point. Is it really better to give loans on easy terms than to give direct grants, as the distinguished chairman of the committee suggested some time ago? If that were really so, who would want grants? Would not all the unpleasant little dictatorships be clamoring instead for loans on easy terms? But the opposite is, of course, the case. Still, we are grudging about even selling aid for her own defense to the democratic Government of Israel, which is under constant threat of Russian-backed attacks, while we can hardly contain our zeal for giving all kinds of help to governments like Spain and Greece at the very moment that they are adding to the miseries of their own people.

Of course this makes no sense, no sense at all, and I appreciate the gentleman stressing that point.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. In the first place, there is no money authorized for the government of Greece in the legislation before us. In the second place, the military assistance which we give to that Government is very carefully screened; it is designed solely to make it possible for that country to continue its support to the NATO organization. We do give Greece a limited and carefully scrutinized amount of military assistance. Certainly no one wants to support other than a freely elected government in any country, but that is not the question here. The question is rather whether or not we deem it wise from the standpoint of our own national interest to grant a limited amount of military assistance, which we do to the Government of Greece.

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

Mr. ADAIR. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I wonder if the gentleman is aware of the fact that included in this authorization are restoration funds to Greece or to a number of countries including Greece, Thailand, and Turkey principally from whom the funds were taken for the Cambodia assistance program. In fact, there is money for Greece specifically in this authorization.

Mr. ADAIR. The gentleman is quite right.

There is money for the restoration of funds that had been programed for Greece. Those funds have already been approved by this Congress. This is simply a matter of restoring funds that have been borrowed to meet an emergency.

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

Mr. ADAIR. I yield to the gentleman.

Mr. GALLAGHER. Mr. Chairman, I would just like to reinforce what the gentleman stated. These are the only funds, the restoration funds, approximately $10 million, are the only funds that would be going into the Greece program. They were taken out of the program that already had been appropriated or authorized last year, from the funds that went into the Cambodian program.

So in addition to the restoration there are no additional funds other than the restoration funds in this program now—and this is strictly for NATO, I might say.

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

Mr. ADAIR. I yield to the gentleman.

Mr. MORGAN. Mr. Chairman, I, too, want to oppose the amendment offered by the gentleman, but I want to assure the author of the amendment I feel that this is not the right bill for his amendment.

I gave assurance to the foreign affairs committee when this amendment was offered in the committee that next year during the consideration of the new foreign aid bill, that we would take a close look at the military assistance program for Greece.

The gentleman knows that we withheld all military shipments of major military items for Greece for 2 years and just recently started the flow of this equipment. As the gentleman from Indiana says, there is no program of direct assistance for Greece in this bill.

But there are funds authorized in this bill to restore military assistance which has been transferred by a Presidential determination to Cambodia. This money has already been used in Cambodia.

For that reason I believe that the amendment should not be offered in this bill but should be offered to the regular foreign aid bill when it comes to the floor of the House next year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LOWENSTEIN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read

The Clerk read as follows:

SEC. 5. Chapter 2 of part II of such Act is amended by inserting at the end thereof the following new section:

"SEC. 511. SPECIAL MILITARY AID TO KOREA.—In addition to any program of assistance to Korea for which funds may be available pursuant to this part, the President is authorized until June 30, 1972, to transfer to the Republic of Korea, in furtherance of the purposes of this part and within the limitations of this Act, such of the defense articles of the Armed Forces of the United States deployed in Korea on July 1, 1970, as he may determine: *Provided*, That no funds heretofore or hereafter appropriated for the purposes of this part shall be available for reimbursement to any agency of the United States Government on account of any transfer made pursuant to this section."

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 3, line 12, add a new Section 6 to read as follows:

"SEC. 6. The military and supporting assistance funds herein authorized for Cambodia shall be used exclusively for purposes

the President determines to be essential to the withdrawal of United States military personnel from South Vietnam."

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

Mr. FINDLEY. Mr. Chairman, when historians look back across the decades of the 1950's and 1960's, they will be hard pressed to find a date from which to mark the beginning of the Vietnam war. No world shaking event can be noted such as the attack on Pearl Harbor or the crossing of the 38th parallel.

Instead, historians will find a gradual, almost imperceptible growth in our presence into Southeast Asia, a growth which never culminated in a declaration of war, but which over two decades grew into one of the costliest wars in lives and treasure in our history.

From the first military advisory personnel sent by President Truman, through the few hundred added by President Eisenhower and the few thousand combat troops sent by President Kennedy, to the massive buildup ordered by President Johnson, our involvement has steadily deepened. It required an uprising at the polls in 1968 to reverse this inexorable march of U.S. soldiers to Asia.

Within the next few months, almost half of the 500,000 men who were once fighting in Vietnam will have been withdrawn. Casualties were cut in half, and then cut in half again from the peak period. Other events now occupy the front page of the newspaper. Sometimes Vietnam is not even mentioned.

Once the public loses interest in the continuing war, there is a likelihood that the Congress will also lose interest. To do so would be both natural and dangerous. It would be natural because no event since the Civil War has caused so much soul-searching and anguish among thoughtful Members of Congress. No issue has been harder to deal with.

It is always hard to grasp the basic nettle of decision, and the decisions surrounding the Vietnam war have surely been the most difficult. Nevertheless, they were decisions which, of necessity had to be made, and the danger is that where the Congress declines to help make such decisions, the Executive must. Thus, the power of the sword committed to Congress by the Founding Fathers has in large part been exercised by the President. It is he who decides when and where U.S. military troops will fight and under what circumstances. If Congress is apprised, it is only after the final orders are given.

There was a time when I was afraid that this was the way most Members wanted it to be. However, with the passage of House Joint Resolution 1355, concerning the war powers of Congress and the President, which set up a reporting requirement for the President any time he employed U.S. troops abroad, I became convinced that the Congress is now willing to reassume its constitutional role. In the future the Congress will insist that it be consulted when decisions are made which might eventually commit the Nation to war.

Surely, the initial decision to provide a nation with military and supporting assistance is a decision of such gravity that it deserves the careful scrutiny of Congress. Since this is just the type of commitment which can grow like Topsy into a long-term involvement which may cause the loss of many lives and much treasure, surely the Congress should participate in the formulation of the commitment which is made on behalf of the United States.

In the case of Cambodia, I believe that we can do so without turning our backs on our President or on our friends in Cambodia. And, I believe it is our duty to help formulate that commitment. A new chapter in congressional responsibility is overdue, and this bill is a good place to begin.

The United States presently has no treaty obligation to Cambodia. By mutual agreement, our obligation to that state under the SEATO treaty was terminated long ago. We have had no AID or military assistance program there since 1963.

H.R. 19911 therefore has major importance because it sanctions a commitment where none presently exists. It authorizes both military and supporting assistance to the Government of Cambodia, and this brings the Congress squarely to the question of a new commitment.

If the Vietnam war were not fresh in our minds, if the traumatic experiences of the past few years were not still painful to remember, such ill-considered action would be understandable, though still unwise.

I believe that the Congress should approve the emergency request by the President, but should establish as policy that the military assistance funds authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of the United States military personnel from South Vietnam.

Does this amendment accord with administration intention? The weight of testimony shows that it does. Several witnesses emphasized the importance of the commitment to our policy of withdrawing troops from South Vietnam. Secretary Rogers told the committee:

> Our basic objective in Cambodia is to protect Vietnamization and our withdrawal program. . . . It is why we are now asking for funds for Cambodia.

In answer to my question Secretary Rogers said:

> So in supporting this authorization no member can properly argue that an affirmative vote is a vote to enter into a commitment to defend the independence of Cambodia. Would that be a fair statement? That is a fair statement.

Here, in summary, is why I believe the Congress should accept my amendment:

First. It gives the President exactly what he and his Secretaries of State and Defense have asked for, no more and no less. According to the testimony, no greater commitment is to be made than is provided for by my amendment. If, in the future, the commitment must be expanded, and if a case is made for the United States playing a larger role, I shall support it.

Second. The requirements of Vietnamization—the program under which our troops are being withdrawn from South Vietnam—are sufficient to justify all the money and weapons provided to Cambodia in this bill. The determination as to what is required to advance the program of Vietnamization is left to the President. This gives the President all the flexibility these short-term emergency circumstances could possibly require.

Third. The amendment does not in any way affect the President's ability to protect American lives.

Fourth. Coming before the Congress only 2 weeks before adjournment when the legislative crunch is strongest, and under emergency circumstances which will admit of no delay, there has not been sufficient time to consider the implications of a long-term commitment. Such a commitment should be left to the 92d Congress. To do so would not prejudge the possibility that Congress tomorrow might decide to sanction the broader commitment.

Fifth. Most importantly, Congress has the constitutional responsibility to pass upon the foreign policy of our Nation. At the very least, we must be able to determine how much money which we authorize and appropriate shall be spent. The power of the purse and the power of the sword are the two most important powers and responsibilities committed to us by the Founding Fathers. If we fail to use either one of them, we do a grave disservice to the people we represent.

For the time being, the Congress will wisely limit its Cambodian commitment to the requirements of Vietnamization.

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

It is with reluctance that I oppose the distinguished gentleman from Illinois. Certainly I am in agreement with the intent of the amendment. However, the determination that this amendment calls for has already been made by the President. The President would have to have made that determination in order to put a transferability clause into operation in the original transfer of funds to Cambodia. Therefore, the amendment is unnecessary. Furthermore, the funds involved in this bill are to supplement those funds, to continue the funding of Cambodia for the rest of the year. So the amendment would not be necessary on two counts.

First, the President has already made the determination.

Second, the determination is being made now for Cambodia for the remainder of the year.

Third, I think it would be unwise to adopt this amendment now, restricting the flexibility of the President to carry out the program in which he has assured the Congress, all of us, that there is a troop reduction going on, and this is necessary to allow the troop reduction to continue and to remove the U.S. presence in Southeast Asia.

For those reasons, I hope the amendment will be rejected.

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

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

Mr. McCLORY. Mr. Chairman, I subscribe to the statements made by the

gentleman from New Jersey, and I wish to indicate my support for funds for the Republic of Cambodia.

Mr. Chairman, I am not known to be one who makes speeches in favor of foreign aid. However, I have been encouraged by the recent message of the President indicating a new approach to the entire subject of our foreign aid program.

In addition, I cannot help but feel that the purpose and intent of the pending bill is to assist and encourage other nations to provide self-help in maintaining their independence and in providing freedom to their citizens.

In the case of the Republic of Cambodia, I note that the people of this nation are determined to defend themselves with their own military forces and the lives of their own citizens.

Mr. Chairman, it is entirely consistent with our traditional policy as well as the Nixon doctrine that we should aid the countries included in this measure as the President has recommended.

Mr. Chairman, I suppose the administration's position on this measure and in this behalf.

In a recent communication to my constituents, I stated my position in these words.

The need for military and economic aid for Cambodia can enable these brave people to maintain their independence from the same kind of Communist aggression that has threatened other parts of the Far East. Our aid programs can help fulfill the Nixon Doctrine of returning American fighting men from Vietnam and elsewhere and enabling the South Koreans, the South Vietnamese, the Cambodians and others to defend themselves.

Mr. Chairman, I am opposed to amendments which would defeat the purpose of this legislation and its objectives, and hope that the House will give action and overwhelming support to the measure as presented by the committee and as supported by the committee leadership on both sides of the aisle.

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

Mr. GALLAGHER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, the gentleman from New Jersey has the ability to reach the crux of an argument. He has done so very effectively at this point. I suggest we join the gentleman in defeating the amendment.

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

Mr. Chairman, I will not belabor this matter further except to say that the gentleman would assist the President by hog-tying him, horsewhipping him, and dragging him where he has already said he was going to go in the first place. I do not believe the administration needs this kind of assistance from the gentleman or from this Congress.

This is a matter in which the gentleman has said, in his earlier remarks in general debate, we need to encourage the voices of reason in the administration. Well, one great voice of reason has spoken out firmly and clearly on this subject, the voice of Richard Nixon in the Guam doctrine. He has said it is his firm intention to lower the American profile in Southeast Asia. On this he has made his intentions clear. He does not intend to involve us in a Vietnam-type of operation in Cambodia. Indeed, he has given assurance to the contrary, that support for this bill is a way for us to help him to implement his policy of withdrawal and to help that succeed.

It is also an opportunity to assist a brave people confronted with an invasion by a totalitarian force, which both the present Cambodian Government and previous governments have deplored and denounced. But it is limited help for a clear purpose.

The gentleman's amendment is not needed, because the President has spoken. I have complete confidence in what he has said. Other voices in this administration have also spoken. The Secretary of State and the Secretary of Defense have been equally clear before our committee and otherwise on this subject.

This amendment is not needed. It restricts the President. It says to the President, "We do not believe you will do what you say you will do unless we make you do so." I say I have faith in this administration. I believe the man will do what he said, and I believe he will do what is right. I urge the defeat of the amendment.

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

I do not want to disagree with my colleagues who have already spoken on this amendment, but I wish to bring into the discussion a different interpretation, perhaps, which has not yet been raised. It is the opinion of this speaker that notwithstanding the good intentions of the proponent of the amendment what the amendment actually does is to broaden the authority that now exists in the bill; to give the President authority which he not only did not seek but which we also ought not give him. It goes beyond what has heretofore been described as the intention of the amendment.

If one reads the language of the amendment very carefully, it says that the military and supporting assistance funds authorized herein shall be used exclusively for purposes the President determines to be essential. Now, what is the qualifying language? It is: essential to the withdrawal of the U.S. military personnel from South Vietnam.

If one accepts the rationale that the incursion into Cambodia was to ease the withdrawal of troops from South Vietnam, one can logically and easily understand that the authority contained in the pending amendment would give the President additional broad powers which he did not seek and which this committee ought not grant him.

This amendment could be interpreted to authorize the use of funds for the purpose of any action, including the use of U.S. troops in Cambodia, if the President determines that such action will ease the withdrawal of troops from South Vietnam.

This broad interpretation should not be written into this law and thereby create the foundation for a possible commitment different from that intended in this bill. The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 3, line 12, insert the following new section:

"SEC. 6. Section 650 of the Foreign Assistance Act of 1961 (22 U.S.C. 2409) is amended by striking the period at the end and inserting in lieu thereof the following: ', or as creating a new commitment to provide any further assistance beyond that which is authorized under this Act.' "

Mr. BINGHAM. Mr. Chairman, I truly believe that this amendment is about as noncontroversial as one can get in this field. All that I am suggesting is a short addition to a paragraph which already exists in the basic Foreign Aid Act, which says that the authorization of assistance under the act does not create any new commitment to provide troops.

All that my amendment would do with relation to this act and generally for the Foreign Aid Act is to add the words "or as creating a new commitment to provide any further assistance beyond that which is authorized under this act."

The provision of the basic act which is there today reads as follows:

The furnishing of economic, military or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

That language was added in 1967 to the basic foreign aid bill. All I suggest adding to it are the words "or as creating a new commitment to provide any further assistance beyond that which is authorized under this act."

The point of that in connection with this bill before us is that the proposals here for Cambodia are limited to very simple assistance, ammunition and the like.

It may very well prove that this will be insufficient. It may very well be that the administration will be back again asking for more elaborate assistance, for more sophisticated assistance, and perhaps advisers. All I want to be sure of is that they do not come back here and say, "You started on this program; now you have to continue with it."

All we would be doing by this amendment is saying what we mean. We surely mean that this bill does not create any additional commitments looking into the future. If that is what we mean, let us say so.

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

Mr. BINGHAM. I am delighted to yield to the chairman of the committee.

Mr. MORGAN. I just want to say this, Mr. Chairman: The gentleman offered his amendment in the committee and, it has been rerevised and resubmitted, but as far as the chairman of the committee is concerned and speaking for the majority side, we have examined the amendment offered by the gentleman from New York and we have no objection to it. The amendment makes a very small

change in what is already in the act in section 650.

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

Mr. BINGHAM. I will be happy to yield to the gentleman, but first may I say before I yield I wish I had been on the floor earlier when so many nice and proper things were being said about the gentleman from Indiana (Mr. ADAIR). I would like to join in those remarks. He has always been exceedingly kind to me, and he will be very much missed on the committee.

Mr. ADAIR. I thank the gentleman.

Mr. Chairman, it is my opinion that this amendment is not necessary. The gentleman from New York has addressed himself to that proposition. If I understand the amendment, it simply reinforces the language already in the law.

Mr. BINGHAM. That is correct as far as the addition of further assistance is concerned.

Mr. ADAIR. Therefore I do not find it particularly objectionable.

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

Mr. Chairman, as I understand it, this is the last amendment to the bill. There will be a straight motion to recommit the bill. Slice this with a sharp or dull knife, it is foreign aid in all its glory, a foreign giveway program in addition to the multibillion-dollar program already authorized. Congress has already made available $1.8 billion for foreign aid this year. With the enactment of this measure—and I suppose it will be because I labor under no delusions about foreign giveaway bills in the House of Representatives—if it is approved, it will add $550 million to the $1.8 billion already made available. This is unconscionable and tomorrow you will be confronted with another $500 million of foreign aid for Israel. So the total will be more than $1 billion which, I say again, will be added to the $1.8 billion already made available this year.

As far as I am concerned, I am opposed to Uncle Santa Claus making a second trip around in 1 year in the foreign giveaway business.

Mr. ADAIR. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. ADAIR. I think the gentleman may be somewhat misled in his earlier remarks by the fact that this is an amendment to the Foreign Assistance Act, and that causes him to regard it as foreign aid when, in fact, I think we all recognize that it is simply an effort to bring our men home more quickly from Vietnam and other places.

Mr. GROSS. I said originally that you can slice it with a sharp or a dull knife. The President has raided foreign aid funds previously appropriated for other purposes in other countries. Now Congress is being called on to replace that money. So we are operating here today in the role of rubber stamps because of the power delegated to the President, any President, in the Foreign Assistance Act of 1961, giving him untrammeled power to deobligate and reobligate and transfer funds. So again I say, slice it thick or thin, what you are doing here today is adding to the already excessive foreign giveaway funds made available for this year.

You can interpret it any way you want, but that is the way it is.

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

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I totally support the amendment that has been offered by the gentleman from New York (Mr. BINGHAM).

I think that it is quite clear that the United States has to let it be known to the world as well as to our own people that we are not going to become involved in sliding down the slippery slopes of further escalation of our commitment to Southeast Asia.

As a matter of fact, I think it is quite clear to everyone that the United States has got to get out of Southeast Asia as soon as possible, and in my opinion in a time period no longer than a year if we are going to be able to maintain the fabric of our own society, both economically as well as spiritually.

Mr. Chairman, I think the great advantage of the amendment which has been offered by the gentleman from New York is that it makes it very clear that although we may be giving ammunition and small arms to the Cambodians as a result of this legislation, that in no way does it give this ammunition and these small arms in connection with an open-ended commitment to become involved in Cambodia as we became involved in Vietnam.

Mr. Chairman, I personally would like to see added to this bill language to the effect that we would only be giving small arms and ammunition to the Cambodians.

I think the testimony that we had from the Secretary of State and the Secretary of Defense in our hearings in the House Foreign Affairs Committee made it quite clear that they are only anticipating giving small arms and ammunition. I think that kind of a prescription would be beneficial to this legislation. However, in the absence of that type of prescription, I think the next best thing is the amendment which has been offered by the gentleman from New York (Mr. BINGHAM) and I wholeheartedly support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 40, noes 57.

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 3, after line 11, add the following:

"SEC. 6. Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by adding at the end thereof the following new subsection:

"'(v) The President shall suspend (in whole or in part) economic and military assistance provided under this Act, with respect to any country when the President determines that the government of such country has failed to take appropriate steps to prevent narcotic drugs (as defined by section 102(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this subsection. In implementing the provisions of this subsection, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this subsection. Nothing contained in this or any other Act shall be construed to authorize the President to waive the provisions of this subsection.'."

Mr. RODINO. Mr. Chairman, the amendment which I have offered is directed to what I believe to be one of the most serious threats to the American society in our entire history—the problem of narcotics addiction. Clearly, this amendment is vitally needed and is long overdue.

As the Members of the House will recall, on June 4, 1970, when the foreign aid appropriations bill was considered by us, I offered an amendment to that measure which required the President to suspend, in whole or in part, any form of aid to any country which fails to take appropriate steps to cooperate with us in limiting the exportations to the United States of illegal narcotics drugs. Although at that time the amendment had received widespread support, it was subject to a point of order and was, as a result, withdrawn.

Subsequently, I, together with the distinguished chairman of the House Judiciary Committee, Representative EMANUEL CELLER, wrote to every Member of the House of Representatives seeking support for a bill which we proposed for international narcotics control. In addition to providing for sanctions on governments which fail to cooperate, this legislation also provided for positive, affirmative assistance to the governments of those countries which do cooperate. This proposal, which is embodied in H.R. 18397 and a series of identical bills, has been cosponsored by more than 140 Members of the House. It is with regret that I note that the Committee on Foreign Affairs has to date failed to hold any hearings on these proposals or to take any action on them. As a result, I feel obliged to offer the proposal in the form of an amendment to the bill which we are considering today.

More than 6 months ago when I first brought this matter up on the floor of the House, I pointed out the devastating effect that such hard narcotics drugs such as heroin, cocaine, and morphine are having on our youth. At that time the narcotics epidemic had already reached critical proportions. In the last 6 months the situation has grown even worse. According to the official estimates of the Department of Justice, there are now between 140,000 to 200,000 narcotics

addicts in our country. As alarming as are these official estimates, some other authorities estimate that the true number of addicts as many times greater.

Only 2 weeks ago the chairman of a Senate Subcommittee on Alcoholism and Narcotics pointed out on the floor of the Senate that some authorities have estimated the number of addicts to be closer to 600,000. He also pointed out that although there is no reliable estimate of the total number of people who have tried heroin at least once, it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. In addition, a recently completed study of narcotics deaths in New York City reveals that from January 1, 1970, to September 9, 1970, 740 persons died from narcotics-related causes of which a substantial number were teenagers.

Also, in the past few weeks, various congressional committees considering the problem of drug abuse in the armed services have received startling testimony from Defense Department witnesses indicating appalling increases in the use of hard narcotics by servicemen. For example, in Southeast Asia in the period from January through October of this year, there were at least 26 proven deaths due to heroin—with the number of undetermined deaths due to heroin obviously much greater. It is also now unquestioned that heroin is readily available to our servicemen in Vietnam in large quantities, which is 90 percent pure and can be bought at a price many times lower than the illegal price in the United States. At the same time, Defense Department witnesses now indicate that marihuana is used by more than 50 percent of our servicemen in Southeast Asia. This fact in itself is appalling, but when coupled with the growing practice on the part of drug pushers in Vietnam to include opium in marihuana cigarettes should give us cause for the gravest possible concern.

Mr. Chairman, one of the most effective ways to reduce the narcotics epidemic both in the United States and among our servicemen in Southeast Asia is to eliminate the supply of hard narcotics drugs at their source. Important as it is for us to provide effective programs for the treatment and prevention of narcotics addiction here in the United States, there is little doubt among students of this problem that the epidemic will not be substantially abated until the flow of these hideous drugs into our country is cut off. The amendment which I am offering today is directed to attaining that objective.

As I pointed out here in June, our Government has for many years been attempting to persuade foreign governments to curb the illegal growing of opium poppies and the illegal production of heroin, morphine and cocaine. These efforts have been conducted largely through our State Department and through international organizations. Yet, severe as the problem has been, little progress has been made. This year, Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, pointed out to the United Nations Commission on Narcotics Drugs that the information published by the International Narcotics Control Board suggests:

> We seem to be making no progress at all. We are not even standing still! We are dropping further and further behind.

In considering my amendment, it is important to note that almost all of the illegal narcotics used in the United States come from abroad, and that 80 percent originates from opium which is grown in Turkey and processed in France. This problem was discussed at length in an excellent article in the December 7, 1970, issue of U.S. News & World Report, which I shall insert for the RECORD following my remarks. As pointed out in that article, 200 kilos of raw opium that cost $4,000 where it is grown has a street-market value in the United States of more than $2 million when converted into heroin. So plentiful is the supply and so lucrative the illegal profits that to date our Government has failed to stop heroin from pouring into our country.

Recently, the governments of both Turkey and France have agreed to cooperate more extensively with us in wiping out the scourge of heroin. Also, our government is sponsoring and strongly supporting a proposal in the United Nations calling for a concerted action against drug abuse and the establishment of a United Nations funds for drug control. This proposal has the support of the Turkish Government as well as the governments of a number of other NATO countries. In addition, the North Atlantic Assembly has adopted a proposal establishing a working party of legislators from NATO countries to evaluate the narcotics problem and to recommend effective controls within the NATO area. This proposal was originally sponsored by me in the Assembly's Committee on Science and Technology, of which I am Vice Chairman.

I am, of course, gratified by these developments both in the United Nations and in NATO. However, I recognize that mere agreements among nations will not solve this problem unless every government involved exerts an all-out effort to cooperate. The amendment which I am offering today will, I believe, help to contribute to those efforts.

Early last month, in a statement to the North Atlantic Assembly, I discussed this proposal and pointed out to the legislators of the NATO countries that the proposal had strong support here in the House of Representatives from each of the two major political parties. I acknowledged candidly to that group that I was aware of the fact that the proposal had created some amount of controversy in international circles. Unfortunately, it has received more publicity abroad because of the sanctions that it provides than because of the affirmative offer of assistance that it contains.

I would like to reiterate again today that my proposal is not a vindicative one. It would penalize no country for failing to solve the problem, but, instead, calls on all countries which receive foreign aid from the United States to exert a good faith effort to stamp out the illegal production, distribution, and sale of narcotic drugs. Any suspension of foreign aid would have to be based on a determination by our President that the foreign government was not cooperating. Such suspension could be only partial if the President determines that to be desirable. At the same time, as I pointed out, the President would be authorized to increase the assistance to any country whose government is making a good faith effort to cooperate with us.

Mr. Chairman, my amendment is a fair one. It is a reasonable one. I believe that it expresses a philosophy toward foreign aid that an overwhelming majority of Americans will wholeheartedly support. I therefore urge the adoption of these very needed provisions.

The material referred to follows:

[From the U.S. News & World Report, Dec. 7, 1970]

BOOMING TRAFFIC IN DRUGS—THE GOVERNMENT'S DILEMMA

What began as the year of the "big drug crackdown" in this country is winding up as a major disappointment.

The seizure of illict drugs is up—but not nearly enough to satisfy Americans, growing numbers of whom are demanding to know why the U.S. Government can't stop the drug traffic.

The Administration in 1970 launched a massive effort to choke off this illegal trade. Some 300 new law-enforcement officials were employed as part of the drive. Long waits for baggage searches at airports became common, as inspections were made more stringent for travelers from abroad.

Surveillance now is at an all-time high at the nation's 350 ports, which count about 225 million persons—and mountains of cargo—entering the U.S. each year.

Seizures rise. At first glance, results seem good. Customs agents, for example, made 3,000 seizures involving 37,000 pounds of illicit drugs in the third quarter of 1970—more than double the amount taken in the same period a year earlier.

That's only part of the story, however. Fully 97 per cent of the haul was marijuanna and hashish. Less than 25 pounds was heroin, opium and other hard narcotics. It is the hard narcotics which are at the core of the country's crime problem.

Even the marijuanna haul—18 tons was seized in all—is a tiny fraction of the hundreds of tons smuggled into the country or grown here annually.

The use of marijuanna, many authorities agree, is more widespread and increasing faster than it was before the crackdown started.

Estimates on the proportion of persons under age 25 using marijuanna—or at least experimenting with it—range from 10 to 50 per cent. With such a market, it is hardly surprising to authorities that "pot" has become big business from coast to coast.

Failure in heroin. But it is the lack of solid results in the drive against heroin that has proved the most disappointing. Customs agents reported only 9.5 pounds of heroin taken during the three-month period. By most authoritative accounts, several thousand pounds of heroin is smuggled into the country each year.

To clamp down on heroin—the addictive drug which often makes users turn to crime to support their "habits"—the U.S. is trying to work more closely with officials of France and Turkey.

Reason: About four fifths of all the heroin entering the U.S. illegally is grown in Turkey and transshipped through France. Thus far, despite mutual efforts among the three countries to curb the heroin traffic, little progress has been shown.

Turkey, under U.S. pressure, reduced from 21 to seven the number of provinces permit-

ted to grow poppies, from which heroin is made. By the spring of 1971, that number is scheduled to be cut to four.

Turkish farmers, who produce much of the world's "legal" poppy crop for conversion to medicinal heroin under strict quotas, say that excluding more provinces will not dry up the black market. Turkey, they point out, is a vast and rugged land, where finding an illicit poppy patch is like locating a needle in a haystack.

Although Turkish authorities have promised to stamp out the black market, there are still those who find the potential profit from illegal sales to be worth the risk.

Laboratories in France. Once the heroin—in the form of morphine base—reaches France, the problem becomes one of finding and shutting down the illicit laboratories which refine the drug to its powdery state.

In recent months, France, alarmed at its own growing number of addicts, has hired more agents and mounted new efforts to locate and close the labs. Here, too, the immediate prospects do not seem to be encouraging.

One American agent reports:

"The labs over there are like stills back in the days of prohibition. You don't find them advertising their wares. There are no neon lights. They set up in these remote villas in the countryside, and when you knock one over there is no assurance that another won't crop up in its place."

A good barometer of international concern is a recent United Nations resolution on narcotics.

The U.N. wants to set up a fund to curb drug abuse and to shape long-range action—including enforcement—by its entire membership.

There are other signs of impending action. In Brussels, officials of the Common Market are planning a joint effort to stem the importation of heroin. One proposal: a common penal policy against drug traffickers.

But none of these international schemes is expected to make significant inroads into the tide of drugs which finds its way to the U.S.

That problem, enforcement officers agree, is the toughest one for U.S. agents to crack.

One current difficulty is that agents themselves don't really know how to gauge success or failure.

The unknown factor. Deputy Customs Commissioner Edwin F. Rains emphasizes: "We're always in a position of knowing what we get; but we don't know what we don't get."

Agents agree there is no known way to establish a ratio between the number of smugglers who are apprehended and the number who are able to get past customs.

One thing is certain: Most of the drug couriers caught at ports of entry seldom know anything about the criminals they serve. The courier is generally an "amateur," engaged for a fee on a one-time basis.

Smuggling rings regard these couriers as expendable. The revenue lost when a courier is apprehended is small, when balanced against the many successes in breaching surveillance.

The backlog of heroin at any given time in the U.S. is estimated by some authorities to be more than 7,000 pounds. When diluted, that is enough to supply about 150 million individual shots of heroin.

Agents say that even if they succeed in sharply curtailing the incoming supply in months ahead, it will be a long time before significant results begin to show.

GETTING HEROIN INTO UNITED STATES—HOW THE SMUGGLERS OPERATE

Why is it so difficult—seemingly impossible—to dam the rising flood of narcotics into this country? Where do they come from? By what routes? Who are the big profit-makers in this illicit trade?

Answers to those questions are among many given in a 240-page book, "What Everyone Needs to Know About Drugs," published by "Books by U.S. News & World Report." Here are excepts from one of the book's 18 chapters—this one entitled "The Drug Peddlers."

How does an estimated 1.5 tons of heroin make its way into the United States annually, involving a trade that amounts to more than 300 million dollars each year?

Heroin, like morphine, is chemically derived from opium, which oozes from the poppy, a flower of heady incense that blooms in profusion in the Middle Eastern and European countries of Turkey, Iran, India, Bulgaria, Greece, Russia and Yugoslavia; and in the Far East—in Thailand, Burma, Laos and in the Yunnan Province of mainland China.

How the brownish seepage from the 4-foot-tall poppy, flowering on a Middle Eastern mountain farm, becomes processed heroin which is passed clandestinely from seller to user 4,000 miles away on a New York street corner is fairly well known to the Justice Department's Bureau of Narcotics and Dangerous Drugs; to Interpol, the agency through which police of many countries co-operate, to the United Nations Commission on Narcotics; and to undercover agents of many nations. They know the route from farm to farm because at various times and in various places they have uncovered parts of these routes. Never, however, have they been able to follow heroin from its beginning to its end. Let us see why.

It begins, perhaps, in Afyon Province in Turkey, near the Turkish-Syrian border. More than a half million people live in Afyon, 80 per cent of them farmers. They raise wheat, barley, some vegetables—and opium. They raise it legally, under Government monopoly which supervises the crop and pays a standard price for it. Turkey ships its opium to various countries, including the United States, for medical use. From the pods of the poppy comes morphine—and the poppy seeds used on rolls all over the world. The poppy is a most useful flower.

It generally is agreed that many of the farmers in Afyon do not report their entire crop to the Government. They retain hidden bags of opium balls, available for sale to independent buyers.

The chain begins with a buyer, most likely a resident of Afyon, who knows the farmers and who has a reputation for paying more for opium than the Government monopoly. He has received, through a friend, an order for 200 kilos—440 pounds—of opium. For several weeks he roams the farmlands, picking up several pounds here, a cache there, paying about $20 a kilo or just under $10 a pound. For his effort he receives a $44 commission. . . .

An armed patrol, on hand to fight off border police should there be an encounter, gets $1 per man to escort the 200 kilos over the border, across a 3-mile no-man's land studded with antipersonnel mines. The man from Afyon knows the buyer and that is all. The buyer knows the escort, who will get a $25 fee, but that link in the chain ends there. The man in Afyon does not know anything at all about the escort.

The buyer is now in Syria, his escort is back in Turkey. In Azaz, he awaits the next link in the chain—a chemist. This man, using a huge cauldron under an open sky, boils the opium with water and lime and ammonium chloride, filters it and arrives at crude morphine, or, as it is called, morphine base. The brownish crystals are placed in waxed-paper bags. The weight now is one tenth of what it was, the 440 pounds of opium are now 44 pounds, or 20 kilos, easily hidden in an oil drum on the back of a truck bound for Damascus. The chemist, from nearby Aleppo, receives $5 per kilo of morphine base he extracts—$100—and goes home content.

The truck is parked on a prearranged street in Damascus by the Turkish buyer and is picked up by an Armenian from Beirut, who, with a corrupt border guard, drives to Beirut, Lebanon.

A week later, while drinking tea in a cafe, the buyer receives his $200 commission from someone he has never seen before. He has no idea where the morphine base is, nor does he know who actually placed the order with him. The border guard receives $100 for driving the truck with stolen plates from Damascus, through the border crossing to Beirut, then jumping out of the car to let the Armenian drive to a nontrafficked street in the heart of the Nahr district of Beirut, the Armenian ghetto.

The driver walks away from the truck not even turning his head. Had he done so, he would have seen two men carry the oil drum into a small shop. But that was not his concern. His interest was the $1,000 he would receive, via a deposit in his numbered bank account, a week later. The opium in bags are placed in suitcases within minutes of their removal from the oil drum, and the two men stroll to the waterfront.

A rowboat slips out into Beirut harbor heading toward a French freighter at rest. The blinking of a flashlight guides the boat. It comes to rest amidships. The grayness of the hull is broken as a hatch is opened about 15 feet above the water line. A rope is lowered, with two suitcases tied to one end. The line is tugged, then raised. The rowboat heads back to Beirut. Aboard the freighter an assistant cook takes the packets of morphine base from the cases and throws them into a potato sack among the other sacks of potatoes in a galley food locker. Two days later the freighter sails for Marseilles.

Upon docking, the assistant cook does not even look at the precious sack of potatoes. He walks down the ship's gangplank, submits to the necessary customs search and leaves the pier. He makes a phone call from a waterfront bar, saying only, "I'm home."

A seaman, who lives aboard the freighter, meanwhile carries the potato sack to his cabin, opens it and takes out the four paper-wrapped packages containing the morphine base. He puts one in his seaman's bag, walks down the gangplank, looks carefully around, then strolls to a pile of lumber next to a fence surrounding the pier area and deposits the sack. He repeats this trip four times, returns to his cabin and waits. Exactly at midnight he leaves the ship again and waits at the lumber pile. In less than a minute, a car pulls alongside the fence. The seaman turns the sacks over to a Corsican, who puts them in the trunk of the car. The car drives off.

The opium from Afyon has now safely arrived, as crude morphine, in Marseilles.

The Corsican heads through the center of Marseilles, skirting the heavily policed Opera district. He drives into a quiet residential district, into a narrow street made up of limestone-fronted houses. He parks the car, a rented Citroen, locks the doors and calmly walks away. An hour later, he passes the car keys to another man while they are sharing wine and cheese in a small restaurant.

The following morning, on an estate about 20 miles east of Marseilles, an elegantly dressed gentleman slides into the front seat of his Porsche sports car as his servant places his two expensive suitcases on the rear seat. He tells his servant to inform his wife when she awakes that he is off to Lyons for four or five days. He drives toward the northbound expressway, frequently checking his rearview mirror. There are no followers. After a short distance, he turns onto a dirt road leading to another estate, smaller and less elegant than his, but still impressive.

In the basement of this second villa, which he also owns, is a modern, completely equipped laboratory, where he applies his talent as a chemist to converting morphine

base into 90 per cent pure powdered heroin.

The 20 kilos of morphine in the suitcases are emptied into enamel basins and mixed with acetone, which serves to remove impurities still present—despite the initial boiling in the Syrian hills—and to separate the morphine from opium's other alkaloids.

The relatively pure morphine is then filtered, and the chemist is ready to produce heroin. The morphine is boiled with a common laboratory-type acid called acetic anhydride, the vapors passing through glass tubing so that condensation can take place. After six hours of constant boiling, the excess acid is distilled off and the morphine is converted to heroin—impure because of the acetate and salts still in it, but heroin nevertheless.

The next step is to wash the impure heroin with water and bone black, which purifies and removes the color from the heroin. It is again filtered, dried and sifted, taking the form of white crystals.

The purification process is repeated and the chemist now has 90 per cent pure heroin—fine, fluffy white powder, in appearance not unlike baby's talc.

The chemist's fee is $700 a kilo. For converting 20 kilos, he receives $14,000. His money, too, is deposited in a numbered bank account.

The heroin is then packed into double plastic bags, sealed with Scotch tape and placed in a metal canister. The next morning it is removed by other anonymous hands. Several days later, an exchange student en route to the United States is offered a $200 commission to deliver a new French sports car to a person who would meet him at the pier when his passenger ship docked in New York. All he must do is to turn over the keys and the registration.

When the liner docks in New York, the student waits to be checked through customs with the car registered in his name. He acts innocently and gives rise to no suspicion because he is unaware of his role. He knows nothing of the metal canister sitting beneath a welded piece of metal inside the well holding the sports car's retractable convertible top.

The inspection over, he drives the car off the pier and is signaled by the man he was to meet. The man takes the wheel, drops the student in front of a midtown hotel and speeds on until he reaches a private garage in the Bronx. There he and his associates pry the welded seam apart and remove the canister. Inside are 40 clear double plastic bags, each containing half a kilogram—or just over a pound—of chemically pure heroin.

The bags, in two suitcases, are delivered to a furnished room in Brooklyn, where a wholesaler is now ready to do business. One phone call closes the deal. The buyer wants the entire shipment of 20 kilos and will pay, on delivery, $13,000 per kilo.

The next day the wholesaler goes shopping at a supermarket. He carries his groceries home, empties the bags, puts a dozen paper-wrapped plastic envelopes into them and covers the envelopes with the groceries. Later in the day, the bags are delivered to a Manhattan apartment, and shortly afterward two men meet in Central Park. One gives the other a manila envelope. This procedure is repeated over a two-week period until all the heroin is delivered and paid for with $260,000 in used and new bills of various denominations. In a private booth of a foreign-currency exchange, the wholesaler counts off his commission of $60,000 and deposits the remaining $200,000 into a numbered account—one that will be drawn upon later by a Corsican in Marseilles.

The heroin is taken by car to a quiet split-level house on Long Island, occupied by an elderly man and his wife. The man is thought by the neighbors to be a retired butcher. He is also an expert at adulterating heroin. He removes some pure heroin from each plastic bag and replaces it with milk sugar. The heroin thus becomes about 75 per cent pure, and the 20 kilos become 25 kilos.

The next stop is another mixing laboratory, where 1 kilo of mannite—a fluffy white children's laxative—is added for every 3 kilos. There are now 33 kilos of heroin, about 55 per cent pure.

The buyer who purchased 20 kilos of relatively pure heroin for $13,000 a kilo now has 33 kilos ready to sell to Harlem distributors at $20,000 a kilo.

One such dealer, a Harlem tough, handles a kilo a week. His "laboratory" is a length of oilcloth spread over a bed in a back room of a 125th Street walk-up. He empties his kilo on the cloth. To the 2.2 pounds of 55 per cent heroin, he adds 2 pounds of quinine and 16 pounds of mannite. Through a common kitchen sifter the powders are combined and recombined until there is a 20-pound white mound piled in the middle of the oilcloth. Then measured spoonfuls go into glassine envelopes, and by the time the mound disappears, there are 2,500 bags of "smak."

The Harlem distributor's cost for the heroin, the mannite, the quinine and the help he needs in packaging comes to $21,000 a week. For each of his 2,500 bags of "horse" he gets $25. Deducting commissions to street peddlers and expenses from his total of $62,500, he earns a clear profit of $30,000 a week.

The peddlers, in turn, sell packets at $25 or break them down still further into $5 envelopes.

The 200 kilos of raw opium that cost $4,000 in Afyon several months earlier now has a street-market value, as adulterated heroin "fixes," of more than 2 million dollars. All along the route from Turkey to the United States, money has changed hands and bought complicity and therefore silence. Each link in the chain knows only his particular attachment at either end. That is how the big dealers in drugs—first the Mafia and now the upcoming Spanish-speaking "Mafia"—want it and plan it, and why the work of federal and international narcotics agents is not only dangerous but also tedious and frustrating.

At least 80 percent of the world's illegal heroin originates as Turkish opium. . . .

John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, says:

"Hopefully, the Government of Turkey will be in a position to eliminate opium-poppy production in 1972. This would have a profound effect on the smuggling of heroin into the United States as well as stabilizing national narcotics production in the Middle and Near East."

A good deal of heroin comes into the country from Canada, where border inspection is perfunctory, and from Mexico. However, the major importation from the south is of marijuana. . . .

MARIJUANA: EVEN MORE DIFFICULT TO STOP

The traffic in marijuana—which consists of the leaves and hashish which is the solid yellow resin of the cannabis plant—is wider than that of heroin, but the routes into the United States are diffuse and less organized and thus even less easily traced.

There appears to be a good deal more "amateur" importation, perhaps because less money is involved. Most captures of marijuana and hashish—large or small—occur either by accident, during concerted drives such as "Operation Intercept" and "Operation Co-operation," or during spasmodic crackdowns by federal and local law-enforcement officials. The news reports provide many examples:

Five men and two women arrested in Long Beach while floating 900 pounds of marijuana up from Mexico along the California coastline in a salvage barge; a woman skier, stopped at the Canadian border, her purse filled with marijuana; a party of scientists from Pasadena's Jet Propulsion Laboratory raided with hashish and marijuana confiscated; the son of a New York banker arrested trying to smuggle hashish into the country inside a scuba tank; the son of a former candidate for Governor of New York arranged for possession of hashish; 600 pounds of hashish found by Boston customs inspectors in false bottoms of crates of musical instruments from India.

Marijuana and hashish come into this country packed in automobile doors and underneath seat cushions. The drug turns up in plastic bags in fraternity houses and on the streets. More often than not it is brought back as a "favor" and distributed socially—often without charge. Soldiers in Vietnam can buy it openly, for pennies, on any street corner in Saigon, and efforts by U.S. military authorities to snuff out its use have resulted only in arrests that do not seem to deter usage.

It has been estimated by the House of Representatives' Select Committee on Crime that 250 million people around the world have used marijuana or hashish; that as many as 12 million Americans have tried marijuana; that 15 million people say that someone close to them uses it; that regular users in this country total 3 million; that as many as 31 per cent of teen-agers may be users. The Committee estimates that expenditure for cannabis use comes to 850 million dollars. Though the figure is debatable, it indicates the extent of the traffic and use of the drug.

Most of the marijuana smuggled into this country comes from Mexico—as much as 85 per cent, according to the Federal Bureau of Narcotics and Dangerous Drugs. Small amounts are also grown, wild or cultivated, across the United States, particularly in the American Southwest. . . .

Because smoking "pot" has acquired such a broad social character, its casual importation and even more casual distribution are not adaptable to formal "trade routes," as in the case of heroin. Those who favor the legalization of marijuana or progressive leniency in dealing with offenders fear that more repressive measures will produce a stratified system of growth, transportation, importation and distribution controlled by the underworld. They point to American experiences with prohibition and to the traffic in heroin. These advocates favor research and education over layers of laws.

TRAFFIC IN "UP AND DOWN" PILLS

On the other hand, the solution to the ever-increasing traffic in stimulant and depressive pills may lie in more-stringent laws governing their manufacture and distribution. According to a recent survey by the Bureau of Narcotics and Dangerous Drugs, U.S. drug companies legitimately manufacture 92 per cent of the "up and down" pills in illicit traffic—pills which can become addictive if used regularly and in large quantities, and which are more available than either marijuana or heroin.

Last year the House Select Committee on Crime, attempting to determine the routes by which amphetamines leave and re-enter this country, uncovered a pattern of ineffective federal regulation, corporate negligence, and complicity on the part of some of the smaller drug firms that profit from illegal trade.

An estimated 8 billion amphetamine pills are produced each year in this country—most of them pills to relieve weariness, to keep one awake or to assist in weight reduction. Federal officials estimate that no more than half of this production is routinely dispensed through doctors' prescriptions.

The remainder is diverted to criminal channels by dishonest employes of manufacturers and wholesalers, by pilfering, by hijacking of trucks. Then there is the doctor who may carelessly overprescribe and pharmacist who may tend to refill prescriptions repeatedly without represcription.

Government investigators say that many drug companies make little effort to verify the legitimacy of customers who order amphetamines . . .

It has been estimated that 60 per cent of the amphetamine pills exported to Mexico return to the United States via illegal channels. The traffic in such pills through the border town of Tijuana is so heavy that Mexican customs officials have dubbed their town "Pill City." A former drug distributor told the Committee that he made $60,000 a year by buying amphetamines in Mexico and shipping them back to the United States.

* * * * *

It is evident that the work of police and other enforcement officers and the present level of legislation have not begun to cope with the problem of illicit drug traffic. Notwithstanding repeated raids, arrests and confiscation of drugs, traffic in illicit drugs continues to be a steadily booming business, hardly deterred by recessionary trends in the rest of the economy.

Drugs continue to flow in a heavy stream into New York from all parts of the Old World and the New World. Some are shipped south to New Orleans and Houston and west to Chicago, Cleveland, Denver and Dallas. From Montreal they go to Detroit, Chicago and then westward. From Mexico City they move northward to San Antonio and then on to the West Coast, to San Francisco, Portland and Seattle. From Tijuana they speed north to Los Angeles and on to Las Vegas. The network constantly crisscrosses the country, becoming more and more sophisticated each time.

It is apparent that a serious effort to halt the traffic in illicit drugs involves a determined atatck on the problem at the very source and at the points of importation into the United States. This involves a far greater investment of both money and diplomacy than the United States has produced so far to persuade foreign governments to halt illicit production of drug materials and to secure effective enforcement of the law at points of entry into this country.

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

Mr. RODINO. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I am sympathetic to the purpose of the gentleman's amendment. But what bothers me is this. How can we really demand that Turkey and other countries prevent the smuggling of drugs out of their countries when we cannot prevent the smuggling of drugs into the Port of New York or through the various airports? Can we really expect them to do a better job than apparently we are able to do?

Mr. RODINO. Let me put it this way. The Director of the Bureau of Narcotics and Dangerous Drugs, Mr. Ingersoll, has stated that we are just getting nowhere despite the fact that we have entered into negotiations with different countries.

Agreements are fine. But there are countries that are the great sources of supply of these narcotic drugs and from which they originate. I feel that we have to get at that source of supply. It would also make our job of getting at the smuggler easier if we could cut off 80 percent of these hard-core drugs from coming into this country by drying up the source. I am sure then that we can better utilize all of our law enforcement agencies to track down other areas. Unless we get at one of the major sources of supply we are not going to effectively get at this problem. I believe this provision will tell the world exactly how strongly we feel about this terrible problem.

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

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

Mr. HALEY. Mr. Chairman, I object.

Mr. BIAGGI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this amendment and to take this opportunity to commend the gentleman from New Jersey (Mr. RODINO) for the introduction of this amendment which would cut off economic and military aid to countries that do not cooperate with the United States in curbing the flow of illegal drug traffic.

Early in the session there was some rhetoric in connection with this very amendment.

In June of this year, I introduced legislation along the lines of this amendment. In July I joined with Mr. RODINO in sponsoring a similar bill. I think it most appropriate that we bring this matter up at this time to put this body firmly on record as being strongly against the very serious threat to our Nation posed by illegal narcotics.

The thrust of this amendment in meeting the problem toward which it is directed has already been productive. The State Department is negotiating with partial results. We are talking specifically about certain primary areas like the countries of Turkey and France, among many. In France they have had processing plants for some 40 years and with only 10 or 12 narcotics detectives working on the problem. That force now has been increased to some 70 men. And that number may well be doubled.

There has been some response in respect to this problem which in my judgment, could not have existed or have continued to exist without some corruption or collusion. It simply could not possibly continue to exist without the protection from corrupt officials.

In Turkey where 80 percent of all the poppy in the world is produced we have heard the argument offered by some who say that the farmers need to produce that for living purposes. I suggest that most of the poppy produced is for bootlegging purposes. Legal quantities can and must be properly controlled. The Government of Turkey must make up its mind as to what it wants. Does it want our economic and military assistance or does it want to continue to feather their own nest with this type of corruption which undoubtedly runs into the millions of dollars?

The fact is no heroin is produced in this Nation. It must be imported. And despite the fact that heroin abuse is rapidly increasing, our laws continue to be lax toward those nations that condone the growth of the raw materials for this narcotic far in excess of the legitimate medical needs of the world.

When this Nation was faced with a threat by foreign diseases, it quickly acted to prevent their introduction into the United States through requiring proper innoculations and other precautions.

Similarly, in order to protect our agricultural sector, we have adopted numerous restrictions and intricate procedures to prevent harmful insects and diseases from reaching our lands.

Yet when the very heart of the Nation—its youth—is seriously threatened by the all-consuming disease of narcotics addition, we are unwilling to take the steps necessary to prevent this disease from spreading. It may sound drastic to cut off aid to a friendly foreign country, but the statistics on heroin abuse are far more drastic.

Heroin addiction in the United States cost nonusers about $2 billion in stolen property last year. In just one city—New York—800 addicts died last year as a result of heroin overdoses. Of these, 200 were in their teens or younger. Drug addiction today is also the leading cause of death among New York City residents between the ages of 15 and 35. This amendment would act to cut off that flow of the killer drug heroin and other illegal substances at the source.

Here in America we have addressed ourselves to this problem. We have talked about educating parents. We have talked about enforcing the law. We have made the laws more stringent. We have talked about research—to some degree—to a minimal degree I am sorry to say—for in research I believe we will find an answer to fight this cancer. And yet here we have the possibility of dealing the most effective blow to this plague that sweeps America if we pass this amendment. Drug abuse is an epidemic particularly among our young and for this body to ignore that fact is a crime in itself. I urge very strongly that this amendment be passed and I suggest that if the amendment is effectively implemented by all of the governments involved so that the ability to even produce these narcotics and drugs at the source will be such a problem, smuggling will become virtually nonexistent.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

The question was asked, "Why should we require of Turkey more than we require of those in our country?"

It is true that heroin exists in this country, and we know that our police department is not able to apprehend the smugglers. The heroin problem is a severe one in the city of New York in particular. Why should we then hold the country of Turkey more responsible than our police enforcement officials?

Let me tell you why. In Turkey the law permits the growth of opium, from which heroin is derived. It is not a question of its being grown against the will of the Turkish authorities. It is done with the permission of the Turkish authorities. There is no question that heroin is sold in this country, and that we have corrupt police officers who have been found to sell it. But no government authority in the United States sanctions the growth of opium or the sale of heroin. That is the difference.

Look for a minute at what Turkey has done and what she has not done in recent years. It is my understanding that last year there were nine provinces in which opium was legally grown. In response to the diplomatic and economic pressures that we brought the Turks agreed to reduce the number of provinces in which opium can legally be grown to either five or seven.

You would think, "Well, that is a big step forward." What is important to note is that they discontinued the growing of opium poppies in those provinces in which the smallest amount of opium had been produced and allowed the continued growth of opium in the most productive provinces. So the fact is that the amount of opium produced has not been reduced appreciably. It is even estimated that Turkey, under present opium growing policies, will continue to meet the illegal demand for this substance.

What does that mean to the children in this country?

Not very long ago I took a trip with a number of other Congressmen from New York through the city of New York to talk with heroin addicts. The addicts we met ranged in age from 10 to 17. There were about 50 of them. More than half were white, the other were Puerto Rican and black. They did not all come from New York. Some were from Virginia, some were from Washington, D.C., and the rest from other areas of the country.

It is ghastly to listen to those young people. In some cases they have been on heroin for 5, 6, and more years. They told us how it has ruined their lives. I will not go into the details here because we are going to bring some of those kids to Washington so you can talk to them in early January or February.

But what I believe we should be doing today is saying to a country like Turkey, "So long as you legally permit the cultivation of heroin poppies, so long as you do that you will not receive economic or military assistance from the United States." Turkey's Government protests that if they immediately eliminate the growth of all opium their Government will fall. I say I do not care whether their Government falls if it means keeping in existence the substance of addiction of young Americans whose lives are being ruined.

The gentleman from New Jersey gave you the facts with respect to the deaths of young people in this country. It is not merely New York City; it is the whole country. If you vote a single dollar for Turkey, so long as Turkey grows poppies, in effect you are supporting and encouraging the heroin trade and the deaths of young people in this country. I support the amendment.

Mr. FINDLEY. Mr. Chairman, may I have the attention of the author of the amendment? I have great sympathy for what he seeks to achieve by the amendment. My purpose in taking this time at this late hour is to make a little legislative history.

I am sure the gentleman does not mean to impose upon the Government of Cambodia, which is fighting for its very life at this very moment, an unreasonable condition. The gentleman does not mean the Government of Cambodia would necessarily have to carry on a thorough border-to-border program of control of narcotics before it could have the advantage of military assistance we are now providing.

I am sure the gentleman does not really mean that, and I thought perhaps he would like to clarify that point.

Mr. RODINO. I assume that gentleman heard my amendment.

Mr. FINDLEY. I could not hear it frankly.

Mr. RODINO. The amendment leaves within the discretion of the President the absolute authority to make the determination as to whether or not the countries are making the effort required of them—and nothing more. We leave it to his judgment.

Mr. McCLORY. Mr. Chairman, will be gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois (Mr. McCLORY).

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

Mr. Chairman, I support the amendment offered by the gentleman from New Jersey (Mr. RODINO). Actions are being taken by our Government, by the Justice Department and by the State Department, and other agencies of the executive branch. By the adoption of this amendment we can strengthen the position of the administration and of the executive. We can do that through adoption of this amendment here today. I support the gentleman's amendment. The amendment can assist in arresting the traffic in hard narcotics by stopping that traffic at its source.

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

Mr. Chairman, let it first be remarked that this is not directed against Turkey alone. This is directed against any country. Iran used to grow poppies until we prevailed upon that country to stop—and it has. There are other countries. Turkey is an ally of ours, and we do not direct this against Turkey.

It is not open and shut. There is no easy answer to this thing. I think, however, that if we pass this amendment, this will show the world we are serious, and even though the administration wants to retain the friendship of all countries with whom we may be allies in various phases of foreign affairs, nevertheless the passing of this amendment will give notice to all those countries that are raising poppies that the Congress of the United States is serious about this fact, that it wants those countries to discontinue, and if they do not discontinue, then we will not give aid. What is going to happen thereafter I do not know. I know the administration is not of one mind on this thing, because of the fact that Turkey is one of our allies, and a very important one at that. I want to make it understood that this is not directed against Turkey alone. This is directed against any country that raises poppies.

It is the Congress that is taking the blame for this. We tell these people how we feel about it, irrespective of how the administration feels. If anything, we may be taking the administration off the hook by passing this amendment.

Mr. Chairman, I think it is a very salutary amendment, and we ought to pass it.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in support of the amendment. I believe this amendment would be a real step forward in the control of the drug trade.

I would like to ask the sponsor of the amendment a question. The amendment offered by the gentleman says that the country is required to make an effort to control the drug trade and really to stop it, but the amendment does not require control. It is just that steps toward controlling and cutting down the drug trade must be taken, because in many of these countries the governments actually support the drug trade and make money from it. Would the gentleman please make that clear as a part of the legislative history?

Mr. RODINO. I would like to say even more directly again that the President makes the determination as to whether the country is making this effort. It does not necessarily imply that there has to be an effective cutoff, but so long as the President has decided that they are honestly making these efforts to cooperate, then he will not under this provision be giving authority for this.

Mr. FULTON of Pennsylvania. Then that would vary by each country as to what the country can do, so if Cambodia can do very little, if it does make a valid effort, then the President can recognize that effort.

Mr. RODINO. I would like to point out also that the gentleman from New York was absolutely correct, because there are many areas of the world where opium poppies are grown and processed, and then we get the product here. This is the reason why I mention no country.

Mr. FULTON of Pennsylvania. I strongly support the amendment, and I congratulate the gentleman on his imaginative and effective work.

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

Mr. FULTON of Pennsylvania. I yield to the gentleman from New York.

Mr. LOWENSTEIN. If I may, I should like to ask a question of the proposer of the amendment.

I am sure that while it is true this amendment would also have the purpose of encouraging the President to do something in the direction suggested, it would also permit him to do so. Is it not true that we all hope he would move in this direction?

Mr. RODINO. I am sure that one purpose and intent of the amendment is that he move in this direction, in order that we do something about this problem which is growing to epidemic proportions.

Mr. LOWENSTEIN. I, too, would like to join my colleague in encouraging Members to support this amendment.

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

Mr. Chairman, this is a very difficult amendment to oppose. I do not believe there is a Member of this body who does not agree that something must be done to stop the international illegal narcotics and dangerous drugs from coming to the United States.

However, Mr. Chairman, there are very delicate negotiations taking place now between the United States and other countries on this matter. More and more countries are cooperating with the United States on this problem. We cannot gain cooperation by singling out individual nations. This will only harm some of these negotiations now going on.

I had hoped that during this debate we could debate the issue without naming any particular country, because I do not believe any particular country is par-

ticularly involved here. The real culprit in this whole problem of the international drug traffic is not the poor farmer, who gets only about $325 for a kilogram of the opium derived from growing the poppy. But this opium is taken to another country in Europe, where it is processed into raw heroin and hard drugs. There the real money begins. That $325 per kilogram of the original opium poppy really branches out, so that when it arrives in New York and is distributed on the city streets of New York, it brings in a total of $225,000.

So it is not the poor farmer who grows the opium poppy who makes the money out of this. I want to tell the Members of the House that we are not going to stop this by killing off the little fellow who gets $325 per kilogram for his opium poppy. We are going to have to stop the individuals who manufacture the raw heroin mentioned by the gentleman from New York, because we can be sure, that little operator in Europe is going to comb the world to find a supply of opium.

This amendment may be a good amendment, and I should like to go along with it, but by passing this amendment we are not going to cure the problem. We are not going to cure the problem this way, but I hope we are not going to cut off all military assistance to one of our friendly countries which guards the southern flank of NATO. I do not believe this is the way to control international narcotics.

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

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

Mr. GROSS. Does the gentleman think the taxpayers of the United States should embark upon a program of subsidizing Turkish farmers or any other foreign farmers to the tune of $20 million or more a year not to grow opium poppies?

Mr. MORGAN. I believe it would help control the international narcotics problem, and the gentleman from Pennsylvania would be in favor of that.

Mr. GROSS. If we start subsidizing foreign farmers not to produce poppies, where in the world will this end? Where will we get the money?

Mr. MORGAN. I say to the gentleman, we do subsidize not planting crops right in the State of Iowa.

Mr. GROSS. What is that?

Mr. MORGAN. We subsidize farmers in Iowa not to grow certain plants.

Mr. GROSS. But they get no subsidy for not growing plants from which narcotics are produced.

Mr. MINISH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. RODINO) to require the President to suspend economic and military aid to any country failing to take steps to prevent narcotic drugs from entering the United States. The amendment is similar to legislation which I and 142 of my colleagues cosponsored earlier this year.

The core of our Nation's present high crime rate is drug abuse and its accompanying sordidness. According to conservative estimates by the Justice Department, there are approximately 170,000 narcotic addicts in the United States. In many urban areas, users of hard drugs commit over 50 percent of serious crimes. Moreover, drug abuse is no longer limited to any particular socioeconomic strata. Traffic in narcotics has reached out to victimize persons in all walks of life.

The pending amendment is designed to cut off the flood of illicit narcotics at their source. Nations in which hard drugs are grown, processed, or otherwise developed would be deprived of foreign assistance unless and until they take appropriate steps to prevent such drugs from entering the United States unlawfully.

Admittedly, severe depletion of the narcotic supply is only one ingredient in the drive to eradicate drug abuse. To be truly effective, it must be accompanied by comprehensive programs to treat and rehabilitate addicts and to punish pushers. The Congress and the President must commit themselves to an all-out assault on the Nation's drug problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TUNNEY

Mr. TUNNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TUNNEY: Page 3, after line 11, add the following:

"SEC. 6. Nothing in this Act shall be interpreted as authorizing any military assistance to Cambodia other than small arms, ammunition, and communications equipment."

Mr. TUNNEY. Mr. Chairman, I am not going to take very long, because I think my amendment is self-evident. It makes it very clear that the aid we are giving to Cambodia is small arms, ammunition, and communications equipment.

The administration witnesses, including the Secretary of Defense and the Secretary of State, said very clearly that this was the kind of aid that was anticipated would be given. I think by this prescription we make it very clear there cannot be an escalation of aid to Cambodia.

It so happens that I favor giving small arms, ammunition, and communications equipment to Cambodia. I think the country is now being overrun by the North Vietnamese as a result of the reckless attack which our country launched in conjunction with the South Vietnamese Government on the Communist North Vietnamese sanctuaries a number of months ago. As a direct result of those attacks, the Communists have now taken over control of 50 percent of the country. However, I think our aid ought to be sharply limited.

Mr. BINGHAM. Will the gentleman yield?

Mr. TUNNEY. Yes. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I would like to commend him on his amendment. It seems to me it is another case of taking the administration at its word. It is what they say they want. Let us pass the amendment and see it is what they get.

I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. KAZEN. I believe the evidence and the testimony before our committee was to the effect that they needed small arms, trucks for transport, small propeller-driven airplanes, and mortars. Does your amendment cut those things out?

Mr. TUNNEY. My amendment would obviously cut out trucks and planes.

Mr. KAZEN. What about the mortars?

Mr. TUNNEY. My amendment would include mortars. I consider them to be small arms and ammunition.

Mr. KAZEN. I wish I could go along with the gentleman's amendment.

Mr. TUNNEY. Those two other things you mentioned would not be included in the amendment.

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

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. ADAIR. Would the amendment of the gentleman also exclude river transports?

Mr. TUNNEY. Yes.

Mr. ADAIR. Boats?

Mr. TUNNEY. Yes.

Mr. ADAIR. How about such matters as land mines? Would that be included or excluded?

Mr. TUNNEY. That would be excluded.

Mr. ADAIR. I must say I would have to oppose the amendment offered by the gentleman from California as being too restrictive. The testimony before the committee was that while there was a need for small arms, there was also a need, as the gentleman from Texas pointed out, for transport and items relating thereto. I think, therefore, that the amendment offered by the gentleman from California would be so restrictive as to hamper unduly our efforts.

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

Mr. TUNNEY. Yes. I yield to the chairman of the committee.

Mr. MORGAN. The way I read the gentleman's amendment he is saying that there only small arms and ammunition, hand guns and rifles and ammunition can be used in Cambodia. Is that correct?

Mr. TUNNEY. I would also include mortars but not artillery pieces.

Mr. MORGAN. Again I want to say I agree with the gentleman from Indiana that the amendment is too restrictive.

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

I am in sympathy with what the gentleman from California is trying to do to limit the activities in Cambodia. However, I think an army not only has to shoot and communicate, but it has to move. I think what we are doing is withdrawing the ability of that army to move and properly to shoot by withholding artillery and communications.

The committee had available to it the kind of equipment that was necessary and that was going into Cambodia and it is still within the doctrine that the administration has laid down.

Mr. Chairman, I think if this kind of equipment should be excluded it would greatly hamper the ability of the Cam-

bodians to carry out their mission, and that includes transportation equipment, rivercraft, communications equipment and commercial imports of other types. I think the program provides for the supplying of material such as is required in the repair of bridges, roads, and other lines of communications.

Mr. Chairman, I think this amendment is too restrictive and would hamper the ability of our allies to carry out their mission in Cambodia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TUNNEY).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, pursuant to House Resolution 1297, he reported the bill back to the House with an amendment adopted by the Commitee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. GROSS

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GROSS. Without reservation, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 19911 to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

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

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

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

The question was taken; and there were—yeas 249, nays 102, not voting 82, as follows:

[Roll No. 394]

YEAS—249

Adair	Findley	Nix
Adams	Fish	O'Neal, Ga.
Albert	Fisher	O'Neill, Mass.
Alexander	Flood	Patman
Anderson, Ill.	Flowers	Patten
Andrews, Ala.	Foley	Pelly
Andrews, N. Dak.	Ford, Gerald R.	Perkins
Arends	Forsythe	Pettis
Beall, Md.	Fountain	Philbin
Belcher	Frelinghuysen	Pickle
Bell, Calif.	Frey	Pike
Bennett	Friedel	Pirnie
Berry	Fulton, Pa.	Poage
Betts	Fulton, Tenn.	Poff
Bevill	Fuqua	Price, Ill.
Biaggi	Galifianakis	Price, Tex.
Biester	Gallagher	Pucinski
Blackburn	Garmatz	Quie
Boggs	Gaydos	Quillen
Boland	Giaimo	Railsback
Bow	Gibbons	Reid, Ill.
Brasco	Goldwater	Reid, N.Y.
Bray	Gonzalez	Rhodes
Brinkley	Goodling	Roberts
Brock	Griffin	Robison
Brooks	Gude	Rodino
Broomfield	Halpern	Rooney, N.Y.
Brotzman	Hamilton	Rooney, Pa.
Brown, Mich.	Hammer-schmidt	Rostenkowski
Broyhill, N.C.	Hanley	Roth
Broyhill, Va.	Harsha	Ruppe
Buchanan	Harvey	Ruth
Burke, Fla.	Hastings	St Germain
Burke, Mass.	Hays	Sandman
Burleson, Tex.	Henderson	Satterfield
Bush	Hicks	Schadeberg
Byrne, Pa.	Hogan	Schneebeli
Byrnes, Wis.	Horton	Schwengel
Cabell	Hosmer	Sebelius
Caffery	Howard	Shriver
Camp	Hutchinson	Skubitz
Carey	Jarman	Slack
Carney	Johnson, Calif.	Smith, Calif.
Carter	Johnson, Pa.	Smith, Iowa
Casey	Jonas	Smith, N.Y.
Cederberg	Jones, Ala.	Springer
Celler	Jones, N.C.	Stafford
Chamberlain	Kazen	Stanton
Clancy	Keith	Steele
Clausen, Don H.	Kyros	Steiger, Wis.
Cleveland	Latta	Stratton
Collins, Ill.	Leggett	Stubblefield
Colmer	Lennon	Stuckey
Conable	Lukens	Taft
Conte	McCarthy	Talcott
Corbett	McClory	Taylor
Crane	McDade	Teague, Calif.
Daniel, Va.	McDonald, Mich.	Teague, Tex.
Daniels, N.J.	McEwen	Thompson, Ga.
Davis, Wis.	McFall	Thomson, Wis.
de la Garza	Madden	Tiernan
Delaney	Mahon	Udall
Dellenback	Mailliard	Vander Jagt
Denney	Mann	Vigorito
Dennis	Marsh	Ware
Derwinski	Mathias	Watson
Devine	Matsunaga	Watts
Dingell	Meeds	Weicker
Donohue	Melcher	Whalley
Dorn	Mills	White
Downing	Minish	Whitehurst
Duncan	Mizell	Widnall
Dwyer	Mollohan	Wilson, Bob
Edmondson	Monagan	Wilson, Charles H.
Edwards, Ala.	Montgomery	Winn
Eilberg	Moorhead	Wolff
Erlenborn	Morgan	Wright
Esch	Morse	Wydler
Eshleman	Murphy, Ill.	Wyman
Evans, Colo.	Murphy, N.Y.	Yatron
Farbstein	Natcher	Young
Fascell	Nelsen	Zablocki
Feighan	Nichols	Zion

NAYS—102

Addabbo	Burton, Calif.	Flynt
Anderson, Calif.	Chappell	Ford, William D.
Anderson, Tenn.	Chisholm	Fraser
Ashbrook	Clawson, Del	Green, Oreg.
Ashley	Cohelan	Green, Pa.
Baring	Conyers	Griffiths
Bingham	Corman	Gross
Blanton	Coughlin	Hagan
Brademas	Culver	Haley
Brown, Calif.	Dickinson	Hall
Brown, Ohio	Dulski	Harrington
Burlison, Mo.	Eckhardt	Hathaway
	Edwards, Calif.	Hechler, W. Va.
	Evins, Tenn.	Heckler, Mass.
	Helstoski	Hungate
	Ichord	Jacobs
	Jones, Tenn.	Karth
	Kastenmeier	Kleppe
	Koch	Kyl
	Landgrebe	Landrum
	Long, Md.	Lowenstein
	Lujan	McCloskey
	McClure	Martin
	Mikva	Miller, Ohio
	Mink	Scherle
	Mosher	Scheuer
	Myers	Schmitz
	Nedzi	Scott
	Obey	Shipley
	O'Hara	Snyder
	Olsen	Steed
	Ottinger	Steiger, Ariz.
	Podell	Stokes
	Pryor, Ark.	Sullivan
	Randall	Symington
	Rarick	Tunney
	Rees	Ullman
	Riegle	Van Deerlin
	Roe	Vanik
	Rogers, Fla.	Wampler
	Rosenthal	Whalen
	Rousselot	Wyatt
	Roybal	Wylie
	Ryan	Yates
	Saylor	Zwach

NOT VOTING—82

Abbitt	Grover	Minshall
Abernethy	Gubser	Mize
Annunzio	Hanna	Morton
Aspinall	Hansen, Idaho	Moss
Ayres	Hansen, Wash.	O'Konski
Barrett	Hawkins	Passman
Blatnik	Hébert	Pepper
Bolling	Holifield	Pollock
Burton, Utah	Hull	Powell
Button	Hunt	Preyer, N.C.
Clark	Kee	Purcell
Clay	King	Reifel
Collier	Kluczynski	Reuss
Collins, Tex.	Kuykendall	Rivers
Cowger	Langen	Rogers, Colo.
Cramer	Lloyd	Roudebush
Cunningham	Long, La.	Sikes
Daddario	McCulloch	Sisk
Davis, Ga.	McKneally	Staggers
Dent	McMillan	Stephens
Diggs	Macdonald, Mass.	Thompson, N.J.
Dowdy	MacGregor	Waggonner
Edwards, La.	May	Waldie
Fallon	Mayne	Whitten
Foreman	Meskill	Wiggins
Gettys	Michel	Williams
Gilbert	Miller, Calif.	Wold
Gray		

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Kuykendall.
Mr. Waggonner with Mr. Collier.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Mize.
Mr. Passman with Mr. Minshall.
Mr. Annunzio with Mr. Ayres.
Mr. Abernethy with Mr. Cunningham.
Mr. Barrett with Mr. Williams.
Mr. Kluczynski with Mr. Michel.
Mr. Dent with Mr. Grover.
Mr. Preyer of North Carolina with Mr. Burton of Utah.
Mr. Rivers with Mr. King.
Mr. Gettys with Mr. Lloyd.
Mr. Hanna with Mr. Cowger.
Mr. Hawkins with Mr. Gilbert.
Mr. Rogers of Colorado with Mr. Button.
Mr. Sikes with Mr. McCulloch.
Mr. Sisk with Mr. Gubser.
Mr. Staggers with Mr. Hansen of Idaho.
Mr. Moss with Mr. Clay.
Mr. Kee with Mr. McKneally.
Mr. Holifield with Mr. Wiggins.
Mr. Hull with Mr. Foreman.
Mr. Aspinall with Mr. Mayne.
Mr. Fallon with Mr. Diggs.
Mr. Reuss with Mr. Roudebush.
Mr. Stephens with Mr. Collins of Texas.
Mr. Gray with Mr. Meskill.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Blatnik with Mr. Morton.
Mr. Abbitt with Mr. Langen.
Mr. Thompson of New Jersey with Mr. Hunt.
Mr. Waldie with Mr. Reifel.
Mr. Whitten with Mrs. May.
Mr. Miller of California with Mr. Pollock.
Mr. Macdonald of Massachusetts with Mr. O'Konski.
Mr. Pepper with Mr. Wold.
Mr. Daddario with Mrs. Hansen of Washington.

Mr. McMillan with Mr. Dowdy.
Mr. Purcell with Mr. Clark.

Mr. COUGHLIN 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.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

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

There was no objection.

GENERAL LEAVE

Mr. CULVER. Mr. Speaker, I ask unanimous consent that all Members may have the opportunity to revise and extend their remarks and include extraneous material on the foreign assistance supplemental bill just passed.

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

There was no objection.

CONFERENCE REPORT ON S. 3867, THE EMPLOYMENT AND MANPOWER ACT

Mr. PERKINS submitted the following conference report and statement on the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1713)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as "The Employment and Manpower Act".

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(f) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(g) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(h) There are great unfilled public needs in such fields as health, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other government facilities, rural development, transportation, beautification, environmental quality, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs, and the equally urgent need for expansion of public service employment opportunities which will provide meaningful jobs for unemployed, underemployed, or low income persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures as in the defense, aerospace and construction industries, it is necessary to devote greater resources to public service and to expand public service employment.

(i) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(j) The organization and delivery of manpower training services is increasingly complex, the technological nature of the services is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services.

(k) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for Comprehensive Manpower Services under title I of this Act;

(2) one-third shall be for Public Service Employment programs under title III of this Act; and

(3) one-third shall be for Occupational Upgrading under title II and Special Federal Responsibilities and programs under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 6. As used in this Act, the term—

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

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "city" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended, (29 U.S.C. 49 et seq.).

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a unit of general local government under section 106(b) shall be delegated only to the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(f) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee, which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including travel-

time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage in such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

SEC. 12. For the purpose of making expert assistance available to persons formulating and carrying out programs under this Act, the Secretary shall, where appropriate, require the organization of labor-management-public advisory committees on a community, State, and regional basis.

REPORTS

SEC. 13. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole, or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training and opportunity for such training.

(c) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

(d) The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(e) The Secretary shall transmit at least annually as a part of the report required under this section a detailed report setting forth the activities conducted under title III, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

(f) The Secretary shall transmit to the Congress annually as part of the report required under this section a report of his findings and recommendations arising out of the programs and studies under part G of title IV.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

COOPERATION OF OTHER AGENCIES

SEC. 23. (a) Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State,

Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 24. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 25. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

SEC. 102. (a) The services for which funds under this title may be expended shall include but not be limited to the following:

(1) Basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training.

(2) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for individuals pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those individuals with sufficient skills for suitable employment who require such preparation to become employable.

(7) Part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force.

(8) Occupational training designed to improve and broaden existing skills or to develop new ones.

(9) On-the-job training provided by public, nonprofit and private employers.

(10) Part-time training for employed persons where such training would lead to improved employment opportunities.

(11) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(12) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health care, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities and which provide opportunities for further occupational training to facilitate career advancement.

(13) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(14) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(15) Supportive and followup services to supplement work and training programs under this Act and other Acts, including health care services, counseling day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(16) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(17) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(18) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(19) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(20) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

(21) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State, and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance

with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental powers substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title III to be allocated in the same manner as set forth in section 306.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status; and

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

SEC. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than 30 days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending application for financial assistance under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending applications, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATION OF FUNDS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL REQUIREMENTS FOR STATES

SEC. 109. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act shall submit an annual State employment and manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State employment and manpower plan shall—

(1) indicate the extent to which all State agencies providing manpower and manpower related services will be available to cooperate and, at the request of the local prime sponsor, participate in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) provide for the developing and publishing of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of comprehensive manpower services plans under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policy of this Act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the plans submitted under sections 104 and 105.

SPECIAL CONDITIONS

SEC. 110. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(5) persons shall not be referred for training in an occupation which requires less than two weeks of pre-employment training unless there are immediate employment opportunities available in that occupation;

(6) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds; and

(7) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 111. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(1) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(1) ninety per centum of the instructional expense other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

ALLOCATION OF FUNDS

SEC. 204. The provisions of section 108 shall apply to this title.

TITLE III—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 301. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable.

AUTHORIZATION

SEC. 302. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $200,000,000 for the fiscal year ending June 30, 1971, $400,000,000 for the fiscal year ending June 30, 1972, $600,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 303. Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

(1) prime sponsors designated pursuant to the provisions of title I of this Act,

(2) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(3) Non-profit hospitals and nursing homes, local service companies, Indian tribes, and any private nonprofit agencies and institutions approved by the appropriate prime sponsor.

APPLICATIONS

SEC. 304. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in jobs providing needed public services in such fields as health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing, and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency finds that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 305. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 306. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

DISASTER RELIEF

SEC. 307. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 306 (a)(2) and (c), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 308. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this title will be assured of workmen's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same level and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational

development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization shall be notified and afforded a reasonable time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

LIMITATION

SEC. 309. For the purpose of providing training and manpower services which are otherwise unavailable, and which are related to public service employment assisted under this title, there shall be available, in addition to the funds available for such training and manpower services under other titles of this Act, not to exceed 15 per centum of the amounts available for carrying out this title with respect to any fiscal year.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES AND PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 401. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under parts B and D of this title. In developing such criteria as are appropriate for each such part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part, not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 402. Federal financial assistance to any program or activity carried out pursuant to parts B and D of this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 403. The Secretary shall prescribe regulations to assure that programs assisted under parts B and D of this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SECRETARY'S RESPONSIBILITIES

SEC. 404. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 411. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity, and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health care, family planning services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTREAM

SEC. 412. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 413. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially program sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health care facilities, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

SEC. 414. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

JOBS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 415. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 416. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 417. (a) The Secretary of Labor is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private organizations for the establishment, conduct, and evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services

sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provisions for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e) (1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

PART C—JOB CORPS

STATEMENT OF PURPOSE

SEC. 431. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 432. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counselling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined after careful screening as provided for in sections 432 and 433, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 433. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance;

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 434. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rates to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 435. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to

which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 436, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

JOB CORPS CENTERS

SEC. 436. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, health care, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific type of skilled or semiskilled employment.

(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participate in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 437. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 438. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 439. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 440. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 441. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 438(c) of this Act, less any sums already paid pursuant to 438(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrolless who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION: EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 442. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 443. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 444. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 445 (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C, 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such

services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

Section 446. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 447. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS AUTHORIZED

SEC. 451. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 451(a)(3).

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

PART E—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 461. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 462. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the

Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 463. The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 464. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 465. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies, conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 466. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

PART F—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 471. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 472. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 473. For the purpose of carrying out the program established in section 472, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 474. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research or development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 475. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART G—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 481. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 482. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 483. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secre-

tary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, follow-up, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

QUALIFIED PERSONNEL

SEC. 502. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of Indians to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of Indians and the programs related to Indians.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Congress, the President, and the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of their duties and responsibilities under this part. Such Council shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS–18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Secretary shall provide the Council with such staff and services as may be necessary for the Council to carry out its functions.

TRUST RESPONSIBILITIES

SEC. 505. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology, required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private non-profit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

QUALIFIED PERSONNEL

SEC. 512. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of persons with limited English-speaking ability to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of persons with limited English-speaking ability and the programs related to persons with limited English-speaking ability.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 513. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 514, and (3) the relative ability of particular public and private nonprofit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 514. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 515. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 516. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

QUALIFIED PERSONNEL

SEC. 522. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of migratory and seasonal agricultural workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of migratory and seasonal agricultural workers and the programs related to migratory and seasonal agricultural workers.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 524, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) two individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) six individuals, appointed from private life, to represent the migratory and seasonal agricultural workers;

(3) two individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) The members of the Council shall designate their own Chairman and Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to supply to the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the Congress, the Secretary, and the President with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviates the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as worker ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it to overall poverty in the United States, and to relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary, the President and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 531. (a) The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(4) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(5) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(6) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(7) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable; and

(8) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

(b) It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

QUALIFIED PERSONNEL

SEC. 532. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of middle-aged and older workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of middle-aged and older workers and the programs related to middle-aged and old workers.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(c) The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 534. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Goverment shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

RESEARCH AND INFORMATION PROGRAMS

SEC. 535. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

PROGRAM ESTABLISHED

SEC. 536. There is hereby established a comprehensive midcareer development service program, by which the Secretary will assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 537. (a) The Secretary is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

SPECIALIZED SERVICES

SEC. 538. The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

STUDY

SEC. 539. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative polices or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the Executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART E—GENERAL PROVISIONS

LIMITATION

SEC. 551. No individual, institution, or organization shall evaluate any program under this title if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

REPORTS

SEC. 552. (a) There shall be included, in the manpower report of the President required by Section 13 of this Act, special sections dealing with activities and accomplishments under each of the first four parts of this title.

(b) For the calendar years 1972 and 1973, in each of the special sections required by subsection (a) of this section, there shall appear a report on means of maximizing the employability and employment in programs authorized under this Act and other federal and federally-supported manpower programs, of the persons covered by the corresponding part of this title. Such reports shall also be included in subsequent annual reports, as the President shall deem appropriate.

ADJUSTMENTS TO PROVIDE GUARANTEED LEVEL OF SERVICES

SEC. 553. For the purpose of providing the level of services required in sections 503(b), 513(a), 523(b), and 533(b), and meeting the purposes of this title, the Secretary may—

(1) make equitable adjustments in funds allocated to carry out other provisions of this Act; and

(2) make equitable adjustments in the funds reserved to carry out parts A, B, C, and D, respectively, to take into account that persons eligible for assistance under such parts are receiving assistance under other provisions of this Act.

Any adjustments under (1) or (2) shall be without regard to the 25 per centum limitation of section 4(b) and shall not be counted for the purposes of such limitation.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c)(1) or (c)(2) among areas of high unemployment throughout the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4½ per centum or 5 per centum, as the case may be, in each such area.

(e) No further obligation of funds appropriated under subsection (c)(1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c)(2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c)(1) and no more than one determination under subsection (c)(2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORITIES

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b)(1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Employment and Manpower Act."

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrange-

ments with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veteran' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001",

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ..... 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

And the House agree to the same.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
JAMES H. SCHEUER,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM CLAY,
Managers on the Part of the House.

GAYLORD NELSON,
RALPH W. YARBOROUGH,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI E. STEVENSON,
JACOB K. JAVITS,
WINSTON PROUTY,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) the Employment and Training Opportunities Act of 1970, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the Senate bill with an amendment which is a substitute for both the Senate bill and the House amendment.

Except for minor clarifying, conforming provisions this statement explains the action of the managers on the Part of the House.

GENERAL PROVISIONS

The Senate bill and House amendment set forth statements of purpose which differed in wording, but covered essentially the same purposes. The Conference agreement contains the House version with the addition of two items from the statement of purpose in the Senate bill.

Both the Senate and House bills provided that funds not otherwise reserved would be earmarked among the principal titles of the Act. The Senate bill earmarked one-third of the funds for the comprehensive manpower services title; one-third for the public service employment title; and one-third for the titles for special work and training programs and special Federal responsibilities. The House Bill earmarked three-quarters of the funds for the manpower, upgrading, and public service employment titles, with a proviso that not less than 18.75 percent of the total amount appropriated under the Act be used for the public service employment program. The conference agreement provides that one-third of the funds shall be for comprehensive manpower services (title I); one-third for public service employment (title III); and one-third for occupational upgrading (title II) and for title IV (the consolidated special Federal responsibilities and programs title). Under the Conference agreement, as under the Senate bill and House amendment, the Secretary is authorized to transfer 25 percent out of any title to any other titles, so that the effect of the conference agreement would be to provide a minimum of 25 percent for public service employment.

The Senate bill contained a definition of "local service company." The House amendment contained no such provision. The House recedes.

The Senate bill provided that the Secretary's authority in acting upon a challenge to a prime sponsor's application under section 106(b) may not be delegated outside the Office of the Secretary. There is no comparable House provision. The conference agreement permits such a delegation to the Assistant Secretary for Manpower.

The House amendment permits the Secretary to delegate his authority relating to disapproval of prime sponsorship plans under section 104(f) only to the Office of the Assistant Secretary for Manpower. The Senate bill restricted such decision making to the Office of the Secretary. The conference report permits such delegation only to the Assistant Secretary for Manpower.

The Senate bill provided that acceptance of health services by trainees shall be voluntary and shall not be a prerequisite to eligibility for benefits. There is no comparable House provision. The House recedes.

The Senate bill contained the usual labor standards provision. There is no comparable House provision. The House recedes.

The Senate bill provided that recipients of welfare benefits, food stamps, and surplus commodities be considered low-income persons in determining eligibility for participation. There was no comparable House provision. The House recedes.

A National Manpower Advisory Committee was established by both bills. The Senate bill provided for Presidential appointment of members. Under the House amendment, the Secretary of Labor would appoint members. The House amendment provided that the Secretary shall require the organization of community, State, and regional labor-management-public advisory committees where appropriate. Under the Senate bill, the Presidentially-appointed Committee would advise the Secretaries of Labor and HEW, the Director of OEO, and make reports to Congress and the President. Also, the Senate bill provided for the Committee to have its own staff and funds. The conference agreement retains the House provisions with respect to regional, State and/or community labor-management-public advisory committees with the understanding that client groups would be fully represented on such committees. The Senate provisions with respect to Presidential appointment, reports and staff are retained in the Conference agreement.

The House amendment authorized the Secretary to use available services or facilities of other Federal agencies, and the Secretary to carry out his responsibilities through maximum utilization of all possible resources in education institutions, State, Federal, and local agencies, and other organizations and facilities. There was no comparable Senate provision. House provisions authorizing and directing Federal agencies to cooperate with the Secretary and calling for the maximum appropriate utilization of existing facilities are retained in the Conference agreement.

Both the Senate bill and the House amendment provided for referral of persons seeking work to suitable employment opportunities. The Senate bill required "special consideration" for the unemployed, underemployed and unskilled. The House amendment was silent on this point. The Senate recedes.

The Senate bill authorized training and manpower services to all unemployed persons and those in danger of becoming unemployed. The House amendment likewise provided for such persons other than those referred to suitable employment opportunities, and the Senate bill, not the House amendment, listed as eligible for training and services, persons eligible to receive benefits under title IV of the Social Security Act. The House amendment mandated training and services only for those public employees employed under Title III agreements. The Senate bill did not contain this limitation. The House recedes.

Both the Senate bill and the House amendment provided for training and related manpower services for servicemen who were recently separated from service or shortly will be. The Senate bill also specified provisions for employment counseling, placement and related services. The Senate bill uses the word "maximum" with respect to the above; the House amendment uses the word "appropriate." The House recedes.

The House amendment contained a provision making the Secretary of Labor responsible for coordinating related activities of other Federal agencies, for promoting coordination of State and local public and private agencies and for making certain recommendations to the President and to the Congress. There was no comparable provision in the Senate bill. The House recedes.

COMPREHENSIVE MANPOWER SERVICES

Both the Senate bill and the House amendment described the eligible activities under a comprehensive manpower program. The House amendment directed the Secretary to provide the listed programs and services to the extent they are needed in each State and local area. The Senate bill simply stated that funds under this title may be expended for these purposes. The House enumeration of eligible activities is longer and is more inclusive. The Senate recedes with slight modifications.

In the Senate bill, a city or a county serving a substantial part of a labor market area, or a combination of units of local general government serving a substantial part of a labor market area, with a population of 75,000 or above was an eligible prime sponsor. In the House amendment, the population base requirement was raised to 100,000. The conference agreement retains the House population requirement with respect to a county or a combination of units of general local government; the Senate requirement with respect to a city is retained.

The House amendment contained a provision permitting a unit or combination of units of local general government in certain rural areas to qualify as eligible prime sponsors without regard to the population requirements. There was no comparable provision in the Senate bill. The Senate recedes.

The Senate bill provided for representation of family planning on local manpower councils. The House amendment contained no specific references to family planning. The Senate recedes.

The Senate bill required that the prime sponsorship plan set forth the local manpower councils' plans for conducting surveys and analyses of manpower needs. The House amendment gave this function to the prime sponsor, not the council. The Senate recedes.

The Senate bill called for the council to evaluate program effectiveness. The House amendment gave this function to the prime sponsor. The House recedes.

Both the House and Senate mandated a preference for local prime sponsors where a state and a unit or combination of units of local general government submit prime sponsorship plans for the same geographical area. The Senate bill, however, exempts a unit of general local government which qualifies as a prime sponsor by reason of being the largest unit of general local government in a State. The House amendment contains no such exemption. The conference agreement retains this provision.

The Senate bill required that applications for assistance under this title must provide assurances that special consideration will be given to heads of households. The House amendment contained no comparable provision. The Senate recedes.

The Senate bill required utilization of existing services and facilities wherever feasible. The House amendment required utiliza-

tion to the extent appropriate. The Senate recedes.

The House amendment required the local prime sponsor to develop a comprehensive plan which integrates the services under this title with other manpower activities funded by the Secretary of Labor, such as Wagner-Peyser Act programs. The Senate bill encouraged cooperative arrangements but did not bind the local prime sponsor to other Department of Labor programs. The House recedes.

The Senate bill granted the right of an appeal direct to the Secretary of Labor from any unit of general local government or community action agency which alleges in a written statement, with supporting evidence, that the prime sponsor in the area served by that community action agency or unit of government is not complying with the requirements of this title. The Secretary must make a prompt decision and must withhold financial assistance relating to the matter under contention until he makes his decision. The House amendment contained no comparable provision. The conference agreement retains a modified right of appeal for local government, but deletes all references to community action agencies.

The House amendment required any State seeking assistance under this Act or under the Wagner-Peyser Act to submit an annual statewide comprehensive manpower plan. The plan would, among other things, provide for the participation of State agencies in developing and implementing the manpower plans of local prime sponsors, set forth a scheme for the sharing of resources and facilities throughout the State in order to avoid duplication, contain certain economic information, and describe how programs funded under the Wagner-Peyser Act would provide coordinated comprehensive manpower assistance to eligible individuals. The Senate bill contained no comparable provision. The conference agreement provides for the submission of a State plan which sets forth certain economic data, the extent to which programs funded under the Wagner-Peyser Act will coordinate with programs funded under this Act in areas of State prime sponsorship, the extent to which State manpower agencies will assist in the development and implementation of local prime sponsor's plans upon the prime sponsor's request, and such other technical assistance as they will make available to prime sponsors.

It was the understanding of all conferees that local prime sponsors should decide who shall provide manpower services under local plans. Therefore, it was agreed that no provision of section 109 should be construed so as to permit the Secretary or the Governor to mandate who shall provide services in a local plan or to promulgate guidelines or regulations creating presumptive deliverers of local manpower services.

Both the Senate bill and the House amendment contained general proscriptions against political activities. The House amendment stated, additionally, that neither the program, the funds, nor any person employed therein may engage in any political activity. The Senate recedes with an amendment which barred such political activity "in contravention of chapter 15, title 5, United States Code" (the "Hatch" Act).

The Senate bill had separate geographical allocation formulas for the manpower title and the public service employment title whereas the House bill provided a single allocation formula for manpower, public service employment, and upgrading titles.

The conference agreement contains a geographical allocation formula for the manpower title (which formula is also made applicable to the upgrading title) and a separate location formula for public service employment.

The conferees made the following decisions with respect to the manpower allocation formula.

The Senate bill provided for apportioning 75 percent of funds among States. The House bill apportioned 70 percent. The conference agreement accepts the House provision.

The Senate bill apportioned funds among States in proportion to labor force, unemployment, and low-income persons. The House bill apportioned funds "in an equitable manner, taking into consideration" the State's proportion of labor force, unemployment, lack of full-time employment, insured unemployed, average weekly unemployment compensation benefits, population aged 14–17, and low-income persons, demonstrated capacity of sponsors, and prior allocations.

The conference agreement apportions funds in an equitable manner, taking into consideration labor force, unemployment, and low-income persons.

The conferees expect the Secretary's criteria defining low-income to take into account regional and rural-urban differences.

The Senate bill provides a minimum allocation under title I of $1,500,000 per State and $150,000 for outlying areas. The House bill contained no comparable provision. The conference agreement includes this minimum.

The Senate bill provided that an allocation to a State would be apportioned among areas within that State so that not less than 80 percent thereof will be apportioned among such areas in the same proportions as labor force, unemployment, and low-income persons. The House bill apportioned within-State among areas in the same manner as its State-by-State allocations.

The conference agreement essentially follows the House provisions in this respect.

The House bill provided that, to the maximum extent appropriate, funds apportioned within States should be expended through prime sponsors.

The Senate recedes and accepts the House provision in this respect.

Both bills permitted use of 5 percent of funds for providing incentives for cooperation with vocational education. The Senate bill provided that these funds may be used for an add-on of up to 10 percent of apportionments which an area would otherwise have. The House bill provided that this add-on may go up to 20 percent. The Senate recedes and accepts the House provision in this respect.

Both bills permitted use of 5 percent of funds for providing incentives for labor market area cooperation. The Senate bill provided that these funds may be used for an add-on of up to 10 percent of apportionments which an area would otherwise have. The House bill provided that this add-on may go up to 20 percent. The Senate recedes and accepts the House provision in this respect.

Both Senate and House bills provided staff and administrative funds for manpower services councils and other planning and evaluation activities of prime sponsors. The Senate bill provides that 1 percent of title I (manpower) allocations shall be reserved for such purposes and 1 percent of public service employment allocations shall be so reserved. The House bill reserved 1 percent of overall allocation. The conference agreement contains the Senate provision.

OCCUPATIONAL UPGRADING

The House amendment contained a separate title establishing a program for occupational upgrading. The Senate bill contained provisions relating to this subject in Title III, but they were dealt with in considerably less detailed manner. The conference agreement adopts the provisions of the House amendment.

PUBLIC SERVICE EMPLOYMENT

The Senate bill included private nonprofit agencies and institutions such as community action agencies and local service companies as eligible applicants for the public service employment program while the House bill limited applicants to prime sponsors under Title I and other public agencies and institutions. The Conference agreement contains essentially the House provision with the modification that nonprofit hospitals, nursing homes, local service companies, Indian tribes, and private nonprofit agencies and institutions approved by the appropriate prime sponsor will be eligible applicants.

The Senate bill contained a special authorization of appropriations for public service employment: $750,000,000 for fiscal year 1971, $1,000,000,000 for fiscal 1972, $1,250,000,000 for fiscal 1973, and $1,500,000,000 for fiscal 1974. The House bill did not have a special authorization. The Conference agreement provides an authorization of appropriations especially for public service employment of $200,000,000 for fiscal 1971, $400,000,000 for fiscal 1972, $600,000,000 for fiscal 1973, and $800,000,000 for fiscal 1974.

The Senate bill contained a separate allocation for the public service employment title, while the House bill had no State-by-State or area-by-area allocation. The House bill required that 18.75 percent of all funds appropriated under the Act be reserved for public service employment programs. The Conference agreement provides for apportioning public service employment funds among the States, and within each State in an equitable manner, taking into consideration unemployment and the number of low-income persons (with a minimum of not less than $1,500,000 per State or $150,000 for outlying areas).

The Senate bill authorized the Secretary to use unexpended and discretionary funds to provide special public service employment assistance to areas designated as major disaster areas. There was no comparable House provision. The conference agreement contains this provision.

The Senate bill required applications for a public service employment program to contain provisions for employment, related training and manpower services, and supportive services. The House bill required linkages with manpower and upgrading programs. The conference agreement provides for training and manpower services related to the public service job, allowing 15 percent of the total funds under the title to be used for such purpose. The House provisions for linkages with upgrading and other manpower programs are also contained in the conference agreement.

The House bill provided that, where a labor organization represents employees who are engaged in similar work in the same labor market areas, such organization shall be notified prior to entering into an agreement under the title.

The Senate bill provided that such labor organization be notified prior to the approval of an application.

The conference agreement provides that when an application is being developed, the labor organization shall be notified and afforded a reasonable time to make comments to the applicant and to the Secretary.

The conferees anticipate that the applicant will consult with the organization denying the development of the application.

The Senate bill provided for review of each public service jobholder's situation and if there were not sufficient prospects for advancement or suitable continued employment, efforts to locate employment or training opportunities providing such prospects were required. The House bill provided that objectives must be set for moving people out of public service jobs and required the Secretary to reduce funding to a prime sponsor for failing to meet such objectives, unless the Secretary determined the failure to be due to factors beyond applicant's control. The conference agreement provides for

an annual review of the status of each people employed in a public service job. If such person's current employment situation does not provide sufficient prospects for advancement or suitable continued employment, the participant must be assisted in securing an appropriate job or training opportunity.

The Senate bill provided that special consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available. The conference agreement provides that the application from the program sponsor shall contain assurances that due consideration will be given to such persons. It is the intention of the conferees that in this context, the phrase "otherwise unavailable" shall mean not available within the community where the person to be assisted was or would be normally be employed.

SPECIAL MANPOWER PROGRAMS

The Senate bill, title III, contained authorization for a number of manpower activities similar to those conducted under present law, and re-authorized under title I of both bills. These included New Careers, Mainstream, OIC, Operation SER, programs in correctional institutions, and others. New activities included in this title were Community Environment Services, and Management Training. This title of the Senate bill, like section 103(b)(2) of both the Senate bill, and the House amendment, provided for funding by the Secretary directly to public and private agencies. The Senate language gave added emphasis and prominence to these activities.

The conference agreement redesignates the Senate bill title III programs as part A of title IV. It makes no specific reservation of funds for IV–B programs, which are to be funded out of the whole amount set aside for titles II and IV. But the managers on the part of the House share the Senate's wish to highlight existing activities and to emphasize the Secretary's right to deal directly with applicants other than prime sponsors.

Youth Corps authority, generally similar to present law, was included in the Senate's title III. The managers on the part of the House concurred in the Senate language making it Part D of title IV. The conference agreement adopts another Senate provision authorizing appropriations for summer youth programs outside of the authorizations otherwise covered in this Act.

The Senate bill contained a detailed repetiton of existing law covering the Job Corps, making two substantive changes, a small increase in the maximum personal monetary allowance and deletion of a requirement that conservation centers be run by the Departments of Agriculture and Interior. The House amendment merely moved the Job Corps language, by reference, from the Economic Opportunity Act to this Act. The House recedes on the allowances; the Senate recedes on the conservation center management.

MANPOWER PROGRAMS FOR INDIANS, BILINGUAL, MIGRANT, AND OLDER WORKERS

The Senate bill, in title V, created special manpower programs to meet the specific needs of Indians, migrant and seasonal farmworkers, persons of limited English-speaking ability and older persons. The title contained statements of policy and purpose for each such group, and included various organizational, advisory body, and general program provisions.

The conference agreement on title V is based upon the provisions found in the Senate bill, but with several significant amendments.

The Senate recedes from its proposal for an Office of Indian Manpower Programs and an Office of Migrant and Seasonal Farmworker Manpower, and a House proposal is adopted in lieu, directing the Secretary to designate full-time staff personnel to have responsibility for carrying out each of the title V programs. The agreement urges the Secretary to assign to these programs personnel who are experienced in the problems and programs affecting the groups covered.

Further modifications to the Senate proposal are adopted to enable title V advisory councils to report directly to the Congress, the President, and the Secretary, as was a House difference in the composition of the Migrant and Seasonal Farmworkers' Council to increase the number of farmwork members to 6, and to provide for 2 farmer, 2 state officials, and 2 "expert" members.

In part D of title V, dealing with older persons, specific Senate provisions authorizing such activities as training persons to train older workers, special programs to assist older workers affected by mass lay-offs, and special studies of artificial job barriers facing older persons are omitted from the conference agreement.

The managers on the part of the House believe it was not the sense of the conference that such undertakings are not authorized, but merely that they are not singled out for inclusion in the legislation.

Part D contains a Senate provision calling for a study, by the Civil Service Commission, of opportunities for part-time employment in the Federal service for older persons. The conference substitute adds language to this part guarding against the possibility of a reduction of full-time employment through studies to be conducted hereunder.

The conference accepts a further House provision to have the Comptroller-General, rather than the Civil Service Commission, conduct this study of civil service practices.

The conference agreement accepts, a further provision calling for special sections in the annual Manpower Report of the President, covering achievements under each of the parts of title V. In the first two reports to be filed under this Act, special studies of means of maximizing employability and employment under Federal manpower programs are to be included in these sections.

EMERGENCY EMPLOYMENT ASSISTANCE

Title VI of the Senate bill provided for an Emergency Employment Assistance Program. Appropriation of special funds was authorized to provide financial assistance for unemployment and training activities in areas of high unemployment. Funds appropriated would be available for deposit in an Emergency Employment Assistance Fund established in the Treasury as a revolving fund for use by the Secretary of Labor to provide assistance. Two Hundred Million Dollars would be available when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months. An additional $200,000,000 would be available when the Secretary determines that the rate (seasonally adjusted) of national employment equals or exceeds 5 per centum for three consecutive months. Under the Senate provision funds would be apportioned among areas of high unemployment throughout the Nation on an equitable basis, and to the extent practicable, such funds would be apportioned in proportion to the extent that the rate of unemployment exceeds 4.5 or 5 percent as the case may be, in such area. The Conference agreement contains these provisions.

MISCELLANEOUS

Both the House amendment and the Senate bill contained OEO manpower research and development authority. The Senate bill specified that such programs shall include a demonstration of the feasibility of tuition voucher arrangements for manpower training with public or private agencies, with a report to Congress. The House bill contained no comparable provision. The conference agreement includes this provision.

The Senate bill added a new part to the Vocational Education Act of 1963, effective July 1, 1971, under which the Commissioner of Education, with the Secretary of Labor's concurrence, would enter into arrangements with State educational agencies for occupational training through public and private educational institutions. An authorization for fiscal year 1972 of such sums as may be necessary was provided. The House bill contained no comparable provision. The conference agreement includes this provision.

The House amendment required the Secretaries of Labor and of HEW to report to Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized in carrying out manpower training programs. The Senate recedes.

The House amendment required the U.S. Commissioner of Education to report to Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula and on any needed legislation to facilitate an appropriate blend of vocational and academic education. The Senate recedes.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
JAMES H. SCHEUER,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM CLAY,
Managers on the Part of the House.

AUTHORIZING SECRETARY OF THE INTERIOR TO MAKE DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consnent to take from the Speaker's desk the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, with Senate amendments to the House amendments thereto, and consider the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, lines 20 and 21, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, line 1, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, lines 11 and 12, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, strike out lines 17 through 23, inclusive, and insert:

"(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and"

Page 5, after line 10, insert:

"(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: *Provided*, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid."

Page 5, strike out lines 12 through 16, inclusive, and insert:

"(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the leasee;"

Page 13, line 1, after "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,".

Page 19, line 19, after "21." insert "(a)".

Page 20, line 7, strike out "area", and insert "area; and".

Page 20, after line 7, insert:

"(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: Provided, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associaed geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease."

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

Mr. HOSMER. Mr. Speaker, reserving the right to object—and I do not want to object—I take this time for the purpose of asking the gentleman from Oklahoma to explain the import of the motion that he has made, and I also understand that he will offer an amendment that will have the effect of changing the royalty provided by the bill for geothermal steam from a range of 5 to 15 percent to a range of 10 to 15 percent, and I would ask the gentleman to explain the nature of the amendment.

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

Mr. HOSMER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, the gentleman from California has substantially stated the situation. However, a word of explanation regarding the motion just offered and some brief background on S. 368 appears to be in order.

S. 368, which provides for the disposal of geothermal steam and associated geothermal resources, was passed by the Senate September 16, 1970. On October 5 it passed the House with some 10 amendments. These were:

(1) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(2) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(3) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(4) Strike out all of subsection (d) and insert in lieu thereof the following:

"(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and"

(5) Insert a new subsection (f) as follows:

"(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: *Provided*, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the fiscal year, within ten days after he receives written notice from the Secretary of the amount of the highest bid."

(6) Strike out all of subsection (a) and insert in lieu thereof the following:

"(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;"

(7) After "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,"

(8) After "SEC. 21." insert "(a)".

(9) Strike out "area." and insert "area; and"

(10) Insert a new subsection (b) as follows:

"(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the U.S. district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease."

On December 4 the Senate concurred in House amendments Nos. 7, 8, 9, and 10. It concurred in amendment No. 4 with an amendment which struck out the work "four geothermal leases" and inserted "10,240 acres". The Senate also concurred in House amendment No. 5 with an amendment that deleted the words "ten days" and inserted "thirty days". Finally, the Senate disagreed to House amendments Nos. 1, 2, 3, and 6.

The motion that has just been offered recommends that the House accept the Senate amendments with an amendment to the section establishing the royalty rate. The House amendment of October 5 established the royalty rate at "not less than 10 per centum." The Senate, in its action of December 4 rejected this and insisted upon its language which established "a royalty of not less than 5 per centum or more than 15 per centum.".

The present motion would accept the Senate language but establish the minimum royalty as 10 per centum, as recommended previously by the House, and accept the maximum of 15 per centum as proposed by the Senate.

Mr. Speaker, I recommend favorable House consideration of this motion.

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

Mr. HOSMER. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I take this opportunity to commend the gentleman from California (Mr. HOSMER) and the gentleman from Oklahoma (Mr. EDMONDSON) for their action on this bill.

For the past 10 years the House Interior and Insular Affairs Committee has conscientiously endeavored to put to use this valuable asset of geothermal steam which has been escaping and Uncle Sam has received absolutely nothing from it. Because of the dedicated work of these two men we are today in the position I believe, to at last accomplish a tremendous step in the right direction.

Mr. HOSMER. Mr. Speaker, I thank the gentleman from Pennsylvania for his kind remarks and withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Oklahoma (Mr. EDMONDSON)?

There was no objection.

MOTION OFFERED BY MR. EDMONDSON

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

The Clerk read as follows:

Mr. EDMONDSON moves that the House recede from its amendments 1, 2, and 3 and that the House concur in the Senate amendments to House amendments 4 and 5.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. EDMONDSON) is recognized on the motion.

Mr. EDMONDSON. Mr. Speaker, substantially the amendments that are involved affect the date that would be applicable for this grandfather clause under this bill and put a time to file claiming the rights under the grandfather clause.

Mr. HOSMER. And the acreage with respect to the amendments precisely under consideration and respecting the royalties in particular?

Mr. EDMONDSON. The gentleman is correct.

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

Mr. Speaker, almost 9 years ago, I introduced legislation which would have enabled the United States to take advantage of the vast geothermal steam resources in its Western States. This steam, which has been uselessly puffed into the atmosphere for hundreds of years, is a valuable resource which I felt should be put to use.

But that was 1962—when the United States still had more than enough electrical capacity. Brownouts and blackouts were unheard of, and words like "environment" and "ecology" were little used and less understood.

Consequently, that bill died a natural death in committee, and a similar fate awaited other measures in subsequent Congresses. By 1965, Congress actually passed a geothermal steam bill only to have it pocket vetoed by President Johnson because he was under a questionable apprehension that it was a "giveaway" to private developers.

The 91st Congress is again in the process of passing a geothermal steam bill, and indications are that President Nixon will sign it. It is not a Federal giveaway. It will produce new revenue for the Federal Treasury. The amendment before us possibly enhances this expectation. The bill will produce new quantities of sorely needed electrical power. And it will produce that power without harming the environment. I urged acceptance of the bill as amended.

The sudden interest in geothermal energy in the last couple of years can be attributed to the growing public concern over environmental pollution, and the impending national electrical power shortage. Geothermal energy may indeed be the "cleanest" way to produce electric power since it involves neither air pollution, thermal pollution or releases of radioactivity. Nature provides the fuel from deep within the earth's crust, and experts believe that a geothermal field will last at least 40 years, with some arguing that it could theoretically last forever.

Geothermal steam is not a panacea for the Nation's electrical power crisis, but it will help. It will take years of exploration and research before meaningful quantities of power are produced. Even then, geothermal steam may not always be competitive with other advanced technologies—nuclear power, for example. Steam from a nuclear plant emerges at high pressures and high temperatures, ideal for very large sizes. Geothermal steam, on the other hand, comes out of the ground at relatively low pressures and temperatures. As a result, geothermal powerplants may be restricted to smaller sizes or employed as peaking units.

But the important thing is that we are finally going to find out. The United States may be the most backward nation in the world when it comes to developing domestic geothermal resources. The problem has been a specific incentive and the fact that most of the known geothermal lands are owned by the Federal Government. To date, there has been no legislative mechanism to permit development of this resource.

The Interior Department estimates that at least 1,350,000 acres of land, mostly in the 11 Western States, have demonstrated geothermal potential. Some areas are hotter than others and will make better geothermal sites, but most of the area still requires detailed geothermal mapping.

Under the provisions of the newly enacted Geothermal Steam Act of 1970, the Secretary of the Interior is authorized to enter into leasing arrangements with private organizations for the development of geothermal resources. The leases all will be subject to competitive bidding and will result in a small but potentialy significant source of new Federal revenue. In addition, the Government will receive a royalty on the value of the steam or any other form of heat or energy produced.

The companies who will be doing the bidding on the leases hope to produce steam for the generation of electric power, but utilization of the geothermal brine for distillation of fresh water may be an added bonus.

Since only 20 percent of the brine is converted to steam in a geothermal well, the remaining 80 percent is not usable to electrical production. There is sufficient heat in the remaining brine, however, to distill off much of the water. Estimates of distilled water costs have been as low as 10 cents per 1,000 gallons as a by-product of electrical generation.

One of the best known and most promising geothermal areas in the United States is California's Imperial Valley, where Prof. Robert Rex and a team from the University of California at Riverside have made extensive studies. Rex estimates that as much as 10 to 15 million acre-feet of distilled water and 20,000 to 30,000 megawatts of electric power can be produced from the geothermal resources of that area alone. The average cost of the energy would be about 2 cents per million B.t.u.'s, a very attractive price.

Many countries are well ahead of the United States in geothermal research and development, particularly Mexico, Italy, Iceland, and New Zealand. This is despite the fact that several areas in this country have been routinely employing geothermal steam for years. This is because the United States, unlike other nations, has always had virtually limitless guaranties of cheap electricity. Now that is changing.

As early as 1890, homes and businesses in Boise, Idaho, have been heated with geothermal steam. Klamath Falls, Oreg., has been doing the same since 1930. The Pacific Gas & Electric Co. in northern California produces 82,000 kilowatts of geothermal electricity at the Geysers, an area north of San Francisco, and plans to increase the power to 220,000 kilowatts by 1972.

Soon, perhaps in 5 years, other areas of the United States may be receiving electricity and fresh water produced from geothermal energy. Both will be cheap and clean. But before then, a large store of fundamental scientific knowledge will have to be gathered. The Geothermal Steam Act opens the door. The United States is finally in a position to utilize this valuable natural resource to the benefit of the public, the Government, and the environment.

Had we done so 8 or 9 years ago, we might have avoided many of the environmental and supply problems that face us today. But, at least it is better late than never.

I am fairly certain that at some later time we will have to amend this legislation to permit a lower minimum royalty than that specified in the legislation as amended. There is a lot of economic difference between dirty steam and clean steam. Dirty steam from geothermal sources rapidly clogs up the pipes through which it is brought to earth. It pits and otherwise erodes and corrodes metals coming into contact with it. Dirty steam deposits its solids almost anyplace, which further complicates operation and maintenance efficiency. And, the problem of disposing of its leftover brine is proportioned to its impurity.

There are probably a lot of areas where the economics of geothermal steam production with very dirty steam are submarginal at a 10-percent royalty rate. Yet, marginal at 5 percent and it would ease our electricity shortage to use it and even tie in with it brine desalination for municipal and industrial water. These are possibilities to which we must be alert as to the desirability of amendments to the legislation.

On a happier note I would like to discuss a couple of possibilities for profits from geothermal heat that are seldom thought of.

Geothermal clean steam comes from geothermal areas where nature has allowed water to get beneath the ground and be heated up. Where there is a large supply of such water which replenishes itself so that the steam supply does not become depleted, we have a producible geothermal field.

The Imperial Valley area I mentioned is unique in that it does not contain a replenishable supply of water, according to current geological theory, but the supply that exists there is enormous and overlays an area of interior earth magma which is unusually close to the surface. The huge amounts of electrical energy that might be generated from this area and the vast quantities of fresh water that might be desalted from it could be a bonanza lasting for as long as a century.

Further, the geologic formations involved subject themselves to ready reinjecting beneath Imperial Valley of the unusable brines remaining after power production and water purification. These must be gotten rid of and are a nuisance anywhere we engage in geothermal steam production.

The other exciting possibility with respect to geothermal energy has to do with the vast areas of the earth below the surface where there is plenty of heat but no natural water to act as a vehicle to carry it to the surface. It is possible we may someday develop a technology to drill into these areas, inject them with fluids and let the heat be brought to the surface for uses similar to those of naturally occurring geothermal steam. For every acre of land beneath which geothermal steam is found naturally, there are thousands and thousands of acres of hot, dry subsurface. The possibilities here are staggering and I believe that they are only a short distance beyond the present capability of our technology.

Those who thought there is little new to be found on or under the earth are likely to be surprised again and again by what we will be able to enhance our planet and the lot of people who populate it. The new geothermal energy from the earth is quite likely to rival or even exceed that which we learned earlier to unlock from the atom. I both recommend and hope for the quick enactment of the legislation before us. It is good, it is fair. It should offer a fairly good incentive for American enterprise to pursue these opportunities beneath the earth. If shortsighted persons seek to veto or otherwise to thwart this legislation it is my strong belief that they will be doing the Nation a grave disservice.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to join my colleagues in expressing my support for this legislation and also my appreciation for the work of the Committee on Interior and Insular Affairs in advancing this legislation through to fruition.

Geothermal energy has the potential of resolving many of our crucial power supply problems. For a number of years, the development of this natural resource has been underway in my congressional district.

Conservation and utilization of this resource can have a significant impact on the power needs of the future, with the passage of this legislation. It has been difficult to acquire the necessary venture capital because of the uncertainty of the Federal Government's position on royalties, the grandfather clause, and so forth, as it relates to the Federal lands contiguous to private lands where drilling and utilization of the geothermal energy was taking place.

With the passage of this legislation, I believe the public and private sector organizations interested in advancing the use of this badly needed resource, can move toward establishing policies, projecting prospectus information, and expending the total inventory of information, thus permitting more comprehensive fiscal and consumer planning in the vital power and energy field.

This resource can provide the required energy needed to produce power with no adverse effect on the environment. This legislation sets in motion wise use of conservation at its best. I want to commend the chairman and members of the committee for helping to finalize action on this bill. While the legislation leaves some things to be desired in the way of protection for the early pioneers in the geothermal energy field, I believe it is the best possible compromise under the circumstances.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The motion was agreed to.

MOTION OFFERED BY MR. EDMONDSON

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

The Clerk read as follows:

Mr. EDMONDSON moves that the House recede from its amendment No. 6 and offers a further amendment as follows: In section 5(a) of the bill strike out "5 per centum" and insert "10 per centum".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in connection with the matter just considered.

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

There was no objection.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF PACIFIC ISLANDS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and insert: "That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting 'for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000' and inserting in lieu thereof the following: 'for each of the fiscal years 1971, 1972, 1973, 1974, and 1975, $60,000,000'."

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

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I will not object—I do take this time to ask the gentleman from Florida if he will explain the amendment; and I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, on September 14, 1970, the House passed S. 3479 amended, in lieu of H.R. 15978. The purpose of this legislation is to amend the act of June 30, 1954, as amended, providing authorization for appropriations for the continuance of civil government for the Trust Territory of the Pacific Islands.

The bill, S. 3479, as it passed the House provided a 5-year authorization of $60 million for each of the fiscal years 1971, 1972, 1973, 1974, and 1975. On September 29, 1970, the other body concurred in the House amendment, with an amendment, deleting the authorization for fiscal years 1974 and 1975, making the legislation a 3-year rather than a 5-year authorization.

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

Mr. SAYLOR. I am happy to yield to my colleague from Missouri (Mr. HALL).

Mr. HALL. I appreciate the gentleman's yielding. I would like to know if the funds for the extra 2 years were decreased proportionately when the extent of the House-passed bill was decreased by the other body.

Mr. SAYLOR. The answer is, "Yes."

Mr. HALL. I should like to ask, in addition, if all amendments to the House-passed bill were considered germane?

Mr. SAYLOR. They are all germane.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I have been very interested in the Trust Territories of the Pacific, and I would like to know whether the funds are adequate for the purpose and whether the people there feel there is room for cooperation with our country. I would not want them to feel that we are loosening our ties with them.

Mr. SAYLOR. I will say to my colleague from Pennsylvania that this is the exact amount which our High Commissioner asked for. He and the Department of Territories did ask for a 5-year authorization. The other body asked for a 3-year authorization, but there is no reduction in the annual amount.

Mr. FULTON of Pennsylvania. If the gentleman will yield further, I would like to say that I believe that these islands, which were formerly held by the Japanese under a League of Nations mandate, are vital to our U.S. security and the security of the Pacific. They are among the mainstays and bastions between the Philippine Islands and the Hawaiian Islands. I am pleased to hear that the committee has worked out a satisfactory arrangement to the people.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

INCREASING THE LIMITATION ON REAL ESTATE LOANS MADE OR INSURED BY THE FARMERS HOME ADMINISTRATION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1228 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1228

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans. 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 Hawaii is recognized for 1 hour.

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

Mr. Speaker, House Resolution 1228 provides for the consideration of H.R. 11547, which would raise the ceiling on loans, insured by the Farmers Home Ad-

ministration, to farmowners. The resolution provides an open rule with 1 hour of general debate. It also provides that after the Committee of the Whole has risen and reported the bill to the House with such amendments as may have been adopted under the 5-minute rule, the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 11547 represents an updating action by Congress in a very vital area of farm ownership in America today. Like everyone else, the American farmer and rancher have been affected by rising real estate values and increasing building costs. The Department of Agriculture has reported that in 1969 the average farm contained 398 acres of land—over 100 acres more than the 1959 average. It has also been reported that the cost of 200 to 400 acres of farmland could run from $40,000 to $160,000; buildings could cost another $20,000 to $40,000, and land improvements could add another $20,000 to the total farm investment. It is not suprising, therefore, that the Department of Agriculture found that commercial farms had an average value of $100,000 as of March 1968.

Clearly, under today's conditions, the Farmers Home Administration's guaranty limitation of $60,000 for farm ownership, which was established in 1961, is no longer realistic. H.R. 11547 would therefore increase the indebtedness limitation for farm ownership to the more realistic amount of $100,000. It should be borne in mind that H.R. 11547 provides for increases in guaranteed loans which are not subject to the usual appropriation limitations, as distinguished from direct loans.

The experience of the Farmers Home Administration shows that the default of borrowers under this guaranteed loan authority has been minimal, and it is only in the event of default that a loss to the Federal Government could occur.

Mr. Speaker, H.R. 11547 will provide needed assistance to farmers. I urge the adoption of House Resolution 1228 in order that the bill may be considered.

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

Mr. Speaker, in the interest of saving time, I concur in the remarks made by the distinguished gentleman from Hawaii in explaining the rule. I know of no opposition to the rule. I have no request for time.

Mr. Speaker, I hope the gentleman from Hawaii will move the previous question.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. 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 (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11547, with Mr. MATSUNAGA 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 30 minutes, and the gentleman from Texas (Mr. PRICE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. POAGE).

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

Mr. Chairman, I think the gentleman from Hawaii has given an adequate explanation of this bill. It is a very simple situation. The Farmers Home Administration now has a limit on the size of the homeownership loans which it can make, which was placed there 9 years ago. During those 9 years there has been greater inflation in the cost of farmland than in probably any other single factor of our economy.

Farmlands have continued to go up every year at the rate of from 6 to 8 percent. The result has been that the average farm in the United States today is valued at $100,000, or possibly just a little bit more.

We are simply asking by the terms of this bill to allow the farmers Home Administration lend enough to buy an average sized farm. We do not provide enough money to buy anything more than the average size.

We believe if we are going to continue the Farmers Home Administration as an agency which provides the funds to enable young farmers to get started we are going to have to let them buy at least an average sized farm, because if they buy something smaller than that the probability is that they will make a failure and that the program, which has been such a success over a number of years, will begin to be a failure, too, because the program cannot succeed unless the farmers who are borrowing the money succeed. Otherwise we will have losses to the Government.

Up to the present time we have never had losses to the Government. Under the Farmers Home Administration the homeownership program has actually taken in more money than it has cost the Government. On the losses, the last figure I had, I believe, was forty-two one-hundredths of 1 percent. There is a one-half of 1 percent charge for the insurance, so there is a slight profit to the Government from the operation.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

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

Mr. FULTON of Pennsylvania. What proportion of the $100,000 would be authorized to be borrowed, at what interest rate, and over what term of years.

Mr. POAGE. The entire amount of $100,000 is authorized to be loaned. That means the man could borrow anything, from $1,000 or $2,000 up to $100,000.

First the local committee has to approve the man as a borrower. It has to approve the individual piece of property as a reasonable buy and one which the man can reasonably be expected to pay out on. Then of course the State office must approve the advance of funds.

The interest rate has been going up. I believe I was told just yesterday by Mr. Smith that it is now 7.9 percent. It is just below 8 percent.

Mr. FULTON of Pennsylvania. What are the terms as to years?

Mr. POAGE. It is 35 years, I believe.

Mr. FULTON of Pennsylvania. Can mortgages be paid off ahead of time?

Mr. POAGE. Yes, mortgages can be paid off ahead of time. The average over recent years has shown there was about 105 to 106 percent of repayments each year of the amount due that year. This means that borrowers were making payments before the money was due.

Mr. FULTON of Pennsylvania. Is there any limit on the portion of the value of the farm which the proposed owner must put down as a down payment?

Mr. POAGE. No, there is not. Unlike the Farm Credit Administration, which requires they cannot go more than 6 percent of the earnings value of the farm, there is no such limitation under the Farmers Home Administration. That is the reason why we call this soft credit. This is credit for the young man who has no resources except his family, who is healthy, experienced, and willing to work.

Mr. FULTON of Pennsylvania. We all want the young people to get started and to keep the farms going.

My next question is: Is there any income limit for a person who is applying to purchase a farm, so that earnings above a certain limit would make that person not eligible?

Mr. POAGE. There is not an income limit, but there is a limit in this fashion: If the man can get credit from conventional sources he is not eligible to get credit from the Farmers Home Administration.

Mr. FULTON of Pennsylvania. Is there any investigation as to whether the man is earning enough income to do this on his own?

Mr. POAGE. Yes, there is. As I mentioned awhile ago, the first investigation is the local or county Farmers Home Administration Committee, which is composed of five farmers in the county. They have to make the investigation and have to certify they have determined the individual has a background which would reasonably be expected to insure success as a farmer. They must inspect the land and certify that the land is worth the price he is paying for it.

Mr. FULTON of Pennsylvania. Can you give us any figures as to the income of the individual asking for this loan at

the time of the application for the loan? How is the income distribution correlated among classes or groups of income producers in this country? Are there many people who earn above $10,000 or $20,000 a year at the time of the application for the loan who get this kind of a loan?

Mr. POAGE. No. I cannot give you any figures, but I can tell you that there are practically none of the kind that the gentleman is describing because the man who has that kind of income can get conventional credit and, if he can get conventional credit, he is not eligible for these loans.

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

Mr. POAGE. Yes. I yield to the gentleman.

Mr. KYL. In further response to the gentleman from Pennsylvania, I think it may be possible that there is some misunderstanding here. It is assumed by the Farmers Home Administration that the purchaser of this farm will be a farmer-operator and that this will be his income, his life, and his sole source of income.

Mr. POAGE. It is required under the law that he be of a farm background and have experience as a farmer to be eligible for the loan.

Mr. FULTON of Pennsylvania. Of course, I happen to be a city farmer, as you know, I have some outside income. Are those people eligible for this kind of a loan, or is this to be just for people whose sole income will be from the farm which is to be bought?

Mr. POAGE. No. At one time I believe that we had a provision in the Farmers Home Administration legislation that a man must receive the major portion of his income from the farm operation, but at the present time a majority of the farmers of the United States are making more off the farm than they are on the farm. In other words, they are working in some plant somewhere. The result is that we changed that several years ago, and the county committee does take into consideration what the man's income is from off-farm sources. The type of farmer that the gentleman described would not be eligible for these loans because if he is able to get commercial credit, then he is ineligible for the loan, and I am sure the gentleman from Pennsylvania can get commercial credit.

Mr. FULTON of Pennsylvania. You are very kind.

Is this available to corporations that might want to borrow and purchase land?

Mr. POAGE. No; it is not.

Mr. FULTON of Pennsylvania. Is it available to eleemosynary institutions such as charitable institutions that might want to have people live on a farm and assist them?

Mr. POAGE. No. It is available only to individuals with a farm background whom the committee considers a good risk on the farm.

Mr. FULTON of Pennsylvania. Is there required to be any certification that this individual or individuals will live on the farm?

Mr. POAGE. Yes. It is required that they live on the farm although it is not required that they necessarily live on the particular land that they are buying because oftentimes these loans come about for the purpose of enlarging and assisting in the farm operation. Of course, he could not live where he is living and on the new operation at the same time.

Mr. FULTON of Pennsylvania. Is this proposal limited to the purchase of one farm? Suppose a farmer already has a farm that is worth in excess of $100,000 already and then he wants to buy some land for a few thousand dollars more? Or, also, if he wants to buy two or three or four separate and distinct farms.

Mr. POAGE. If the county committee decides he is buying only enough land to be only one economic unit, it does not have to be all in one block of land. But if he already owns a farm as the gentleman suggests of the value of $100,000, I cannot conceive how he could be eligible to get one of these loans anyway because he would by that time be eligible for commercial credit.

The big thing I think that I tried to make clear and evidently failed to make clear is that no one is eligible for these loans if he can receive commercial credit.

Mr. FULTON of Pennsylvania. We are trying to make some legislative history as to the nature of this operation.

Mr. POAGE. I have repeated this so many times but I am sure I have not made it plain. If a man is eligible for commercial credit, he is not eligible for these loans.

Mr. FULTON of Pennsylvania. Is there any age limit, upper or lower for the purchase of the farms?

Mr. POAGE. Nothing by law, but I believe by regulation there is. I believe that is 60 years of age—but it is only a kind of guideline—not a statutory limit.

Mr. FULTON of Pennsylvania. What are those limitations, upper and lower?

Mr. POAGE. I just suggested that I think it is 60, but I hope the gentleman will realize that I had no idea this bill would come up tonight and I am speaking entirely from memory. I do not have any reference material with me.

Mr. FULTON of Pennsylvania. Would the gentleman place such information in the RECORD because I would like to know about the details?

Mr. POAGE. May I complete my statement? I think the gentleman from Pennsylvania will understand this situation. Not knownig we were going to take this bill up tonight, I do not have the benefit of any counsel here and I hate to be put in the position of trying to make a record on matters without having on hand all of the information pertaining thereto. However, I think the gentleman from Pennsylvania will understand somewhat the embarrassment I face when he asks me to go into detail in response to his questions, without knowing the bill was going to come up tonight.

Mr. FULTON of Pennsylvania. The gentleman from Texas is doing pretty well with no counsel.

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

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

Mr. KYL. Insofar as responding to the gentleman from Pennsylvania, No. 1, as the chairman has told the gentleman, he has to have no other credit available. In other words, he could be an elderly individual.

Mr. POAGE. That is right.

Mr. KYL. The second factor in response to the question of the gentleman from Pennsylvania is that the local committee and the local office and the other offices of the Farmers Home Administration have to assume that the applicant is going to live long enough to pay off the farm and, therefore, they would like to make these loans to the farmer who is young and just starting out, but if an individual is in good health, the determination locally would be different than that for one who was not in good health.

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

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

Mr. GROSS. The gentleman from Texas did not know he was going to be confronted with a farmer from Pittsburgh at this hour of the evening.

Mr. POAGE. No, and I hope the gentleman from Pittsburgh will understand the situation.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield further, on this age limitation, I believe that it is not now legal to have any discrimination because of age and a cutoff at 60. Congress has already passed legislation prohibiting discrimination because of age so that there cannot be a regulation limiting the age of applicants to 60.

If anyone at any age wants to apply, I do not believe they can be prevented from doing so.

Mr. POAGE. I cannot believe that any lending agency can be compelled to lend to somebody who does not have the prospect of repayment. If this is the law there are going to be a lot of broke banks before the grass gets green.

Mr. FULTON of Pennsylvania. I would like to say for the record for those underage with reference to the purchase of farmland and, likewise, for those over the age of 60, I do not see why they cannot participate in this program as well.

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

Mr. POAGE. I yield further to the gentleman from Iowa.

Mr. KYL. Of course, again, the chairman has pointed out that the board of directors of this bank, if you want to call it that, is a board made up of farms of the county in which the loan is being made. These people review all of the factors of security, opportunity for repayment and so on just as a board of directors of any financial institution would do, with the understanding that there is no credit available anywhere else. They are not going to loan money to someone who has no chance of success in the operation of that farm. They are not going to loan money to someone who is so overburdened by debt and cannot meet the obligation, but in any event one could not set forth here a hard and fast rule to apply to every individual and county in the country.

So you have the local group which makes the determination, and after that point I would say to the gentleman the Farmers Home Administration also assists the farmer who has a loan with adminstration, with business practices,

and so on, to help him meet success in his operation, and in meeting his own obligations.

Mr. POAGE. Mr. Chairman, I would like to proceed for just a moment here, because I think we are getting off on something that is rather vague and certainly nebulous.

I would like to pursue further this proposition of suggesting that the Farmers Home Administration has to loan to an infant or someone who is 100 years old, that, it would seem to me, is getting beyond the realm of reason.

The gentleman from Pennsylvania is a stockholder of several banks, and I do not believe that any of these banks will make loans to a 6-weeks-old infant without somebody else signing the loan, or make a loan to anybody who is in very advanced years, and who has no other means of paying back than through his own work. I think that would be just as much in violation of the Supreme Court decision for banks to refuse loans of this kind as it is for the Farmers Home Administration to refuse to make them.

I would like to proceed, if the gentleman is really serious in raising these kinds of questions——

Mr. FULTON of Pennsylvania. Yes, I am serious.

Mr. POAGE. I would ask the gentleman would his banks make loans of this kind?

Well, then, the gentleman is a stockholder in the banks.

The gentleman is a stockholder?

Mr. FULTON of Pennsylvania. Yes, I am a stockholder.

Mr. POAGE. And do any of the banks in which the gentleman holds stock make loans to infants or aged people who have no property?

Mr. FULTON of Pennsylvania. Yes, these banks do make loans, but I am not in the management end.

Mr. POAGE. Do you make loans to 6-week-old children, and 100-year-old adults without any other resources? Do you make them?

Mr. FULTON of Pennsylvania. I have borrowed from banks ever since I was a boy. I consider that a young married couple who have graduated from high school, who are 18 years of age, and want to start out, that they are perfectly able to manage their own finances, and buy a farm, start a family, even though they are minors, and not 21 years of age.

Mr. POAGE. No, I want to be courteous, but it seems to me that we have reached a point where I am consuming altogether too much of the very limited time allotted to this bill.

PARLIAMENTARY INQUIRY

Mr. FULTON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Texas yield for the purpose of a parliamentary inquiry?

Mr. POAGE. I will yield for a parliamentary inquiry, but not for a speech.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. Mr. Chairman, my question is this: What is the status of time, and who has control of the time to give out? I realize the gentleman from Texas is from the opposite party, but I wonder if there is anybody on our side who has time on this bill, on the Republican side?

Mr. POAGE. The leadership over on the Republican side have control of the time on the gentleman's side.

Mr. Chairman, I feel that I have extended all the time I reasonably can.

Mr. FULTON of Pennsylvania. The gentleman has been very courteous. I thank the gentleman.

The CHAIRMAN. The gentleman from Texas has consumed 19 minutes.

Mr. POAGE. Mr. Chairman, this bill is a serious bill. It has nothing to do with the age of borrowers. It is a serious bill to try to allow those who are seriously trying to make a living as farmers to have the opportunity of borrowing in a serious way with a real prospect of repaying the loan. And they have done this, and have been doing this for a good many years. They have been repaying the loans with interest. They have paid back more than the U.S. Government has paid out. It is a program that I think has been a real help.

We are trying to bring the program up to date. We are trying to keep it on the same reasonable basis on which I am sure the gentleman from Pennsylvania runs his own banks. We are trying to make loans to young men, young families who are in the farming business, and who sincerely want to stay in the farming business. We are trying to give them a chance in this modern world to get up in the world, just as the gentleman from Pennsylvania has gotten up in the world. He has set an example to which they can all aspire. I hope every Member will help extend this opportunity.

The CHAIRMAN. The gentleman from Texas (Mr. PRICE), is recognized.

(Mr. PRICE of Texas asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Texas. Mr. Chairman, as the author of H.R. 11547, I commend my colleagues on the Agriculture Committee for recognizing the importance of this issue and acting on my proposal. Their recommendation is a good first step toward updating the structure of the Farmers Home Administration farm ownership loan program. The committee, however, decided not to approve my proposal to also update the farm operating loan program, a decision I will take issue with next year at the appropriate time.

I would also like to commend the chairman of the House Rules Committee (Mr. COLMER) and other distinguished members who realized the importance of this bill and expedited its consideration by the Members of this body.

As many of my colleagues here today do not have rural backgrounds and do not represent rural constituencies, I think a more complete understanding of the merits of my proposal could be obtained by my briefly sketching the economic realities within which the FHA is attempting to meet the real estate and operational loan needs common to the farmers of this Nation.

The Congress has long recognized the need to provide a supplemental source of credit for the small farmer, and the Farmers Home Administration is the agency in the Department of Agriculture charged with responsibility for providing loans to the small family farmer who is unable to obtain credit through normal channels. FHA has been making farm ownership and operating loans to these farmers for a period of 30 years with remarkable success, and many successful farmers today owe their start to an FHA loan and to the supervision provided through the FHA county supervisor.

These popular and highly successful FHA loan programs are beginning to lose their effectiveness because the limitations placed by Congress on the size of these loans are having the effect of denying loans to the very people for whom the loan programs were established.

In 1961 Congress, in its wisdom, placed a dollar limitation on both the farm ownership loan and the operating loan. The ceiling limit for farm ownership is $60,000 and for operating loans it is $35,000.

The $60,000 farm ownership loan limitation applies to total indebtedness and it makes no difference whether the money is borrowed from FHA, from the local bank, or from some other source. As we all know, however, the business of farming has changed dramatically since 1961. Inflation has eroded the value of the dollar. The price of land has risen spectacularly. The size of farming units has increased, and the costs of everything the farmer buys has risen along the general inflation that has been characteristic of the entire economy. Thus, Farmers Home Administration is not able today to help many of the family farmers for whom the farm ownership loan program was designed.

In many parts of the country family farmers and young men embarking on a career of farming need more money to buy farm land than was the case in 1961. The beginning farmer normally needs substantial capital for startup costs. The established farmer often needs more capital in order to make the most efficient and profitable use of his resources. Finally, many of the farmers who need help most and who can show the best results are those who have reached a state in their operations that with the help of an FHA loan, they can increase their income and net worth to the point where they can qualify for commercial financing.

To put what I have just described in perspective, the size of the average FHA farm ownership loan is $30,000. This figure, although well below the existing $60,000 limitation, covers all types of farming and farm operations throughout the country. In some areas though, if a farmer wants to establish an economic farming operation it takes considerably more financing than the average FHA loan of $30,000 and the present loan ceiling of $60,000. In 1967 for example: the average investment in tobacco and beef farms in the States of Kentucky and Tennessee was $93,000. In the same area of the country, a tobacco and dairy farm required an investment of $67,000. Finally, grain farms and cattle ranches in Western States such as Texas and Oklahoma required more than $100,000 in investments.

The meaning of these figures is clear. Even though the average FHA loan for farm ownership is $30,000 in certain parts of the country farmers and ranchers need larger loans than is presently allowable under the $60,000 ceiling established in 1961.

I am advised by FHA that if Congress were to raise the loan limitation as proposed in my bill, they would make prudent use of this increased authority, FHA would use its new flexibility selectively and would not institute a general increase in the size of the average $30,000 farm ownership loan. Instead it would only use its increased loan authority in those cases in which a larger size loan would satisfy a particular credit need and would contribute to the purposes of the FHA family farm program.

I want to emphasize that increasing the loan ceiling to $100,000 for farm ownership loans would not increase the cost of the loan program to the taxpayer. FHA officials estimate that for an additional $75 million a year, the needs of larger borrowers can be accommodated without any decrease in service to the smaller borrower. This $75 million or so will not come out of the Federal budget. It will not cost the taxpayer any money. The reason for this is that the FHA farm ownership loan program is funded through the agricultural credit insurance fund, a fund which FHA uses to raise money for programs by selling FHA paper to private investors in the money market.

Mr. Chairman, farmers also need relief from the present $35,000 limitation Congress placed on farm operating loans in 1961. This provision in my bill was disapproved in committee because the operating loan program, in contrast to the farm ownership program, is funded by appropriation, rather than by Government guarantee to private lenders.

Since the committee vote was taken, I have had an opportunity to discuss this matter further with FHA officials. It is my understanding that if the operating loan ceiling were raised from $35,000 to $50,000, FHA would make only limited use of this new loan authority this fiscal year.

FHA is anxiously waiting for Congress to transfer the funding of the operating loan program to the agricultural credit insurance fund. This fund already finances four other important FHA loan programs: Farm ownership loans, association loans, recreation loans to individuals, and soil and water loans to individuals.

Transferring the operating loan program to this insured loan fund would shift the funding of this vital program from the U.S. Treasury to the private money market. Thus, it would represent no longer a Federal budget outlay, and necessary funds would be raised by selling FHA loan paper to private investors.

This proposal has been endorsed by the Office of Budget and Management, and the distinguished chairman of the Agriculture Committee has expressed a keen interest in holding hearings on this matter.

For the present, however, approving the extended ceiling for the farm operating loans from $35,000 to $50,000 would merely change the loan structure of the program and make it conform more realistically to current economic conditions. Moreover, as such time as the funding of this program is transferred from the Federal budget to the private money market, FHA could provide for some increase in the level of program funding in accordance with the new loan limits without relying on any additional appropriation. I think this approach is eminently suitable.

In sum, then, H.R. 11547 updates the loan authorities of the FHA in recognition of the unarguable fact that since the present limitations were fixed by Congress in 1961, the American economy has changed greatly. Farm land costs, farm capital outlays, and farm operating expenses have risen to the point where the present limits are inadequate for the purpose Congress established them. Raising the ceiling on the farm ownership loan program would not cost the taxpayer more money because the funds for this program are raised from the private money market rather than from the Federal budget. Increasing the limits on farm operating loans would permit FHA to make some needed changes in present loan policies, changes that would create no new demands for increased appropriations. These changes would be interim in nature and would prevail until such time as the funding of the operating loan program can be transferred to the same insurance fund that finances the farm ownership program.

I urge my colleagues to act favorably on this nonpartisan and nonpolitical bill.

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

Mr. PRICE of Texas. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. First, may I say to the distinguished gentleman form Texas that I commend him for this bill, for the action that he took, and for the effort that he put in, recognizing what is the real problem with the Farmers Home Administration.

On the point on which you touched, I must say that I am disappointed at the decision of the Committee on Agriculture to remove from your bill the increase from $35,000 to $50,000 in operating loan limits. I recognize the financial problem that this poses.

Am I correct in understanding that an effort will be made in the 92d Congress by the gentleman from Texas and others on the Committee on Agriculture to deal with this subject in a timely fashion?

Mr. PRICE of Texas. Yes, we plan, it is my understanding, to hold hearings the first part of the year.

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

Mr. PRICE of Texas. I yield to the gentleman from Texas, the chairman of the committee.

Mr. POAGE. I would like to state the reason for the action of the committee. It is simply this. On the operating loans—not on real estate loans—but on the operating loans there is still a large demand for small operating loans. The amount of money is fixed. This bill does not increase the amount of money that is available for those loans. You can make a whole lot more $35,000 loans than you can make $50,000 loans, and if you make all of these $50,000 operating loans for which there is demand, there would be a whole lot of fellows who would want $3,500 or $5,000 loans who could not get them.

We felt that it was not wise to cut off a large number of people who needed only a small operating loan in order to take care of a much smaller number of those who needed larger loans.

We recognized the need for the increase in the operating loan, but until we could get some more money, we did not think it a wise thing to limit the number of people who were going to get the benefit of these loans.

As the gentleman from Texas has well pointed out, the committee does contemplate going into a review of the entire needs of the Farmers Home Administration in the next session.

I talked with the gentleman from Texas (Mr. PRICE) about this yesterday, and he and I are in agreement that we should go into this whole question, including how we will finance and how we will make these loans, because we think it inadvisable to cut off the needs of a great many small operators, even though we recognize the need the gentleman from Texas (Mr. PRICE) is pointing out—if we have the money to do it. We do not have the money now, and we hope next year we can have the money, and that we can take care of that situation.

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

Mr. PRICE of Texas. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I must admit the gentleman from Texas does make a very good argument. I do not disagree with the problem of how we balance the large loans versus the need for small loans. I must say to both the gentlemen from Texas that this has become more acute, for example, in Wisconsin due to the problems of the mink ranchers. We have a whole series of industries involved in minks, who have a large operation basically if they have been at all successful, and they are now faced with rising imports and with changing markets and other problems, and they need larger loans, and the FHA simply cannot meet that need.

I am aware of the problems. I appreciate the explanation of the gentleman from Texas. I, as one member, will be most happy to work with the gentleman in any way I can in an effort to solve this problem.

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

Mr. PRICE of Texas. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I think we have pretty well explained the operating loan problem we have. The gentleman made one comment though that I know he would not want to leave in the RECORD with possible misinterpretation. He said the primary problem with operating loans was that we had a fixed sum, and insofar as purchase is concerned, we have a fund from which we draw, and there is an inference that we have all the money in that fund that we need. I think the gentleman from Texas

would want the record to show that while we have no fixed amount there, to the same degree certainly we do not have sufficient money to meet the demands of the good risk operators who do apply for farm ownership loans.

Mr. PRICE of Texas. The gentleman is correct. I appreciate his pointing it out. Certainly we cannot meet the needs of loans requested.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I wish to compliment my friend, the gentleman from Texas (Mr. PRICE) on his excellent statement and on his good work on the House Committee on Agriculture.

I would bring up the question of an older couple who are going to retire. They might have lived in the city or a small town, and they might have rented all their lives, and they come to the age of 60, and they want to buy a farm house. I understand that under the law there is no age limit, as it now exists, with respect to age.

I believe there should not be an age limit set under the regulations promulgated under this law. It could be shown by these people that they have the capacity and the ability to pay and the good health and reasonable opportunity for repayment of the loan, with the power to earn money on this farm to pay off the loan.

I do not think there should be that kind of rigid restriction of 60 years of age under any regulation of any agency of the Federal Government barring such people from a loan. This is illegal under present Federal statute barring discrimination because of age.

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

Mr. PRICE of Texas. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, again I think we missed the practical purpose and practical effect of this loan. We were talking about the shortage of money for farm purchase. As a matter of fact, in most States in the last couple of years, the State offices had to direct the county offices to take care of first only the GI's, who are young, as a kind of priority category.

There were not sufficient funds to distribute even to the young people who wanted to start on farms who were in that special category. We just have not had sufficient funds to do all the things that might be nice to do.

Really, the argument is not one of great significance when we come to the practical operation. We just have never had money to do the kind of things the gentleman from Pennsylvania is talking about, when we get to the practical aspect of the situation.

Mr. PRICE of Texas. I thank the gentleman.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

Mr. PRICE of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, 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, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended by changing the figure "$60,000" in section 305(a) to "$100,000"., and by changing the figure "$35,000" in section 313(1) to "$50,000".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 5, strike out the comma following the figure "$100,000" and insert a period and strike out the balance of line 5 and strike out all of lines 6 and 7.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas: Add two new sections to read as follows:

"SEC. 2. Section 302 of the Act, as amended, is amended by inserting after the word 'background' the phrase 'except with respect to veterans as defined in section 333(e), a farm background shall not be required as a condition precedent to obtaining any loan,'.

"SEC. 3. Section 333(e) of the Act, as amended, is amended by deleting the word 'or' following the world 'nation' and inserting in lieu thereof a comma, and by inserting after the words 'Korean conflict' the words 'or the Vietnam era'."

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

Mr. PRICE of Texas. I yield to the chairman of the committee.

Mr. POAGE. This is what we describe as the Findley amendment. The gentleman from Illinois (Mr. FINDLEY) had given notice he wanted to offer an amendment. He suggested it to the gentleman from Texas and to me. Mr. FINDLEY did not know this bill would come up tonight. We have tried to locate him. Failing in time, the gentleman from Texas has offered this in his behalf. We have agreed we would accept the amendment. It does nothing except to authorize the making of loans to a veteran even though that veteran does not have a farm background if the committee finds in all other respects he is qualified and eligible, and it defines veterans so as to include those who served in the Korean conflict and the Vietnam era.

As a member of the committee but not speaking for the committee but only for myself, certainly I would accept the amendment.

Mr. FINDLEY. Mr. Chairman, the bill under consideration, H.R. 11547, by the gentleman from Texas (Mr. PRICE), provided us an opportunity to revise the indebtedness limitation for farmownership loans under the Farmers Home Administration to a more realistic figure in an attempt to keep up with the inflationary trend of our economy. I support that measure because, as our Nation's farms have expanded in size under pressures of the cost-price squeeze, the cost of getting started in farming has also greatly increased. This bill merely corrects and revises the maximum amount a farmer may obtain in the form of an FHA loan to start farming or expand his farming operation—a revision I agree is long overdue.

I rise also to thank the chairman, the gentleman from Texas (Mr. POAGE), and the gentleman from Texas (Mr. PRICE) for accepting my amendment to section 302 of the Consolidated Farmers Home Administration Act of 1961 and an additional amendment to section 303 of the same act, as offered in my behalf by the gentleman from Texas (Mr. PRICE), which together will further update the operation of the FHA credit system to provide benefits for returning Vietnam veterans similar to benefits available to veterans of other military conflicts or wars who desire to start farming. The distinguished gentleman from Texas who is the author of this bill accepts my amendment as offered by the gentleman from Texas (Mr. PRICE), as does the Administrator of the Farmers Home Administration, James Smith.

The Farmers Home Administration has done a great deal to help many, many farmers get their needed start when commercial credit agencies felt they could not accept the risk of providing them with credit. The farmownership program which was initiated in 1937 under the Bankhead-Jones Farm Tenant Act and is now opearting under the FHA Act of 1961 has been highly successful. Under this program, 207,235 families have been assisted in purchasing farms.

On June 30, 1970, a total of 105,331 of these families had their farms paid for in full with the additional 101,904 families still paying off their FHA loans. Losses on these loans since the program's inception have amounted to only two-tenths of 1 percent.

Discussions I had recently with four rural bankers from the States of Iowa, Nebraska, North Dakota, and Illinois indicate these men feel the FHA has been a great help to the farmers it serves and they indicate nearly all commercial lending institutions took on the FHA with great favor. Cooperation between the commercial banks and the FHA is an ongoing way of working toegther in our rural areas to help the farmers get their start. Once on their feet financially, the bankers find the new farmers are ready customers for credit from their firms.

The first amendment the gentleman from Texas (Mr. PRICE) offered for me will exempt the requirement that veterans seeking a new farm loan have been born and raised on a farm. Prior to the Consolidated FHA Act of 1961 this requirement did not exist and James V. Smith, Farmers Home Administration in a letter to me said the farmownership program before that time did, "not reveal any adverse effect on the program because the veterans were not required to have a farm background."

Under it, veterans would still be required to have farm experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation and would otherwise have to meet the same eligibility requirements as nonveterans to qualify for a loan.

The second part of the amendment is to section 333 of the FHA Act to grant veterans preference privileges to veterans

not now covered by this section. The present section 333 grants veterans preference to "persons who served in the Armed Forces of the United States during any war between the United States and any other nation or during the Korean conflict and who were discharged or released therefrom under conditions other than dishonorable." My amendment simply adds to this provision, persons who have served during the "Vietnam era," which legal counsel at Farmers Home Administration assures me will be interpreted to include everyone who has served in the Armed Forces since the end of the Korean conflict, just as the latter term has already been interpreted to include everyone serving from World War II to the end of the Korean war.

FHA Administrator Smith's letter indicates his support for this provision and says, in part:

> We agree with you that those veterans (who served during the Vietnam era) should be extended the same veterans' preference as the veterans now specified in that section of the Act.

My purpose in proposing this amendment is to provide equal recognition to all veterans who have served in the Armed Forces since the end of the Korean war as is currently accorded to those serving in prior times. It shall be provided regardless of where they have served, as they apply for farmownership loans.

After World War II and again after the Korean conflict, Congress acted swiftly to provide adequate educational and employment opportunities to help our returning veterans adjust to the society they helped to protect. Many of these same benefits have now been extended to cover veterans of the Vietnam war, but farm loan preference is one area where this is lacking.

We have an opportunity to correct that today and include our modern-day military veterans in the benefits those who have served before them enjoy. Certainly this is as it should be. The young men who have fought in Vietnam have displayed courage and determination as great as at any time in our Nation's history. In the face of devisive arguments at home over our course of action in Southeast Asia, their devotion to duty under such psychological handicaps is all the more commendable.

This is a particularly appropriate time to include our current fighting men in the benefits of their predecessors following an announcement last week by the Department of Agriculture that new farm mortgage money loaned by the three major lender groups in the first half of 1970 was down by more than one-third compared with the same period a year ago.

Life insurance companies, Federal land banks, and the Farmers Home Administration supplied the data indicating the substantial reduction in farm mortgage money. The reduction in mortgage money, coupled with sizable increases in the interest rate charged today clearly demonstrate the need for approval of the Price of Texas bill and the inclusion of Vietnam veterans as well as others who served in the U.S. Armed Forces since the close of the Korean conflict. With the average age of the Nation's farmers past 55, we need young men coming into agriculture.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PRICE).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, pursuant to House Resolution 1228, 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 engrossment and third reading of the bill.

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

REQUEST TO MAKE IN ORDER THE DECLARING OF A RECESS BY THE SPEAKER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess subject to the call of the Chair.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I know Christmas is approaching and we are in a lameduck session of Congress, but can the gentleman give us any idea as to the extent of this recess?

Mr. ALBERT. May I advise the gentleman that, of course, we are waiting on the other body to act on the railroad strike legislation. We would like to get this permission so that we could then move into special orders and get through with them before that matter comes over and we could then proceed to the consideration of the resolution from the Senate.

Mr. GROSS. Is there anyone in the world who wants to take a special order at this hour of the night?

Mr. ALBERT. I do not know, but we would like to get everything done but this one thing and then take it up when it comes up. This would give the Speaker the opportunity to declare a recess.

Mr. GROSS. May I ask the distinguished majority leader what about the rest of the business for today—the calendar of bills still pending?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we do not believe we should take up additional bills at this time, particularly when we have earlier advised Members that we thought this would be the last piece of legislation to be taken up today, except for the rail strike legislation.

Mr. GROSS. We have business scheduled for the rest of the week.

Mr. ALBERT. Yes, we do have business scheduled for the balance of the week.

Mr. GROSS. Why do we not go on tonight, without recessing?

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

Mr. GROSS. Yes, of course.

Mr. ALBERT. I have been advised that Members are not ready and prepared to proceed with their bills tonight.

Mr. GROSS. Well, that puts a different complexion on it. If they do not want to work, I guess they cannot be compelled to work.

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

Mr. HALL. Mr. Speaker, I object.

CALL OF THE HOUSE

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

The SPEAKER. Does the gentleman object or make the point of order that a quorum is not present?

Mr. HALL. I do both, Mr. Speaker.

Mr. ALBERT. Mr. Speaker, will the gentleman withhold and permit me to make a suggestion, and if it does not meet with the approval of the gentleman of course he can go ahead. Can we proceed with the consideration of special orders and other business which is not part of the legislative business and before the gentleman makes his point of order?

Mr. HALL. Absolutely not.

Mr. ALBERT. The gentleman knows that the Democratic leadership and the Democratic House is trying to cooperate with the Republican President.

Mr. HALL. Would the gentleman mind, Mr. Speaker, defining what he means by "leadership"?

Mr. ALBERT. The Democratic Party side of the House.

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

The SPEAKER. The gentleman from Missouri renews the point of order that a quorum is not present.

The Chair will count.

Could the Chair get the attention of the gentleman from Missouri? Will the gentleman from Missouri withhold his point of order until the Chair disposes of special orders?

Mr. HALL. As previously stated, Mr. Speaker, the gentleman from Missouri insists that there is no quorum present at this time.

The SPEAKER. The Chair has counted and, of course, it is quite evident that 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. 395]

Abbitt	Foreman	Murphy, N.Y.
Abernethy	Fountain	O'Hara
Adair	Frelinghuysen	O'Konski
Addabbo	Frey	O'Neill, Mass.
Andrews, Ala.	Gettys	Ottinger
Annunzio	Giaimo	Patman
Ashley	Gilbert	Pike
Aspinall	Goldwater	Pirnie
Ayres	Gray	Podell
Baring	Griffiths	Pollock
Barrett	Grover	Powell
Biaggi	Gubser	Preyer, N.C.
Bingham	Halpern	Pryor, Ark.
Blanton	Hanley	Pucinski
Blatnik	Hanna	Purcell
Boland	Hansen, Idaho	Randall
Bolling	Hawkins	Rarick
Brasco	Hébert	Rees
Bray	Holifield	Reid, N.Y.
Brock	Hosmer	Reifel
Broomfield	Howard	Reuss
Brown, Calif.	Hull	Rivers
Burton, Calif.	Hungate	Roberts
Burton, Utah	Hunt	Rogers, Colo.
Bush	Jarman	Rooney, N.Y.
Button	Johnson, Calif.	Rooney, Pa.
Byrnes, Wis.	Johnson, Pa.	Rosenthal
Carey	Karth	Roudebush
Casey	Kastenmeier	Rousselot
Celler	Kee	Ryan
Chappell	Keith	St Germain
Chisholm	King	Scheuer
Clay	Kluczynski	Schneebeli
Cleveland	Koch	Slack
Cohelan	Kuykendall	Smith, N.Y.
Collier	Langen	Stephens
Collins, Tex.	Leggett	Stratton
Conyers	Lennon	Symington
Corbett	Long, La.	Taft
Cowger	Lowenstein	Taylor
Cramer	McCarthy	Teague, Calif.
Culver	McClory	Thompson, Ga.
Cunningham	McCulloch	Thompson, N.J.
Daddario	McDade	Thomson, Wis.
Daniels, N.J.	McKneally	Tiernan
Davis, Ga.	McMillan	Tunney
Dent	Macdonald, Mass.	Udall
Derwinski	MacGregor	Waggonner
Diggs	Mathias	Waldie
Dingell	May	Watson
Dowdy	Mayne	Whalley
Dulski	Meeds	Whitten
Dwyer	Meskill	Widnall
Edwards, Calif.	Michel	Wiggins
Edwards, La.	Mink	Williams
Evins, Tenn.	Minshall	Wilson, Bob
Fallon	Mize	Wilson, Charles H.
Farbstein	Monagan	Wold
Fascell	Moorhead	Wolff
Fisher	Morton	Yates
Ford, William D.	Moss	Zwach

The SPEAKER. On this rollcall 250 Members have answered to their names, a quorum.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

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.

The message also announced that the Senate insist upon its amendment to the joint resolution (H.J. Res. 1413) entitled "Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute," and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and appoints Mr. YARBOROUGH, Mr. KENNEDY, and Mr. JAVITS be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1413, TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, 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 West Virginia?

Mr. JACOBS. Mr. Speaker, reserving the right to object, can the Chair inform the House as to approximately how long the conference may take?

The SPEAKER. The Chair will state to the gentleman from Indiana that the Chair assumes that the gentleman is addressing that question to the chairman of the committee?

Mr. JACOBS. I assume that the Chair would prefer that I address that question to the chairman of the committee, and I so direct the question to the chairman.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, all I can reply to the gentleman from Indiana is that the conferees will certainly try to come to some agreement just as soon as they can.

Mr. JACOBS. Mr. Speaker, being among the vast number of Members of the House who have not had dinner yet, all I can say is that it seems a strange way to run a railroad.

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, DINGELL, ADAMS, SPRINGER, and DEVINE.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to state to the Members that there will be further business in connection with the matter that has just gone to conference and, although we are proceeding with special orders at this time, the Chair wants to alert the Members to that effect. Therefore the Chair is now recognizing special orders under the circumstances.

The Chair knows that the Members will understand, and will accommodate the Chair in the efforts of the Chair.

A TRIBUTE TO BOYD CRAWFORD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN), is recognized for 60 minutes.

Mr. MORGAN. Mr. Speaker, tomorrow, December 10, Boyd Crawford officially leaves the Committee on Foreign Affairs after 31 years of service.

I believe that it is accurate to say that Boyd's retirement marks the end of an era in the history of the committee.

Boyd Crawford began his service with the committee in 1939 when the late Sol Bloom was chairman. At that time, except for a stenographer or two, Boyd constituted the entire staff.

It was in the fall of 1939 that Hitler invaded Poland and World War II began. This meant great changes in U.S. foreign policy, and the work of the Committee on Foreign Affairs acquired a new dimension.

Boyd Crawford began his service just as all these developments got underway. He has played an active role and made a significant contribution to the work of the committee on such matters as lend-lease, Greek-Turkish aid, the Marshall plan, all of the military assistance programs, and all of the foreign aid and other legislation which has concerned the committee and the Congress during the past three decades.

Boyd has served under committee chairmen Sol Bloom, Charles A. Eaton, John Kee, James P. Richards, Thomas S. Gordon, Robert B. Chiperfield, and the present chairman.

All of the chairmen who were served by Boyd have testified as to his hard work, his loyalty and high quality of his judgment.

The Legislative Reorganization Act of 1946 reorganized committee staff work and formally established the concept of bipartisan committee staffs. Although Boyd had served Sol Bloom, a leading Democrat, first in his congressional office and then under his committee chairmanship, he has served two Republican chairmen—Dr. Eaton and Bob Chiperfield—enjoying their complete confidence and earning their lasting friendship.

Boyd brought to the committee a most unusual combination of qualifications.

He was and is a highly qualified stenographer. In his early days he won prizes for his speed in typing and shorthand.

He is a capable administrator. As the work and the staff of the committee have grown, he has organized the recordkeeping and the procedures for carrying on the operations of the committee in a most effective manner. Every member of the committee has been impressed by the completeness and the accessibility of the committee records.

Boyd also possesses exceptional talent as a writer. He can express ideas with remarkable clarity in a manner suitable to the circumstances, and he can turn out material with unusual speed.

In addition, I have always been impressed by the fact that Boyd has acquired the ability to speak French fluently. He is self-taught. He never had an opportunity to study French in school; he never lived in a French-speaking country; his family did not speak French. He studied books, bought recordings of French lessons, and occasionally hired a French-speaking tutor—all of this paid for out of his own pocket: a truly remarkable performance.

Mr. Speaker, it is obvious that all of us are going to miss Boyd Crawford. All of us have come to depend on him, and it will not be easy to get along without him.

For over 30 years, no chairman of the Committee on Foreign Affairs has faced

the challenge of trying to carry on the work of the committee without Boyd's help.

We recognize that he has earned the right to relax and enjoy life. All of us wish him the best of everything in his retirement and are gratified to know that he expects to continue to make his home in northern Virginia. We expect to draw on his knowledge and seek his counsel in the future when we face problems of unusual difficulty.

I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I want to join with the distinguished chairman of the Committee on Foreign Affairs in the remarks he has made about Boyd Crawford. A loyal member of the staff of any committee is invaluable, and Boyd Crawford has been an invaluable member of the staff of the House Committee on Foreign Affairs for at least three decades. Not only is he possessed of extraordinary ability and dedication, but he is also possessed of extreme loyalty to the chairman and to the members of the committee and to the committee as such. He has made a marked contribution throughout the past three decades in the considerations of the important bills that have come before the House Committee on Foreign Affairs.

Boyd Crawford is also possessed of a fine personality. During the years he has always been cooperative with Members of the House who have sought information in connection with bills being considered by the House Committee on Foreign Affairs either for their own information or for the information of constituents from whom Members have received letters and communications requesting such information.

I have a strong feeling of respect and friendship for Boyd Crawford, a friendship that I shall always treasure. I extend to Boyd Crawford my hearty congratulations on the constructive and dedicated work that he has given to the House Committee on Foreign Affairs throughout the years, and I wish to him and to Mrs. Crawford every happiness for countless years to come.

Mr. MORGAN. I thank the distinguished Speaker.

Mr. Speaker, I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I am very pleased that our chairman has decided to give us this opportunity. I have been on the Committee on Foreign Affairs a relatively short time—I think about 10 years—and it had never occurred to me to wonder even whether Boyd Crawford was a Republican or a Democrat, because he has been totally honest, I think, with every member of the committee.

He not only writes well, but he also has that extraordinary ability that is sort of No. 1 in a man who serves on the staff, and that is that he can even write well on your ideas even if they are not necessarily his ideas, which I think is a very special quality that staff people with long service on the staffs of this House have given to the Members—that he will do his best to give you his ideas if you need his ideas, but if you have your own ideas and you need someone to express them well, he can do that.

This is a very talented gentleman, one of whom I have become very fond as a person and for whom I have had a great deal of admiration as a highly professional servant of the House and of our very fine Committee on Foreign Affairs.

Mr. MORGAN. I thank the gentleman from California.

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

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

Mr. HAYS. Mr. Speaker, I join in everything that the chairman has said about Boyd Crawford. He was on the committee long before I came there. I have known him for more than 20 years. I do not know of any member of the staff of the House that we would miss more than Boyd Crawford.

As the gentleman from California has said, he has many talents. He is a warm, fine human being. He has talents that probably most of the membership do not know anything about. He is a talented artist. He has painted some of the finest pictures that I have had the pleasure of looking at, and I think I know a little bit about painting. I have looked at many paintings. It is a hobby with him.

He has many sides, and it takes a long time for you to find out what all of them are. He is going to be greatly missed on the committee. With all due respect to the staff, I do not know how he will be replaced.

I was especially interested in what the gentleman from California said about his politics. I do not know what his politics are. It never occurred to me to wonder.

Not only that, but he has accumulated a professional staff on the committee, and I have never wondered about any of them. I would trust anyone that Boyd had recruited to that staff to represent me, to advise me, and to counsel me. We have on that committee a professional staff, not a political staff.

Boyd Crawford is a man who over the years has hired every one of those staff members with the assistance and direction of the chairman, and approved them and worked with them. I think his leaving is going to be a tremendous loss. Although I realize that he has a right to retirement and to leisure time, I cannot help but say that I hate to see him go, and I hope he will be available from time to time to counsel with us.

Mr. BURLESON of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. BURLESON of Texas. Mr. Speaker, it is most appropriate that the distinguished gentleman from Pennsylvania (Mr. MORGAN), chairman of the Foreign Affairs Committee, has reserved this time to pay tribute to a man who has rendered dedicated service to that committee for many years.

Not only has Boyd Crawford performed unparalleled duty to the Foreign Affairs Committee—he has contributed immensely to the formation and direction of legislation considered here in the House of Representatives which has been a part of us all. As staff director of this great committee he has kept a standard of excellence to be highly admired.

Mr. Speaker, it was my privilege and good fortune to have been a member of the Foreign Affairs Committee for a great many years. During this period I came to respect Boyd Crawford as an able, dedicated, public servant and to admire him as a man. He is an individual of rare talents. His broad knowledge and unusual perspective has aided many who have sought his advice and counsel.

In my early association with Boyd Crawford I found in him a personal friend and a wise counselor. He has that unique faculty of advancing suggestions to guide one through the maze of legislative complexities with the adroitness to cause one to feel that all the ideas were one's own. At least this has been my experience and likely the same has been the experience of many of you who have depended upon him for guidance.

In other words, Mr. Speaker, our friend and associate whom we honor here today, is a diplomat supreme. Boyd you would make a great Secretary of State.

From observations it appears that retirement is difficult for some people. I doubt it will be so for Mr. Crawford. As mentioned, he is a man of numerous and varied talents. He is an avid reader, on artists, a practitioner of the culinary arts, not to mention keeping the grass on a spacious lawn at the proper height. He is also an interested gardener and somewhat of a horticulturist. Doubtless he will stay busy.

I join the many other friends of Boyd Crawford in wishing for him and his lovely wife, Gertrude, the best of good things—good health, happiness, and contended retirement from an arduous but satisfying career.

Mr. MORGAN. I thank the gentleman from Texas for his comments.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, we people who know Boyd Crawford know what a fine fellow he is. I admire his quiet ability, and his "can do" spirit. In fact, Boyd Crawford has been such a good friend of mine that I have written a special speech about him, pointing out his many qualifications and his good work as the administrative officer and head of the House Foreign Affairs Committee professional staff. I ask that my prepared remarks be inserted in the RECORD at this point, and extend to Boyd Crawford my friendship and good wishes for the future.

Mr. Speaker, I want to thank Chairman MORGAN for providing us with this opportunity to express my appreciation of the services which my good friend Boyd Crawford has rendered to me, and to all of us on the Committee on Foreign Affairs over the years, to congratulate him on the distinguished service he has rendered to his country, and to wish him well for the future.

I have regarded Boyd Crawford as a friend and counselor since I first became a member of the Committee on Foreign Affairs. I have had opportunity to observe Boyd in action and admire his many fine talents. Boyd Crawford has served the House Foreign Affairs Committee in the highest type of professional service. He is competent, untiring, and has contributed much to the success of such outstanding programs as the Marshall plan, and U.S. relations and assistance to many countries and many underdeveloped regions of the world for their progress, security, and defense. Boyd Crawford is a dedicated man.

Boyd Crawford has a remarkable background. He was born on Capitol Hill in a house located where the Taft memorial now stands, within a few hundred yards of the Capitol Building itself.

Boyd's father served on the staff of the Architect of the Capitol when Boyd was a child. Boyd had a summer job checking cameras in the rotunda when he was 12 years old. Boyd made good use of the Library of Congress. Much of Boyd's knowledge of literature, science and history was derived from his wide reading and continuing study.

All of us who have known and worked with Boyd have been impressed with the breadth of his knowledge, his analytical ability, and the quality of his writing.

Boyd Crawford has played an active and respected role in major events in U.S. and world history of the past 30 years. Boyd Crawford did most of the committee staff work on the lend-lease legislation. He was an adviser to the U.S. delegation to the inaugural session of the United Nations at San Francisco in 1946. Boyd Crawford has studied all parts of the world and has attended many international conferences over the years, which has given him a broad base for sound judgment.

Boyd Crawford enjoys the friendship and confidence of many of the world's leaders, and he has been able to give to the Foreign Affairs Committee and to its members individually, sage advice on facts behind important developments and new trends.

We personal friends and admirers are certainly sorry to have Boyd Crawford leave, but we all recognize that Boyd has earned an opportunity to relax and enjoy life.

In recent years Boyd Crawford has developed a great interest and very considerable skill in painting. As a collector myself, I am glad to know that Boyd is going to devote his leisure time in the months ahead to developing his fine talent as a portrait painter. I congratulate Boyd Crawford on having the opportunity to pursue this avocation and I am sure he will do well.

All of us who served on the Committee on Foreign Affairs join in heartily congratulating Boyd Crawford on his distinguished service to his country, in thanking Boyd for the many services he has rendered to us all, and in wishing him health and happiness for many years to come.

Mr. MORGAN. I thank the gentleman from Pennsylvania.

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

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

Mr. BUCHANAN. Mr. Speaker, I join the chairman of the committee and the other gentlemen in paying tribute to a man who has been a good friend to every member of our committee, consistently helpful, and always ready to serve.

His high ability and great accomplishments have marked his work through the long years of his service to the committee.

Mr. Speaker, it is no secret to the Members of this House that some of the finest work done in this body is done by our professional staff people, so I join the gentleman from Ohio and the others in complimenting the competence of this professional staff which Boyd Crawford has helped to put together and has led. I think a greater service has been rendered our country by these people generally and by this man than perhaps is realized by this body. I join other Members in saluting this man and saying that he has served his country well.

Mr. MORGAN. I thank the gentleman from Alabama.

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

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

Mr. GALLAGHER. Mr. Speaker, I, too, would like to join with the Chairman and our colleagues in paying this special tribute to Boyd Crawford. It is with sadness that we see him leave the committee. His loss is going to be a heavy one, a serious one, but like my colleagues, I would like to say that certainly Boyd Crawford has earned his retirement, if any man has.

There are many qualities about him, all of them outstanding, including his intellect, integrity, dignity, and his sense of fairness. All of these things were given to the people on the committee, regardless of whether they were on the committee for 1 day, or whether they were the most senior member. In all the years he has been with the committee, he has helped all those who sought his help or his guidance or his counsel on matters, especially new members such as myself when I first joined the committee, who perhaps do not have a great sense of knowledge of how the system works. So we are going to miss Boyd. He is a man for all seasons and the best of men, the kind of man dedicated to his job and to his country. I hope, as all of us do, that Boyd will have happiness and enjoy the kind of retirement and the fruits of that retirement that he has earned so well. He goes with the best wishes of all of those who have had the pleasure of his company.

Mr. MORGAN. I thank the gentleman from New Jersey.

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

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

Mr. FINDLEY. Mr. Speaker, I am grateful to the chairman of our committee, the gentleman from Pennsylvania (Mr. MORGAN), for making possible this opportunity for many of us to express a few words about Boyd Crawford.

I can subscribe without reservation to all of the excellent comments paid by the others. While it may seem almost customary for excessive words to be used about those who retire from membership in this body or the prominent members of our staff who retire, such as Boyd Crawford, in the case of Mr. Crawford, I do not consider any of these words excessive, and I am glad to identify myself with the remarks others have made.

To be honest, I would like to add a word or two that is perhaps more personal than the others that have been made.

When Mrs. Findley and I were married it was just a few months later that we located in Washington, D.C. We had an apartment in Lee Gardens. To our great delight our next-door neighbor happened to be the mother of Boyd Crawford. We had hardly a stick of furniture in those days, and no friends, and Boyd Crawford's mother helped to supply us both with friendship and furniture at a time of great need.

That began a friendship which lasted until her death, and had other rewards, because it enabled us to make the acquaintance in the year 1946, which is a long time ago, of Boyd Crawford and his brother and other members of the Crawford family.

So I have gained an appreciation on a more personal basis than perhaps other Members have. This, I believe, added to the enrichment of my experience here on the Hill as a member of the Committee on Foreign Affairs, as well as the close association before I went on the committee.

Mr. MORGAN. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, as one of the newer members of the Committee on Foreign Affairs, I have been privileged to be the recipient of Boyd Crawford's invaluable help and advice. This help and advice has made my work much more of a pleasure on the committee.

At this time I rise to associate myself with and to endorse all the remarks that have been made on the floor today by the distinguished chairman, by the distinguished Speaker, and others of our colleagues.

I wish to congratulate Mr. Boyd Crawford for his great contribution to the Congress and to the Nation in his capacity as the chief clerk of the Committee on Foreign Affairs. As he retires after these many years of service I wish for him a long, healthy, and restful life of retirement.

Mr. MORGAN. I thank the gentleman from Texas.

I yield to the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Speaker, it is with profound honor, although also with a deep sense of regret, that I join my colleagues today to express my appreciation to Boyd Crawford for his years of dedicated and able service as staff administrator to the Committee on Foreign Affairs. After over three decades of out-

standing service to the committee, to the Congress and to the Nation in the study of foreign affairs and the preparation for congressional consideration of relevant policies and programs, Boyd is leaving the committee staff.

As one who has served but 8 years on the committee, I can attest—indeed, with some sense of humility—to the vast contribution he has made to our deliberations and our efforts. It is without reservation, however, and with great pride and gratitude that I acknowledge the vast experience, the competence, the devotion, and the tremendous energy with which he has performed these tasks, from the handling of complex and critical legislation before the committee, to providing the preparatory work for and participating in the numerous international meetings and conferences which have taken place over the years.

There are few men who can claim such a record of long and distinguished service as that of Boyd Crawford's. The list of delegations and missions on which he has served and worked is lengthy indeed, and as one who has taken part in a number of these, I know how great Boyd's contribution has been to their success and what an important part he has played in insuring an effective U.S. role.

Boyd Crawford is one of the most decent and able men I have been privileged to know. He holds the respect and friendship of all those who have had the opportunity to seek his counsel and benefit from his wisdom and skill. I consider myself fortunate to have been able to work so closely with him over the past years, and I wish him and Mrs. Crawford the greatest happiness and contentment in the many years that will follow his retirement tomorrow.

Mr. MORGAN. I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I should like to associate myself with the remarks made by the chairman of the committee as well as the members of the Committee on Foreign Affairs with regard to Boyd Crawford. Since Boyd is now on the floor I should like to express my personal appreciation to him for the help he gave me as a new member of the committee.

It is sometimes difficult to understand how a busy man such as Boyd Crawford, a man with high professional skills, could ever take time to brief a new member of the committee. I greatly appreciate the fact that he did take time and that he did brief me on what was going on, because without his assistance I do not believe it would have been possible for me even to get started.

I can well understand, Mr. Chairman, why you and the rest of us on this committee are so grateful to him.

Mr. Speaker, it is a regrettable phenomenon that once in a while the retirement of a single man can create a great void in the operations of a congressional committee. Such a chasm is the one being created by the retirement of Boyd Crawford as staff administrator of the House Foreign Affairs Committee.

During my 6 years as a member of the House Foreign Affairs Committee, I have come to recognize and respect the talent and wisdom of our staff administrator, Boyd Crawford. Having served continuously with the Foreign Affairs Committee since 1965 under both Republican and Democratic leadership, Boyd Crawford has displayed great dedication to serving the best interests of the Congress and the committee for which he has worked so diligently.

During his 31 years with the committee, Crawford served admirably as a member of the U.S. Delegation to the U.N. General Assembly, and as Secretary to the United Nations Committee on UNRRA. As a member of the staff of the U.S. Delegation to the NATO Parliamentary Conference and to the Consultative Assembly of the Council of Europe at Strasbourg, his services have been marked with distinction.

With his retirement this December, the Foreign Affairs Committee will surely feel a real loss. I personally owe a special debt of gratitude to Boyd for his invaluable assistance to me over the years and I hope that his retirement will prove as fruitful as his career in Congress.

It is my hope that this day will be long remembered by him as a genuine gesture of appreciation and respect for him as a devoted public servant. Boyd, I salute your accomplishments and hope that your retirement years will continue to be as full and rewarding as your career as staff administrator for the House Committee on Foreign Affairs. Congratulations on your past performance and best wishes for a future of happiness and contentment.

Mr. MORGAN. I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I rise to join with my many colleagues in expressing deep appreciation to and for Boyd Crawford.

As Members know, I am not a member of the Committee on Foreign Affairs, but I have come to know him and to feel that he is a tremendous man with rare ability and dedication to this country and to this Congress. I would say his advice to me has always been helpful. His friendship and his wit have always been treasured.

I believe he retires to an active life, not only of reading but of other activity, with all the good will of this Congress.

He is an extraordinary man who has done a tremendous job for his country and for this Congress. I want to wish him every success in his future life.

Mr. MORGAN. I thank the gentleman.

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

Mr. MORGAN. I am glad to yield to the gentleman from California.

Mr. TUNNEY. Thank you very much, Mr. Chairman.

I would like to associate myself with the remarks of my chairman, but I would like to say in addition to that, as a person who has served on the committee with Boyd Crawford and as a person who has had the opportunity to go to him for advice on amendments I had to legislation pending before our committee, I came to know Boyd Crawford as a man who not only has extraordinary intelligence but who has tremendous warmth and, in the case of new members of the committee, great patience in teaching them the ins and outs of legislation that came before the committee.

I also remember so well how he applied such even-handed consideration to all members whether they were junior members or senior members of the committee, whether they were Democrats or Republicans. You could always count on Boyd Crawford to tell you the story as it was and to treat you with total fairness and with his vast reservoir of knowledge of the problems that affected our committee and affected our foreign policy. He gave me a great inspiration and also gave me a tremendous amount in the way of wisdom.

For that reason I can only say thank you, Boyd Crawford.

Mr. MORGAN. I thank the gentleman from California.

I now yield to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, it has been my good fortune to have known Boyd Crawford since I came to the Congress. Boyd has been very knowledgeable on matters pertaining to foreign affairs. He has been extremely helpful to me, and I know to other Members. He is a very courteous and personable gentleman and will be missed by all Members of Congress. He has served Congress and our Nation well, and I wish him continued good health and success.

Mr. MORGAN. I thank the gentleman from Ohio.

Mr. Speaker, I now yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, Boyd Crawford is a very remarkable individual. Long before I became a Member of Congress, at a time back in 1939 and 1940, when I first enjoyed visits to the committee, I got to know Boyd Crawford by reason of the courtesy with which he received the large groups of students that I brought to Washington. At that time the chairman's predecessor, Sol Bloom, I believe, was the chairman of the Committee on Foreign Affairs. Chairman Bloom would talk to the students and then call in Mr. Crawford to give some additional details which clarified for the students the process of the legislation and the great issues that were being handled by the Committee on Foreign Affairs in those days immediately preceding World War II.

I recall very vividly the account which he gave us of a very great piece of legislation, H.R. 1776, the lend-lease bill, which was worked on so hard by the gentleman from Florida (Mr. PEPPER) when he served in the other body.

I think Boyd Crawford is a remarkable man whose service to the committee, to the Congress, and to the Nation spans one of the most important eras of American history.

Mr. Speaker, I am particularly pleased that the chairman of the Committee on Foreign Affairs has with such eloquence paid tribute to Mr. Crawford's outstanding service to the Congress.

Mr. MORGAN. I thank the distinguished gentleman for his comments.

Mr. CLARK. Mr. Speaker, will the gentleman yield,

Mr. MORGAN. I yield to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. I thank you very much, Mr. Chairman.

I just want to add my comments to what I consider to be one of the most outstanding citizens who has ever served in this House of Representatives as a member of the staff on the Committee on Foreign Affairs, Mr. Boyd Crawford.

Mr. Speaker, no one that I know has helped me any more since I have been a member of the NATO Subcommittee in the last 16 years than Boyd Crawford. He gets his point across and he gives you his point of view when asked for but when you do not ask for it, he does not try to presume that he is the leader of the Congress of the United States.

This, Mr. Speaker, is one of the things that I think is so natural about this man. He is a natural leader. He is a natural born professional staff member who insofar as I am concerned has done so much for the good of the United States.

Mr. Speaker, I am very happy to commend the chairman of the full Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. MORGAN), for making it possible for other Members of Congress to say a few fine words in behalf of Boyd Crawford this evening.

Mr. MORGAN. I thank the gentleman for his comments.

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

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the distinguished chairman of the Committee on Foreign Affairs for yielding.

As everyone in this House knows, I am not a member of the House Committee on Foreign Affairs. However, I have had an opportunity to observe the very fine work of Mr. Crawford and feel that I know him personally, based upon my association with him. I just want to add my hearty words of endorsement to the glowing tributes that have been made to him here and to wish for him and his wife the best of everything upon his retirement. He has certainly served his country well. He has contributed greatly to the cause of freedom around the world and to the advancement of the cause of free men.

It is a great pleasure for me to take this time to pay tribute to Boyd Crawford.

Mr. MORGAN. I thank the distinguished gentleman for his comments.

Mr. FASCELL. Mr. Speaker, I want to add my word of thanks and appreciation to the well-deserved tributes being paid today to Boyd Crawford. As the staff administrator for the House Committee on Foreign Affairs, Boyd Crawford has earned the respect and admiration of the members of the committee and his many friends and associates here at the Capitol.

Boyd's expertise in foreign affairs is the result of a lifetime of study and practical experience. In a public career spanning almost 40 years he has served the Congress and his country with wisdom and foresight, representing the United States in delegations to the United Nations, NATO, and numerous international conferences and study missions.

The wealth of Boyd Crawford's ability and knowledge has been a decisive factor in the steady and continuing rise in influence and prestige of the House Committee on Foreign Affairs. I count it a privilege to have served on the committee during his tenure as staff administrator.

Mr. Speaker, while we will miss greatly the benefit of Boyd Crawford's counsel and experience here in the Congress, we wish him a peaceful and productive retirement with the opportunity to reflect proudly on a lifetime of distinguished public service.

Mr. ZABLOCKI. Mr. Speaker, I wish to associate myself wholeheartedly with the remarks of the esteemed chairman of the House Foreign Affairs Committee, the gentleman from Pennsylvania (Mr. MORGAN), in tribute to the former staff director of the committee, Boyd Crawford.

As a member of the Foreign Affairs Committee for 22 years, I have had many opportunities to deal with Boyd, to see him in action and to appraise his accomplishments.

The quality which he singularly demonstrated to me throughout our association was his ability to make decisions and render judgments on parliamentary questions with unfailing good sense.

Whether it was during committee deliberations on the floor of the House, or in a conference committee, Boyd's judgment on a matter of procedure or substance could be trusted to be valid and prudent.

During a recent retirement party for Boyd, the chairman of the Senate Foreign Relations Committee, Mr. FULBRIGHT, said to the assembly that he found Boyd eminently more reasonable than those of us members of the committee with whom he was regularly meeting in conference.

Such a comment does not reflect on Boyd's loyalty to the House position, but rather on his political sense that negotiation and compromise are the essence of the parliamentary system and, indeed, of our American democracy.

Throughout his career he has been interested in results, not rhetoric, in progress, not exercise thinking.

As a result he has been an instrumental part in many of the results achieved in foreign affairs by the Congress. He has been part of the progress from American isolationism of the 1930's to the prudent internationalism which characterizes our foreign policy today.

As the chairman has said, Boyd will be missed. But we on the committee are confident that we will be able to call upon him in the future whenever his counsel is needed.

My wife and I join in wishing Boyd and his wife all the finest joys and many happy years of retirement.

Mr. YATRON. Mr. Speaker, I rise to associate myself with the remarks made earlier by the gentleman from Pennsylvania (Mr. MORGAN), the distinguished chairman of our Committee on Foreign Affairs.

It has been my privilege, during my freshman term in the House of Representatives, to serve on the Foreign Affairs Committee and to know and work with our extraordinarily able staff director, Mr. Boyd Crawford.

In his classic study of the American legislative process, "Congressional Government," Woodrow Wilson noted that—

> Congress in its committee-rooms is Congress at work.

And one of the reasons so much is accomplished on the committee level is that experienced professionals, like the man we pay tribute to today, consistently provide us with expert analyses of the information we need to conduct productive hearings and draft sound legislation.

For more than 30 years, Boyd Crawford has served the Foreign Affairs Committee and this legislative body with dedication and distinction. His leadership and expertise have provided our committee with both depth and continuity.

Like the Congress it serves, the Foreign Affairs Committee staff has faced and grappled with extremely difficult national security problems. More than any other man, Boyd Crawford deserves credit for marshaling the staff to meet the foreign policy challenges of the postwar era.

Mr. Speaker, Boyd Crawford's long and distinguished career parallels our country's emergence as a world power. He truly has been an eyewitness to history—to the Second World War, Korea, and Vietnam, to the United Nations and the Marshall plan, to the Truman doctrine and NATO, to Hungary and Suez, to the Cuban missile crisis and the Nuclear Test Ban Treaty.

Moreover, Boyd Crawford has actively participated in the formulation of American foreign policy. I know my colleagues will agree that Boyd's hard work and wise counsel have greatly strengthened our committee and the House of Representatives.

Mr. Speaker, I am very pleased to be able to join in this tribute. As one who has had the great pleasure of knowing Boyd Crawford both professionally and personally, I want to thank him for the contribution he has made and wish him continued success in the years ahead.

Mr. TAFT. Mr. Speaker, it is a pleasure for me to join with the distinguished chairman of the House Foreign Affairs Committee, Hon. THOMAS E. MORGAN, in paying tribute to Hon. Boyd Crawford, staff administrator of the Foreign Affairs Committee.

I know of few men who have devoted themselves so selflessly to the service of their country. A former Congressman himself, Boyd's expertise in the field of foreign affairs has been an invaluable asset to our committee. He knows the workings of government and the intricacies of diplomacy, and his contributions to the work of our committee have made our job a more productive and rewarding one.

Boyd Crawford will be missed by all who know him, and most of all by those of us who worked with him on the House Foreign Affairs Committee.

Mr. FARBSTEIN. Mr. Speaker, Boyd Crawford is retiring as clerk and staff administrator of the Committee on Foreign Affairs after 31 years of outstanding service to the committee, to the Congress, and to the American people.

His long and faithful service to the Congress, his complete and utter loyalty to the Foreign Affairs Committee and its chairman, and his devotion to the

principles that have made this country great are all worthy of special praise.

But Boyd Crawford is more than a dedicated public servant. He is a friendly, cheerful man who combines charm and graciousness with the ability to get the job done without creating tensions or hard feelings. In the world of politics this is not an easy thing to do.

Boyd became clerk of the committee in 1939, at a time when the drums of war were being heard around the globe. Almost his first task was to do the staff work on revision of the neutrality laws to permit assistance to our allies. And when the Committee on Foreign Affairs held hearings and acted on the original lend-lease legislation in 1941, Boyd was the only staff member. The hearings were held on a crash basis and they were printed in time for use because Boyd worked night after night until 3 and 4 o'clock in the morning preparing them for the use of the Members.

Boyd was also at San Francisco as a member of the U.S. Delegation to the United Nations Conference on International Organization in 1945.

As a matter of fact, there have been few foreign policy questions before the Congress over the past 31 years that Boyd has not been involved with.

He has been acclaimed and commended by Presidents, Secretaries of State, and other high-ranking Government officials. His record stands for itself. His retirement is well deserved; the honors earned.

I would like to add my own thanks and appreciation to Boyd for his wise counsel, his advice and assistance to me as a member of the Foreign Affairs Committee.

It is my sincere hope that the future will be as rewarding for Boyd and his lovely wife as the past.

Mr. FRELINGHUYSEN. Mr. Speaker, it is with mixed emotions that those of us on the Foreign Affairs Committee arise today to pay tribute to our retiring staff director, Boyd Crawford. For more than three decades, Boyd Crawford has served—with dedication and distinction—members of the Foreign Affairs Committee. His retirement will be a loss to all of us who presently serve on that committee, but it comes after a full and useful career.

Much has been written about the way in which Congress operates, and many recommendations have been made regarding methods to improve both the procedures and the effectiveness of Congress. In studies on the broad subject of Congress as an institution there has, however, been relatively little said about the small army of able men and women who provide essential assistance to the Members of Congress, even though without such help the work of Congress would be seriously handicapped, even crippled.

Boyd Crawford is in the front rank of those individuals who contribute substantially to the development of legislation, and in the evaluation of material on which sound judgments can be made. Although, unfortunately, he may not be well known to the majority of the Members of the House, those on the committee can vouch for the undramatic but substantial contributions made by this man. He has served with impartiality, with considerable skill and with unfailing diligence. Thus it is with good reason that we have cause to regret his retirement.

At this time, Mr. Speaker, it is also appropriate to join in expressing to Boyd Crawford our hope that his years of retirement are happy ones. Freed from the routine of committee responsibilities, Boyd will now have the opportunity to lead his own life. To him and his wife, I extend my warm good wishes.

Mr. FRASER. Mr. Speaker, with the departure of Staff Administrator Boyd Crawford, the House Committee on Foreign Affairs is losing a man who has rendered "long and distinguished service to the committee," to use the apt phrase of Chairman MORGAN.

I have served on the committee since I first entered the Congress in January 1963. During the almost 8 years I have known and worked with Boyd he has always thoughtfully and considerately responded to my needs and requests. Perhaps these qualities are to be expected in all committee staff people. But they are not always found, in part because Members' requests are not always timely, or simple or good naturedly submitted. Boyd has not only been helpful, but he has always responded to my demands with a cheerful attitude and demeanor.

This is not a small thing when important and contentious matters are at stake as they usually are in all the committees of Congress. A courteous and helpful and well-tempered response is clearly conducive to productive and valuable committee work.

Boyd's departure will leave the committee diminished. But our loss is compensated by the knowledge that our work in the past has been greatly facilitated by his presence and that his is a lasting contribution to our joint endeavors.

Mr. NIX. Mr. Speaker, I am grateful for the fact that my colleague from Pennsylvania, Chairman MORGAN, has given us an opportunity to express our good wishes to Boyd Crawford on the occasion of his retirement and to acknowledge our indebtedness to him for the service he has rendered to his country, to the Congress, to the Committee on Foreign Affairs, and to us individually as members of that committee.

I have served on the Committee on Foreign Affairs for 8 years and at the beginning of my service it was at once apparent that he enjoyed the confidence, the respect, and the friendship of all of the committee members. Not only was he called on for all of the services that are necessary for the committee to operate but also the members relied on his experience and judgment.

In fact, I believe that it is fair to say that even in 1961 when I first became acquainted with him, Boyd Crawford had become something of an institution.

As I have come to know him better over the years and have had an opportunity to observe his work for the committee and become acquainted with his many qualities, I too have become one of his many admirers.

I am particularly impressed with the fact that his career embodies the old-fashioned virtues. He has earned his way in the world since he finished secretarial school. He has earned the respect and friendship of the distinguished people he served by hard work, by putting in long hours, by devoting his energies outside the office to improving his knowledge, and by his loyalty to those with whom he was associated.

It is difficult for anyone to serve as many masters as Boyd has served. Boyd has never been a yes man. He has always given his honest opinion when asked whether it favored the views of the members who asked or not, but he has always been tactful, friendly, and understanding so that few have ever taken offense.

We all recognize that he has been strictly nonpartisan. I understand that his first association with the Congress was as a member of the staff of a Republican member, the Honorable Clarence McCloud, of Michigan. After Congressman McCloud lost his seat, Boyd went to work for the Honorable Sol Bloom, of New York, a well-known Democrat. When Mr. Bloom was succeeded as chairman of the Foreign Affairs Committee in the 80th Congress, Boyd continued as staff administrator with the Republican chairman, the Honorable Charles Eaton, of New Jersey, and earned the respect and lifelong friendship of Dr. Eaton. Boyd was kept on by the Democrats when they attained a majority in the next Congress and by the Republicans when they returned to power in the 83d Congress.

In every case the chairman and the committee knew that they could trust Boyd to discharge his obligations without partisanship and that they could rely on his judgment.

All of us are sorry that Boyd is leaving, but we all realize that Boyd is entitled to a change of pace.

We congratulate him on his distinguished career and wish him the best of health and the happiness he deserves in his retirement.

Mr. FINDLEY. Mr. Speaker, my acquaintance with Boyd Crawford and his family extends over nearly 25 years, an acquaintance in time exceeded by few Members of the Congress. My wife and I had been married only a very few months when we first met Mr. Crawford. The apartment we occupied at Lee Gardens in Arlington, Va., in the summer of 1946 was next door to one occupied by Mr. Crawford's mother. Through her we met Boyd and his brother.

Then, as now, Mr. Crawford occupied the position of administrator of the staff of the House Committee on Foreign Affairs and it was with pride that his mother told us that the title of administrator was chosen deliberately by the leadership of the House in order to convey the special prestige Mr. Crawford brought to that position.

When I was first elected to the House in 1960, my first thought was membership on the Foreign Affairs Committee, and even though that prize was not to be won for 4 years, I had the friendship and advice of Mr. Crawford repeatedly. When

I became a member, it was a special joy to be so closely associated with him at long last and to have his counsel on items that came before the committee and which I personally wished to advance.

Boyd Crawford has enriched the lives of many thousands of people, and especially those who have served on the Committee on Foreign Affairs. He has also enriched the Republic itself because of the understanding and perception he daily brought to his job.

His retirement separates him from official responsibility but I am confident it will not separate his interest from the work of the Congress.

Mr. MONAGAN. Mr. Speaker, I am pleased to join my colleagues in honoring Boyd Crawford for his many years of distinguished and dedicated service to the House Foreign Affairs Committee, to other U.S. agencies, and thus to the country.

As a member of the Foreign Affairs Committee since 1959, I have come to appreciate and admire Boyd Crawford's talents as staff director. He was first appointed clerk of the committee in 1939, and has served continuously since that time. In 1950, he became staff administrator, and has effectively performed that function under both Republican and Democratic chairmen.

Boyd further served the Nation through his participation in international organizations and parliamentary conferences. In 1945, he was a member of the U.S. Delegation to the United Nations Conference on International Organization. He has also been a Delegate to the United Nations General Assembly at London in 1946, at New York in 1946, 1949, 1950, and 1953, and at Paris in 1951. In addition, he has been the staff member on numerous study missions abroad for the Foreign Affairs Committee.

I am sure that all who worked with Boyd on the Foreign Affairs Committee will sorely miss his interest, his support, and his competence. Committee staffers play a central role in our informational and legislative process. Staff directors like Boyd Crawford are essential if our committees are to function properly and effectively. Under the staff direction of Boyd Crawford, the House Foreign Affairs Committee has confirmed its important role in the work of the Congress. The committee and the Congress will not be the same without him.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order on the retirement of Boyd Crawford.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RED CHINA AND THE UNITED NATIONS

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, Red China does not qualify for admission into the United Nations because it does not serve the cause of peace. I charge Red China with the following violations:

First. Aggression in Manchuria and Korea;

Second. Violations of the armistice agreement in Korea;

Third. Violations of the Geneva Accords of 1954 on Indochina; and,

Fourth. Violation of the neutralization agreement on Laos.

Furthermore if Red China is admitted into the United Nations, I warn they will support aggression through liberation movements in Southeast Asia, Asia, Africa, and South America. Their presence in the United Nations will increase the beehive of espionage agents in the United Nations. Chinese Communist agents in the United Nations will also become a security threat to the welfare and security of millions of Chinese residing overseas.

Through their propaganda, subversion and other action programs, they will try their utmost to change the political orientation of South Korea, Japan, Okinawa, Taiwan, the Philippines, and the rest of Southeast Asia. If the Chinese Communists are successful in these objectives in the countries I have specifically mentioned our Army, air, and naval bases there will be forced to close down, and the concept of a strategic western sea frontier abandoned. Also, the concept of the Nixon doctrine utilizing Asian resources as an anti-Communist force will fail.

From the developments transpiring in the United Nations General Assembly there is the very dangerous prospect of Communist China being admitted to the United Nations by 1972, if not before. This danger persists despite the fact Communist China does not qualify for membership, and its presence in the United Nations constitutes a threat to the security interests of the United States.

Communist China has not achieved the status of mature nationhood. In this connection, Edwin O. Reischauer, former Ambassador to Japan, and prominent China watcher, states:

> The chief problem that China presents is that it may fall so short of meeting the economic needs and aspirations of its people that it will remain an unstable and sick fifth of humanity.

Under Communist domination, the Chinese people continue to suffer the effects of economic duress, and political upheaval produced by the last "Proletarian Revolution." The power base seems to have shifted from one group to another with signs of further shifts before there will be a government that will be worthy of recognition. And what seems to be holding China together is a loose coalition of senior generals acting as military chiefs of 13 military districts, some of which are being hard pressed to suppress open rebellion and a general state of anarchy. Under these circumstances I believe it would be better for the United Nations to table the subject of admitting Communist China until the professional China watchers and intelligence specialists foresee more stability before accepting Red China on the basis of an inevitable power structure, or in the interest of universality.

Spokesmen for Communist China in the United Nations argue that Mao Tse-tung's revolution in China is more nationalistic than idealogical. Actually national interest is reflected in terms of Communist idealogy; and, conceptions of international problems are influenced by the same doctrine. The Bandung Conference of 1955 at Bandung, Indonesia, provides a sampling of Peking's role in world affairs, as well as their probable attitude if admitted to the United Nations. This conference was sponsored by India, Ceylon, Pakistan, Burma, and Indonesia, and included 24 Asian and African nations which met to find mutual as well as common interests, and explore the contributions that could be made to world peace. Under the guise of peaceful coexistance, Peking's foreign minister, Chou En-lai, used the conference as a propaganda forum to condemn the imperialist bloc under the United States as being responsible for the problems of the oppressed peoples of Asia, Africa, and Latin America. He further related that Mao's revolution was the wave of the future in these areas. And as recent as 1968, sensing that a relaxation of tensions would leave their revolution to stall in quiet seas, the Chinese Communists reaffirmed the policy of wars of liberation abroad to push the cause of Leninism. This attitude and these pronouncements leave little doubt that Communist China will use the United Nations as a propaganda fifth column to further its aggressive aims.

After examining the counter-productive impact of Communist China in the United Nations, I foresee that in the event of admission, the United States may withdraw eventually its membership in this organization, and request it to depart from this country. Otherwise the mass of American public opinion will turn irrevocably against the United Nations. Already, the United Nations has far fewer friends, among both public and politicians, than appears on the surface. One can foresee from this trend a renewed impetus toward a withdrawal from all foreign entanglements, and a strengthening of isolationist sentiment in the United States. This could be, in the long run, the most unfortunate consequence of all.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am very happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Will you please explain further what you mean by a lack of maturity in nationhood on the part of Communist China, which you mentioned?

Mr. FEIGHAN. One major shortcoming resulting from Mao Tse-tung's leadership is that he has subjected China to a sequence of convulsive and disruptive social and economic changes leaving China in an increasingly worse condi-

tion. And, similarly, they have been irresponsible in the conduct of both external and internal affairs. In short, I would say that the means whereby Mao Tsetung tries to achieve his objective have been self-defeating. That is what I mean by a lack of maturity on his part.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to compliment the gentleman on his excellent speech.

I would just ask about this point: It is said that it is necessary to admit Communist China to the United Nations as a means of establishing communications with that country.

Through these communications is it possible to convince Red Chna to abandon its present practices and policies? Is that really possible?

Mr. FEIGHAN. Other means have been used to communicate with Communist China, the main one being the ambassadorial talks in Warsaw, which have existed from time to time, but they have produced no encouraging results.

Mr. FULTON of Pennsylvania. The last point is this, which I think you have covered: that is, should Communist China be admitted into the United Nations at this time, before the end of the Mao Tse tung regime? Would it do any good?

Mr. FEIGHAN. I would suggest that we wait until that time comes along. To try any action or to do any action at this point would be gratuitous, and it should not be done.

Mr. FULTON of Pennsylvania. And you have been firmly opposed to the admission of Red China at this time to the United Nations?

Mr. FEIGHAN. Oh, very definitely.

Mr. FULTON of Pennsylvania. Thank you very much—and again my compliments on an excellent statement.

J. EDGAR HOOVER AND THE BERRIGAN CASE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Tennessee (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Tennessee. Mr. Speaker, just recently there came to my attention some very eloquent and meaningful words on the subject of revolution:

> The truly revolutionary force of history is not material power but the spirit of religion. The world today needs a true revolution of the fruitful spirit, not the futile sword. Hyprocrisy, dishonesty, hatred, all of these must be destroyed and men must rule by love, charity, and mercy.

Are these the deeply reflective words of a clergyman, a member of the anti-Vietnam war movement—perhaps Daniel or Philip Berrigan?

No, they are the inspiring words of FBI Director J. Edgar Hoover, in "Masters of Deceit," 1958.

I am sure the Reverend Father Philip Berrigan, S.S.J., and his brother, the Reverend Daniel Berrigan, S.J., will agree with Mr. Hoover that man "must rule with love, charity, and mercy." But from their cells in a Federal penitentiary in Danbury, Conn., it may be difficult for them to find any love, mercy, or charity in Mr. Hoover's charges that they are the leaders of a kidnaping and bombing plot.

These charges are of grave national importance and America has been informed of them by the news media—"bomb plotters—concocting a scheme to kidnap a highly placed governmental official." If true, the Berrigans should be punished according to law, and they would expect this.

But any serious observer of this unpleasant episode in the life of the Berrigans—and this departure from due process by the Director of the FBI—need make only one conclusion: Wars play strange tricks on many distinguished citizens.

The war—so appalling and tragic, so revolting and destructive—has forced Fathers Daniel and Philip Berrigan to climax a lifetime of service which includes in both instances service to the Armed Forces of the United States, a lifetime of love and brotherhood, a lifetime of gentle persuasion against poverty and oppression, to commit the dramatic, illegal act of destroying draft records, a step which we the Members of the House cannot condone.

J. Edgar Hoover's actions seem likewise to be drastically affected by the tensions of this war. After a lifetime of dedicated service to the well-being of this Nation—from gangbusting during prohibition, to protecting us from spies and espionoge during wartime. Mr. Hoover has resorted to tactics reminiscent of McCarthyism, using newspaper headlines and scare dramatics—rather than the due process of law he has so proudly upheld in his distinguished career since he joined Government service under President Calvin Coolidge.

We have suffered many casualties in the Vietnam war. Most of our domestic and international problems are either caused by this unwanted, undeclared war or are intensified by it.

It is now distressingly evident that one of the most ardent, devoted and, presumably, unassailable public servants in the lifetime of our Republic is, in a sense, a casualty of that same war.

As a lifelong admirer of Mr. Hoover and the FBI, I am convinced that he would not purposely subvert the Constitution or undermine our democratic processes. Yet it is manifest that on Friday, November 27, 1970, he did so. The divisions within our Nation, the fear and repression so common in today's society have taken, we must conclude, another victim—the sense of fairness, the honorable ethics of justice that the FBI Director has always held so high.

Mr. Hoover testified that Fathers Philip and Daniel Berrigan are "the principal leaders of a conspiracy planning to blow up underground electrical conduits and steampipes serving the Washington, D.C., area in order to disrupt Federal Government operations." Mr. Hoover went on to add:

> The plotters are also concocting a scheme to kidnap a highly placed government official. . . . If successful, the plotters would demand an end to United States bombing operations in Southeast Asia and the release of all political prisoners as ransom.

Knowing the Berrigan brothers and being reasonably well acquainted with their career as priests, theologians, scholars and their dedication to Christian principles, and having read much of their writings, I found it impossible to believe that Mr. Hoover's allegations are true. Even in destroying draft files, illegal acts which they committed to dramatize the death toll of young American boys in Vietnam, they were meticulously careful to plan the events so that no physical harm could possibly befall clerks, bystanders, police or anyone else. The high crimes Mr. Hoover accused them of plotting would involve violence and pose threats to human welfare and possibly human life, which are actions that contradict the nonviolent life styles of these Catholic priests.

Even if Mr. Hoover's allegations are based on substance, presuming he has hard evidence, why did he depart so radically from his charter and his own cherished, highly publicized tradition of seeking justice by due process. To use his words:

> In the FBI our objective is to secure the facts. We do not evaluate. The FBI is strictly a fact gathering agency responsible in turn to the Attorney General, the President, the Congress and in the last analysis to the American people.

We must ask why has Mr. Hoover departed so radically from established procedure by making such damaging charges in newspaper headlines which deny the Berrigan brothers an opportunity to meet their accuser in court? Why, we must ask, has Mr. Hoover broadcast these allegations, using the U.S. Senate as a forum instead of presenting the facts to the Justice Department, who would then, in due process, analyze them and, if warranted, present them to a Federal grand jury? Mr. Hoover, a champion of law and order, has moved a step away from justice—by ignoring the system he recommends so highly to the opponents of this war. Surely his actions cannot help but contribute to the credibility gap many young Americans feel exists in our system of law and justice.

There are other questions. Is our Federal Bureau of Prisons so lax in its procedures that inmates can effectively plot and lead such high crimes? Is the director of the FBI pointing the finger of scorn and malpractice at the Justice Department which administers the FBI and the Federal Bureau of Prisons?

Then there is the all-important question of those constitutional rights protected by the first amendment. The Berrigans are unable to speak out publicly, unable to respond personally to the questions of the press. Thus far they have been denied that cherished American right of facing their accuser—yet these allegations of bombings and kidnapings will be damaging and derogatory information available to parole boards who will later evaluate their "rehabilitation."

In 1954, writing in American magazine, Mr. Hoover stated:

> False accusations and careless insinuations can do more to destroy our way of life than to preserve it.

If Mr. Hoover's charges against the Berrigans of bomb and kidnaping plots are of this nature, Mr. Hoover can vindicate himself by an apology. If they are not false or careless, then we have a right to expect the Justice Department to in-

stitute Federal grand jury proceedings promptly. Barring one of the two, we can only conclude that Director Hoover is unwittingly, I surely hope, involved in a process destructive of the institution he has loved and served with such loyal dedication. If his actions stem from such a degree of rage or fear that his purpose is to discredit all who peaceably and without violence oppose the Vietnam war, then I must again conclude, with much sadness, that he, too, is a victim of that war.

When crime rates soar, when our citizens cannot safely walk the streets at night or otherwise move freely about their country, when thousands of Americans are moving abroad because of fear of crime, the people have a right to expect the FBI to intensify its efforts—not trample its traditional integrity under foot with such acts of political repression. Congress should provide the additional agents and clerks requested by Mr. Hoover, but we have a right to expect these new personnel, and those already in the agency, to cease and desist in any witch hunts which may be draining their energies and resources away from the apprehension of the hard core criminals which breed fear in the very fabric of our society—the kidnappers, the bombers, the organized crime, the bank robbers, and the auto thieves. I do not degrade Mr. Hoover's long campaign against the domestic threat of communism or other subversion, but I do believe to fail in an effective war on crime will be to fertilize the soil on which domestic communism and subversion will grow. It is a matter of insuring we do not place the cart before the horse.

It also seems proper to suggest that Mr. Hoover's zest and zeal as a crime buster be equalled by a more comprehensive awareness of the causative factors of crime in the United States.

A distinguished journalist on the Washington scene, Mr. Tom Wicker of the New York Times, quotes a former Attorney General under whom Mr. Hoover has served, in his introduction to a currently popular book, "Crime in America." Mr. Ramsey Clark is quoted as follows:

> In every major city in the United States you will find that two-thirds of the arrests take place among only about two per cent of the population. Where is that area in every city? Well, it's in the same place where infant mortality is four times higher than in the city as a whole; where the death rate is 25 per cent higher; where life expectancy is ten years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight and ten times more frequent; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where education is poorest—the oldest school buildings, the most crowded and turbulent schoolrooms, the fewest certified teachers, the highest rate of dropouts; where the average formal schooling is four to six years less than for the city as a whole. Sixty per cent of the children in Watts in 1965 lived with only one, or neither, of their parents.

Certainly we are not suggesting that Mr. Hoover plays any causative role in this kind of crime—but we can suggest, and do—that Mr. Hoover's understanding of the crime pattern would improve if he more effectively applied the formula of "love, charity, and mercy" that he has proclaimed so earnestly on earlier occasions.

Speaking to a House Appropriations Subcommittee in 1964, Mr. Hoover said:

> I am against—and have been for many years—the growth of the FBI. I think we are entirely too big today—bigger than we should be.

Let us examine the growth of the FBI versus the growth of crime. During the years 1960–69, the crime rate has increased 120 percent—more than doubled. During the same interval FBI appropriations grew from $115 million to $220 million, an increase of over 90 percent, while the number of FBI special agents was increased from 6,003 to 6,825, an increase of only 13.7 percent. In the light of this, Mr. Hoover's request for an additional 1,000 special agents would seem modest. His 1964 statement about keeping the FBI small is out of date. If the intent and the determination of the FBI is to reverse the increase of crime rate as Police Chief Jerry Wilson is trying to do in Washington, an awareness of the causes of crime—unwanted war, degrading poverty, political repression—should be counterbalanced with the virtues Mr. Hoover advocates—again, love, charity, and mercy.

I would hope that the FBI's requested new resources will not be used to develop more raw files or dossiers on law-abiding Government officials and politicians—or law abiding, if dissenting, factions of our citizens who seek to end the war in Vietnam, and bring justice to all in America.

Innumerable people have made the comment to me that Mr. Hoover ought to retire. I do not want to echo this sentiment because his tenure is up to President Nixon. In any event, I wish Mr. Hoover many more years of health and happiness. His place in history is assured. I am certain we are not so short on gold but that Congress could and would want to strike a special medal when he does retire.

In the course of the last 30 years, either as a member of the Armed Forces or as a Member of the House of Representatives, I have participated, in combat and in debate, in the complex issues of peace and war. I have been a student of war. Now I want to balance the study of war with the study of peace.

My career in military or congressional service has been guided by the basic oath of office which obligates me to "protect and preserve the Constitution of the United States of America." It is in the performance of this sworn duty that I speak.

The power to destroy civilization, as we now know civilization, is available to several powers on earth—including the United States. We can, by default or by deliberate action, bring forth a havoc by weaponry that could reduce mankind to a primitive state.

America is now in its 30th year of war—cold or hot—30 years of war that has seen more than a trillion dollars invested in refining the art of destruction.

We must maintain a strong national defense capability, based on cost conscious and judiciously selected programs of defense modernization. At the same time we must recognize that our concern for military destruction, if Pentagon budgets and our present actions in Vietnam are reliable criteria for judgment, takes priority over our concern for the positive factors of humanistic development, which may in fact be the only course to peace.

During the past many months, America has witnessed the phenomena of a divided people rejecting a call to service in the military forces which previous generations accepted without question. Today thousands of young Americans are exiled in Canada—men without a country—because they reject a war which they regard as unjust, immoral or illegal. Thousands of other young men are outcasts—criminal deserters—in foreign countries. They prefer to accept the scorn of their countrymen rather than participate in the killing in a faraway land in a war they do not understand. Hundreds of thousands more are troubled in conscience as they use subterfuge to avoid a draft which intrudes in their lives at a career formative period. The present draft law, they feel, is an unwelcome requirement to participate in sanctioned violence which they reject.

And, yes, there are hundreds of thousands who serve honorably in the military forces. Their service offers a sharp contrast, but it is also, ironically, a divisive force not heretofore known on such large scale in the history of our country.

America is in the midst of another civil war—a psychological civil war. Our youth are divided against themselves. Some join the military, accepting it as a citizen's duty; others reject the military service of destruction, reminding us in Congress that there is another war going on at home and around the world—a war that has a higher moral purpose, a higher ethical and spiritual involvement. The war against poverty, the war for better schools, housing, hospitals, the war in which the weapons are not the hardware of destruction but the software of brotherhood and love. The technology is not militaristic but humanistic, against disease and despair.

One war has brute killing as an objective, the other reveres living in freedom and justice as a fulfillable promise of life.

America is divided at the crossroads. Its heritage challenged.

In this confused environment, Congress has an obligation to listen to all voices, all points of view. Congress must homogenize the harsh voice with the soft voice. We must modify the tensions of the moment with the wisdom accumulated in history—and anticipate a future that rejects militarism as the only solution to mankind's conflicts.

During recent months this Nation has witnessed a growing tendency on the part of our executive branch to employ the tactics of fear and to be less than candid in dealing with the public.

America's dilemma involves the negativism of the Indochina war versus the positive needs of our domestic realities. One asset is free discussion, the right of a free people to peaceably petition its government without harassment or the stifling of legitimate debate, proper and legal protest, and honest dissent.

Father Philip Berrigan, S.S.J., and Father Daniel Berrigan, S.J., have been convicted of destroying draft records. They make no protest of innocence. Indeed they remain proud that their act of destruction against paper files symbolically represents an act to save the lives of young American soldiers—and save, too, the lives of the Vietnamese people, our allies, or the victims of our weapons.

The verbal assault by Mr. Hoover on Fathers Berrigan is the climax of a series of events during the past several months which, when taken as separate incidents, are shocking and unbelievable, but when related one to the other, emerge as an outrageous pattern of fear and repression.

It is the common practice of the Bureau of Federal Prisons to assign political prisoners who have no previous pattern of common criminality to minimum security situations, usually a prison farm or similar institution. Despite this long established procedure, Father Philip Berrigan was assigned to Lewisburg Penitentiary, a facility with tight security.

While there he was committed to solitary confinement situations for such minor infractions of prison regulations as offering spiritual counsel to a fellow prisoner and seeking opportunities to perform religious services. His fasting for 10 days in protest of his solitary confinement led to the discontinuation of these practices.

Although Father Philip Berrigan was not assigned to a minimal security farm institution, he was returned to the general prison population at Lewisburg Penitentiary. During the confinement of Father Philip Berrigan before his brother was captured, he claims he was offered various inducements if he aided in the apprehension of his brother, and, conversely, he was subjected to threats of loss of privileges if he declined to aid the Justice Department's efforts to capture the elusive member of the Society of Jesus.

We should seriously examine the charge that privileges can be extended or denied, depending on the prisoner's willingness to cooperate with the FBI and other Justice Department agencies.

Later, after the capture of Father Daniel Berrigan, both brothers were assigned to the minimum security prison at Danbury, where they remain, at this date, in custody.

During the indoctrination process, prison officials, with a pride that is difficult to justify, described a factory in the Danbury installation making weapon component parts for the Defense Department. The prisoners are paid, depending on skills and other considerations, wages that vary between 17 cents an hour and 46 cents an hour. Both Berrigans indicated that they could not, as a matter of conscience, participate in this war industry work. The prison officials did not press the issue.

High prison officials boasted, however, that the Federal Bureau of Prisons made an annual profit of $6,000,000 in this or other production facilities.

The prison factory profits which come in part from the low overhead of prison buildings and prisoner labor at rates varying between 17 and 46 cents per hour lead to other questions deserving of investigation and full disclosure by the Justice Department.

For instance:

In view of the high unemployment in the aerospace and other industries, should the Justice Department and its prisons be in competition with depressed industry conditions in the private sector?

Does the Justice Department offer unfair competion by absorbing normal business overhead costs of operating their industries with tax paid Federal budgets?

Under what interpretation of their rehabilitation role does the Justice Department rationalize salaries of 17 to 46 cents per hour? Would it not be proper—and just—to pay prison labor at least the minimum wage but divert all but necessary incentive, in-prison spending money to scholarship funds for the prisoner when he completes his sentence. Prisoners, if provided appreciable wages, could be prepared for training or further education if these funds were earmarked for their post prison reentry into society.

Further, how many prisoners' families—wives and children—are forced on welfare because their husbands and fathers can only make 17 to 46 cents an hour—year in and year out. Indeed, is not a reform suggested that will permit the prisoners, if their prison work record justified it, to help support their families and provide for the education of their children?

Certainly prison employment is desired, but is it necessary to use war related enterprises as part of the training programs in the Federal prison system?

One other interesting characteristic of our Federal prison system has been brought to my attention by Fathers Philip and Daniel Berrigan.

At Danbury, supervisory and management personnel—perhaps as many as 12—are employed to supervise the manufacturing facility. But only one psychiatrist is employed. The present doctor is accepting his service in the Federal prison as an alternate to military service. I have every reason to believe the doctor is a competent, dedicated practitioner. But it seems worthy of investigation that funds are available for professional manufacturing personnel at a prison factory at salaries competitive to private industry, but professional psychiatric service is restricted to one man doing alternate military duty.

Although the Berrigan brothers have been confined to Danbury Federal prison for only 4 months, they have spoken to me of other incidents which contribute to a pattern of harassment by the Justice Department.

A court in Rochester, N.Y., required the appearance of Father Daniel Berrigan, S.J., as a witness in a matter unrelated to him. This writ was served on prison officials.

This was his experience:

On a late afternoon, Father Berrigan was advised to "get ready, you're being moved."

The prison officials would not inform him of where he was going, why, or under what authority. They did not show him or tell him about the court order. He was not permitted to advise his attorneys or his family. He was transferred from prison to prison, and ultimately to a county jail—never knowing his destination, never being advised of the court order, never having access to attorneys or family. At all times he was isolated in solitary confinement in the prisons or jail in which he was being kept.

But the strangest part of this odyssey of the Jesuit in custody of the Department of Justice is this: while being transported between county jail, prisons and court, Daniel Berrigan was secured with leg shackles, waist chains to which his handcuffed wrists were locked in such a manner that he could not even use his handkerchief.

One prisoner, a priest, in the custody of three Federal marshals, all armed, hardly needs leg irons, waist chains and handcuffs. The last time I saw leg shackles was in Con Son Island prison camp, in the tiger cages of the South Vietnamese Government.

Father Daniel Berrigan, however, assured me that no one threw lime in his eyes, and asked that any plea related to the treatment he received be addressed not to his case, but in behalf of all prisoners.

It is fundamental in American heritage that all Americans can practice their religious freedoms. Indeed, in prison, criminologists agree that spiritual exercises, counseling, and services are a beneficial part of the rehabilitative process. As a matter of record, this House approves appropriations for various agencies of the Justice Department which includes salaries for chaplains in prisons throughout the Federal system.

The Berrigans' religious experiences in prison have been demeaning and rude.

It must be remembered that although these men can be described in civil language as convicted felons, they are now and have been for the major part of their mature lives distinguished theologians—respected by religious leaders of all denominations the world over for their commitment and dedication to the poor and oppressed, their leadership in concepts of love, brotherhood, justice, compassion—and an activist life in the service of their true master.

They are now, despite their custody in a Federal prison, and have always been, in good standing with all faculties, rights, and privileges implied in their ordination to their priesthood.

If their superiors in their church continue to accept them as priests of God, the Justice Department does not. If their religious orders—the Society of Joseph—S.S.J.—and the Society of Jesus—S.J.—accept their interpretations of Gospel truths, the prison system fears them.

Yet at Danbury Federal prison these two priests are not permitted to say mass with voluntary attendance by other prisoners and guards. The Bureau of Federal Prisons refuses this religious request, despite the advantages potential to rehabilitation.

What is the reason for denying the simple right to celebrate mass and preach the fundamental word of God's gospel? Is it a fear that the Berrigans might influence other prisoners with their message of peace—their message of brotherly love in prison?

Aristotle, nearly 2,000 years ago, identified the Berrigans' plight of denied spiritual exercises:

The generality of men are naturally apt to be swayed by fear—rather than by an almighty reverence.

Thus we see a connective pattern emerging—a pattern so compacted in only 4 months in prison that one must conclude the presence, in the Justice Department, of a tolerant attitude toward repressive harassment. These events are hardly coincidental.

Either the Berrigans, charged with bomb plots and kidnaping schemes, are dangerous or there is a still more dangerous plot afoot to repress their political dissent against war and injustice.

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

Mr. ANDERSON of Tennessee. Not at this point. I should like to complete my statement and then I will be happy to yield.

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

The SPEAKER pro tempore (Mr. MATSUNAGA). The Chair will count.

Mr. ANDERSON of Tennessee. I would be glad to yield to the gentleman, but I would prefer to finish my statement first.

Mr. FULTON of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Does the gentleman mean that he will yield now?

Mr. ANDERSON of Tennessee. At the end of my statement, if I might be permitted to complete it. Then I would be most delighted to yield to my distinguished friend and colleague.

The SPEAKER pro tempore. Does the gentleman from Ohio insist on his point of order?

Mr. ANDERSON of Tennessee. I do not believe it will take more than another 8 minutes; something like that.

The SPEAKER pro tempore. Does the gentleman from Ohio withdraw his point of order?

Mr. ASHBROOK. I do not.

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

CALL OF THE HOUSE

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. 396]

Abbitt	Boland	Cohelan
Abernethy	Bolling	Collier
Adair	Brock	Collins, Tex.
Andrews, Ala.	Broomfield	Conyers
Ashley	Brown, Calif.	Coughlin
Aspinall	Burton, Utah	Cowger
Ayres	Button	Cramer
Baring	Chappell	Cunningham
Barrett	Clay	Daddario
Blatnik	Cleveland	Dent
Diggs	Kuykendall	Reid, N.Y.
Dowdy	Langen	Reifel
Dulski	Leggett	Reuss
Dwyer	Lennon	Rivers
Edwards, La.	Long, La.	Roberts
Evins, Tenn.	McCulloch	Rogers, Colo.
Fallon	McDade	Rogers, Fla.
Farbstein	McFall	Rosenthal
Fisher	McKneally	Roudebush
Ford, William D.	McMillan	Sandman
Foreman	Macdonald, Mass.	Slack
Frey	MacGregor	Smith, N.Y.
Gettys	Mathias	Steiger, Ariz.
Gilbert	May	Steiger, Wis.
Goldwater	Mayne	Stephens
Gray	Meskill	Stuckey
Griffiths	Michel	Symington
Grover	Miller, Calif.	Taft
Gubser	Mills	Teague, Calif.
Gude	Minshall	Thompson, N.J.
Hanna	Mize	Thomson, Wis.
Hansen, Idaho	Morgan	Tiernan
Hawkins	Morse	Tunney
Hébert	Morton	Ullman
Heckler, Mass.	Moss	Waggonner
Howard	O'Hara	Waldie
Hull	O'Konski	Weicker
Hungate	O'Neill, Mass.	Whitten
Hunt	Pollock	Widnall
Jarman	Powell	Wiggins
Karth	Preyer, N.C.	Winn
Kastenmeier	Price, Tex.	Wold
Kee	Pryor, Ark.	Wolff
King	Purcell	Wydler
Kluczynski	Rees	Zwach

The SPEAKER. On this rollcall, 297 Members have answered to their names, a quorum.

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

FBI DIRECTOR EDGAR HOOVER AND THE BERRIGAN BROTHERS

The SPEAKER. The gentleman from Tennessee (Mr. ANDERSON) is recognized.

Mr. ANDERSON of Tennessee. I thank the Chair.

Mr. EDMONDSON. Mr. Speaker, I have no personal knowledge regarding either the Berrigan brothers or the so-called east coast conspiracy, but I do have a long acquaintance and a high regard for the distinguished Director of the Federal Bureau of Investigation, J. Edgar Hoover.

Few men in this century have established a record for dedication and integrity to compare with that of Mr. Hoover.

It is regrettable that a man charged with Mr. Hoover's grave responsibilities, testifying in closed session before a congressional committee, has been charged with any impropriety for conveying to a congressional committee, in such a session, information directly related to national security.

The Congress can be sure, if Mr. Hoover so testified, that information believed reliable is available to support every statement made in the Appropriations Committees of the House and the Senate.

The Hoover record for talking straight to the Congress has been established in 46 years of outstanding service to the Nation. It is not likely to be tarnished now.

Mr. MIKVA. Mr. Speaker, the allegations against two jailed priests made by FBI Director, J. Edgar Hoover, before a Senate Appropriations Subcommittee last week raise some fundamental and serious questions concerning the FBI Director's behavior over the past few years. The unsupportable testimony Mr. Hoover has given the committee is yet another bit of evidence that the FBI has become in itself a center of political action within the United States, generating a force from the "right" that has the potential of becoming as destructive as it is divisive. What can be more horrifying then having the sanctioned forces of justice operating outside constitutional procedures for charging and punishing malefactors?

No one can deny that J. Edgar Hoover has served his country well. Under his guidance, the FBI has developed into a highly skilled, efficient law enforcement agency in the United States. Yet, it is apparent that in many instances during the past decade, the FBI has lost its neutrality as an investigative arm of the Federal Government. Mr. Hoover's outburst against Dr. Martin Luther King is but one example of this deterioration. His attack on his assassinated superior, Senator Robert Kennedy was another. His attack on the Berrigan brothers is still another. The FBI, through Mr. Hoover's pervasive influence, has become so ideological that it is fast losing its credibility.

A famous American poet, Walt Whitman, once stated:

I am neither for nor against institutions.

That perhaps best describes the mood of the alienated groups within our society—especially the young but also the blacks, the browns, and those political minorities whose dissent is expressed well within the system. That neutrality means only that they have neither emotional nor experiential commitments to any persons of what they call the establishment. They look at people and the agencies of people for what they say and do, rather than what they said and were.

It is not and ought not be a sufficient answer to those who question Mr. Hoover's conduct that in days of yore he did wondrous things for the FBI and consequently the country. It is more significant that someone explain how it is that the head of the highest law enforcement agency in the Federal Government can ignore the most fundamental rule for distributing justice under law; namely, that a person be charged with crime and be required to answer such charge only in a proper place. If the brothers Berrigan have in fact conspired, as Mr. Hoover charges, then that conspiracy is criminal, indictable, and punishable. And being such, Mr. Hoover need not be told that such a conspiracy is not commentable upon by law enforcement officials prior to the completion of judicial action. Surely, Mr. Hoover need not be told that an appropriations subcommittee of the Congress is not the proper place to try the Berrigan brothers or their alleged criminal behavior. Whether Mr. Hoover's motives were as mean as seeking to dramatize a request for supplemental appropriations or as lofty to seek to protect this country from its enemies, no law enforcement official can be condoned for flaunting due process in such a manner.

Mr. Speaker, the Berrigan brothers have demanded that Mr. Hoover either prosecute or retract his statements. Mr. Hoover and the Justice Department refuse to comment any further on the matter since Mr. Hoover's appearance before the Appropriations subcommittee. Whether in fact Mr. Hoover puts up or shuts up, the issue remains that the FBI has specifically and wrongly become a politicalized organization, lowering itself into the pernicious arena of political charges and countercharges. This is the sadness of Mr. Hoover's leadership in the most recent chapters of the FBI.

J. Edgar Hoover has represented the concept of Federal justice in America. Directly or indirectly, everyone on the far side of 30 has had instilled in them that J. Edgar Hoover and the FBI were impartial, neutral, and efficient. Traditions, however, Mr. Speaker, are only as good as the cause they serve. At a certain point in time, a tradition may become an anachronism because it is out of step with its surroundings and the needs of the people. The behavior of J. Edgar Hoover, who denounces some of the martyrs and some of the living leaders of our country and who uses agencies of the Congress as a forum from which to announce criminal conspiracies, creates such an anachronism. If the FBI is to again secure its position as an effective and efficient law enforcement agency which helps keep us together because of the stature and respect it receives from all segments of the society, then Mr. Hoover must curb his tongue. If he cannot do that, then perhaps he ought to write his memoirs. If he does neither, then at a time when effective law enforcement is so desperately needed in this country, the FBI's contribution will be small.

Mr. REID of New York. Mr. Speaker, I rise in support of the efforts of the gentleman from Tennessee (Mr. ANDERSON) to discuss and clarify the recent reports of FBI Director J. Edgar Hoover's charges that Fathers Daniel and Philip Berrigan are plotting to kidnap a White House aide.

I am not in a position to make a judgment on the validity of these charges.

It is one thing for the Director of the FBI to testify and subsequently to release his testimony to the press in support of supplemental funds for the Bureau, citing national needs—but it is another thing to mention specific individuals. Mr. Hoover has warned in the past about naming individuals in congressional testimony without the constitutional protections of due process. While I have high regard for the FBI, neither this agency nor any other agency of the executive branch should be exempt from due process or from upholding our fundamental principles of justice.

Mr. EDWARDS of California. Mr. Speaker, I consider it a rare privilege to be here today and to have had the opportunity to listen to the eloquent speech of the distinguished gentleman from Tennessee (Mr. ANDERSON). I find myself moved by his remarks to an extent greater than I can recall. Again, I can clearly understand why the gentleman from Tennessee is looked upon with such respect, admiration, and affection by every Member of the House of Representatives and, of course, by thoughtful humane people throughout the United States.

Each of us is indebted to Mr. ANDERSON for the massive contributions he has made and is making toward achievement of an American society that is decent, humane, and just. His lonely and courageous investigation of the Con Son Island Prison Camp gave the American people and the world a better insight into the tragedies that are a biproduct of this dreadful war. His contribution relating to the subject of his speech today is on an equally high level of patriotism and courage.

I was a special agent of the Federal Bureau of Investigation in the years 1940 and 1941, and I, too, share the respect for the FBI that Mr. ANDERSON describes in his speech. I share also with the gentleman from Tennessee his apprehension and dismay regarding some of the recent statements of Director Hoover which are detailed in Mr. ANDERSON's speech.

As my colleagues know, I have been working for 8 years to eliminate from the House of Representatives the unconstitutional practice of holding legislative trials. They simply have no place in our free society under a Constitution which provides that only the courts can punish and only then pursuant to due process. Only in totalitarian countries can this awesome power be found in the legislature

As Justice Black pointed out in the Barenblatt dissent, the punishment of American citizens is "too serious a matter to be entrusted to any group other than an independent judiciary and a jury of 12 men acting on previously passed, unambiguous laws, with all the procedural safeguards which included the right to counsel, compulsory process for witnesses, specific indictments, confrontation of accusers, as well as protection against self-incriminations, double jeopardy, and cruel and unusual punishment—in short, due process of law."

Certainly the same proscription applies to the executive department including the Department of Justice and FBI. Punishment of Americans by accusation of crime by a high executive department official such as Director of the FBI is an unconstitutional and improper action by Director Hoover. If in the judgment of Mr. Hoover the crime of conspiracy has been committed, it is his duty to seek indictment through the appropriate judicial process where all of the constitutionally guaranteed safeguards are present.

I also respectfully suggest that high Federal officials lower their voices in their public statements regarding their fellow Americans. The United States with its immense size, its varied ethnic groups, its multiple cultures and the pressures and strains that are so evident today is a complicated, difficult country to govern. High Federal officials should set an example of responsible dialog free from invective and personal characterization. In our actions let us be a civilized society and let our dialog also be civilized. It is certainly not appropriate for Mr. Hoover to charge that the Reverends Berrigan are—

> Bomb plotters . . . concocting a scheme to kidnap a highly placed government official.

Nor is it appropriate for Mr. Hoover to say as reported in this week's Time magazine:

> 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.

It is also beneath his high Government position to brand Nobel Peace Prize winner, Dr. Martin Luther King, Jr., a "liar." Nor should he, as reported in the same Time article, refer disparagingly to the personal appearance of the Jet quarterback, Joe Namath.

As in all of the endeavors of the distinguished gentleman from Tennessee, his speech today and his activities during the past few days on this important subject are in the highest tradition of his elected office as a Member of Congress with oversight responsibilities over the activities of the executive department. I compliment him on his quiet and scholarly approach to this explosive issue. I thank him for his latest contribution to progress toward peace and justice in our country.

Mr. RYAN. Mr. Speaker, I want to commend our distinguished colleague from Tennessee (Mr. ANDERSON) for helping to focus the attention of the House on the implications of the allegations made by the Director of the Federal Bureau of Investigation regarding Fathers Daniel and Philip Berrigan. The diligence and thoughtful concern the gentleman from Tennessee (Mr. ANDERSON) brings to this very serious matter is particularly helpful, when serious charges of "conspiracy" are raised.

The Director of the Federal Bureau of Investigation has publicly testified that Fathers Philip and Daniel Berrigan are "the principal leaders of a conspiracy planning to blow up underground electrical conduits and steampipes serving the Washington, D.C., area in order to disrupt Federal Government operations." And he also said that "the plotters are also concocting a scheme to kidnap a highly placed Government official."

To characterize these allegations as serious is to belabor the obvious. To merely cast them in the public eye, without substantiating them, is also very serious. If, in fact, the Director has information to substantiate these charges, then it should be immediately turned over to the Justice Department, and appropriate action should be taken. Due process requires that those accused of crime have an opportunity to confront their accusers and defend themselves.

The gentleman from Tennessee (Mr. ANDERSON) deserves commendation for undertaking to help clarify this issue. He well recognizes the tensions which beset this country, and his concern—both today, and regarding the Con Son Island Prison, in South Vietnam—amply attest to his desire for justice for all.

GENERAL LEAVE TO EXTEND

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order, FBI Director Edgar Hoover and the Berrigan brothers.

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

There was no objection.

TESTIMONY OF J. EDGAR HOOVER BEFORE THE SENATE APPROPRIATIONS COMMITTEE

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I think it is regrettable that the gentleman who just left the well had invited his colleagues to share a colloquy with him about the subject matter of his special order and then declined to yield to any of us who wished to engage in that colloquy.

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

Mr. HOGAN. I decline to yield at this point.

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

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Indiana?

Mr. HOGAN. Mr. Speaker, I decline to yield at this point. I will yield to the gentleman when I have finished my remarks.

The SPEAKER. Under those circumstances, that the gentleman will be yielded to a little later, does the gentleman insist on his point of order.

Mr. JACOBS. Mr. Speaker, as I understand it, that is precisely the circumstance under which the previous speaker said he would yield.

Mr. HOGAN. That is not exactly correct.

Mr. JACOBS. Mr. Speaker, it is exactly correct, but just the same, I withdraw my point of order.

Mr. HOGAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the gentleman from Tennessee who preceded me in the well indicated that the testimony by Mr. J. Edgar Hoover, Director of the FBI, before a Senate Appropriations Subcommittee, was somehow a departure from due process of law. I had hoped to have him yield to me at that point, so that he could explain to me what violation of due process there was in that testimony.

Mr. Hoover appeared before the Appropriations Committee, as is his duty as the head of an agency seeking supplemental appropriations to finance increased responsibilities which we have conferred upon the FBI by legislation we have enacted. Mr. Hoover's testimony was presented and it was not released to the press by Mr. Hoover. The testimony was released by the Senate Appropriations Committee.

The gentleman also indicated that the Director of the FBI had resorted to tactics of McCarthyism in some way. This has become a very convenient way to attempt to discredit things with which people disagree.

Frankly, Mr. Speaker, I am disappointed that one of our colleagues, the gentleman from Tennessee, has seen fit to attack a distinguished public servant merely for doing his duty. The gentleman publicly criticized the Director of the FBI for a statement which Mr. Hoover made before the Senate Appropriations Committee concerning the East Coast Committee To Save Lives.

Now, the comments in question were as follows:

Mr. Speaker, I ask unanimous consent that they be inserted in the RECORD in toto, but I will summarize them.

He indicated that a militant group——

Mr. CORMAN. Mr. Speaker——

Mr. THOMPSON of Georgia. Mr. Speaker, may we have order? I cannot hear the gentleman.

The SPEAKER. The gentleman from Maryland has the floor.

Mr. CORMAN. Mr. Speaker, the gentleman made a unanimous-consent request. I reserve the right to object.

Mr. HOGAN. Mr. Speaker, I withdraw the request. I will read the statement in toto.

The SPEAKER. Does the gentleman yield to the gentleman from California?

Mr. HOGAN. I decline to yield at this point, Mr. Speaker. I withdraw my unanimous-consent request, Mr. Speaker.

The SPEAKER. The gentleman withdraws his request.

Mr. ROONEY of New York. Mr. Speaker, a parliamentary inquiry. How much time does the gentleman from Maryland have?

The SPEAKER. Sixty minutes.

Mr. ROONEY of New York. Oh.

Mr. HOGAN. Mr. Speaker, the testimony which I was about to summarize, which I will now quote, as to the portion relevant, is that Mr. Hoover said:

Willingness to employ any type of terrorist tactics is becoming increasingly apparent—

Mr. ROONEY of New York. Mr. Speaker, I wonder if the distinguished gentleman from Maryland would yield for a question.

Mr. HOGAN. Mr. Speaker, I would be happy to yield at the conclusion of my remarks.

The SPEAKER. Will the gentleman from Maryland yield for a question?

Mr. HOGAN. I yield to the gentleman.

Mr. ROONEY of New York. I merely want to inquire whether or not the distinguished gentleman from Maryland read the hearings held in the House on this subject rather than the hearings that were distributed to the press on this subject?

Mr. HOGAN. Mr. Speaker, I do not see how that has any relevance whatsoever to the matter we are discussing right now.

Mr. ROONEY of New York. I would rather the gentleman would stay closer to the House, and he might be more firmly embedded on what is the difference between right and wrong; and I will sum that up by saying I cannot see why a Member of this House would visit two convicts in a Federal prison.

Mr. HOGAN. Mr. Speaker, I am quoting the testimony in question. The Director of the FBI said:

Willingness to employ any type of terrorist tactics is becoming increasingly apparent among extremist elements. One example has recently come to light involving an incipient plot on the part of an anarchist group on the east coast, the so-called "East Coast Conspiracy to Save Lives."

This is a militant group self-described as being composed of Catholic priests and nuns, teachers, students and former students who have manifested opposition to the war in Vietnam by acts of violence against Government agencies and private corporations engaged in work relating to U.S. participation in the Vietnam conflict.

The principal leaders of this group are Philip and Daniel Berrigan, Catholic priests who are currently incarcerated in the Federal Correctional Institution at Danbury, Connecticut, for their participation in the destruction of Selective Service records in Baltimore, Maryland, in 1968.

This group plans to blow up underground electrical conduits and steam pipes serving the Washington, D.C., area in order to disrupt Federal Government operations. The plotters are also concocting a scheme to kidnap a highly placed Government official. The name of a White House staff member has been mentioned as a possible victim. If successful, the plotters would demand an end to United States bombing operations in Southeast Asia and the release of all political prisoners as ransom. Intensive investigation is being conducted concerning this matter.

Now, Mr. Speaker, the gentleman from Tennessee advises that he wrote to J. Edgar Hoover——

Mr. VAN DEERLIN. Mr. Speaker, a point of order. The gentleman is discussing such an important subject, Mr. Speaker, I think we should have more of the Members present to hear it, and I therefore make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Does the gentleman insist on his point of order?

Mr. VAN DEERLIN. No, Mr. Speaker. I withdraw my point of order.

The SPEAKER. The gentleman from Maryland is recognized.

Mr. HOGAN. Mr. Speaker, I might say I was attempting to expedite the matter by summarizing it, but my unanimous consent request was rejected. However, I feel that I should make these points since the gentleman who preceded me made the points in counterpoint.

The gentleman from Tennessee advised that he wrote to the FBI Director regarding this allegation that Father Daniel Berrigan and his brother are leading from their prison cells a conspiracy to kidnap high Government officials and to blow up powerlines coming into Washington and enclosed a copy of a letter that he sent to Mr. Hoover with a "Dear Colleague" letter that he circulated.

A close reading of the testimony I just read fails to indicate Mr. Hoover accused the Berrigan brothers of anything, but that is not the important point

that concerns me. In his letter the gentleman says:

> This matter goes beyond the Berrigan brothers in that unwittingly I am sure it adds to what seems to be a growing tendency on the part of our Executive Branch to employ tactics of fear and to be less than candid in dealing with the public.

This statement disturbs me greatly because it seems the gentleman from Tennessee is implying that the Director of the FBI is engaging in politics as a tool of the executive branch, which is absurd. Mr. Hoover has served as FBI Director under eight different Presidents, four Republicans and four Democrats. He has never allowed himself or the FBI to be used as a tool by any President or anyone else in the Federal service.

As for using tactics of fear, I remind you that—as far as employing tactics of fear, which the gentleman from Tennessee referred to, I remind my colleagues that Mr. Hoover was testifying before a committee of the Congress to justify a request for additional funds to finance additional responsibilities which we have conferred on the FBI. The testimony which he gave was obviously germane to the committee's inquiry as these were recent events which had resulted in an increase in the FBI's investigative responsibilities to the extent that Congress should appropriate additional funds for its operations. And, as I said, the decision to release testimony publicly was not Mr. Hoover's. It was the committee's. The gentleman said in his letter to Mr. Hoover:

> If there is any substance to your allegations, it is your duty to arraign the Berrigan brothers before a Federal grand jury and to seek an indictment.

Mr. Speaker, the gentleman from Tennessee should know that the FBI has nothing whatsoever to do with prosecutions. It is an investigative, fact-finding agency and makes no decisions whatsoever regarding prosecutions.

It does not appear to me that the gentleman from Tennessee has offered any evidence whatsoever to back up his criticism of Mr. Hoover.

Mr. Speaker, although I had asked unanimous consent previously to extend my remarks on this subject and it was denied, I now make the unanimous-consent request again and, if granted, at this point I will be happy to put the text in the RECORD. However, a number of my colleagues have asked for an opportunity to have me yield to them. With that one proviso, I shall be happy to insert my remarks in the RECORD and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ICHORD. Mr. Speaker, primary responsibility for protecting our Nation's internal security rests with the FBI. Authorized under legislative enactments, Presidential directives and instructions of the Attorney General, this heavy responsibility includes investigative jurisdiction over matters relating to such activities as espionage, counterespionage, subversion, treason and sedition. In carrying out these duties, the FBI gathers both intelligence data and evidence which can be used in legal proceedings.

It is, of course, traditional that when the Congress calls upon a Government official, such as the Director of the FBI, to testify, it is incumbent upon him to respond. This is necessary because of the responsibility of Congress to legislate and its concomitant right to be informed of matters affecting the internal security of the United States.

Our Nation is indeed fortunate in having as the head of the FBI a man of the character and caliber of Mr. Hoover. With no desire for headlines, this sound and dedicated public servant conducts the affairs of the FBI effectively, with integrity and dignity. No man in America has contributed more to the internal security of our Nation than has Mr. Hoover. We are all beneficiaries of his tireless efforts to maintain liberty under law for every citizen.

In testifying before the Senate Appropriations Subcommittee on November 27, Mr. Hoover did what Congress had asked him to do. The subject of his testimony was directly responsive to the matter of the subcommittee's inquiry—whether recent events had imposed increased demands on the FBI's investigative capabilities to the extent that Congress should appropriate additional funds for its operations.

It is most important to set the record straight—Director Hoover made his remarks in confidence behind closed doors to a distinguished body of the Senate which had full and privileged authority to receive it. The FBI did not make the decision to publicly release this testimony. The decision was made by the Senate Appropriations Subcommittee. I think that it was most unfortunate that Mr. Hoover's testimony in closed session was made public particularly when Mr. Hoover, in relating the plans of the "East Coast Conspiracy To Save Lives" to engage in acts of revolutionary violence, pointed out that intensive investigation was currently being conducted concerning this matter. In this connection, I would like to point out that extremely valuable to the FBI in its investigative operations is intelligence information gained through confidential informants who willingly cooperate with the assurance that their confidential relationship with the FBI will be strictly maintained. On the basis of this information, which is often virtually unavailable from other sources, the FBI is alerted to planned crimes, such as those attributed to the "East Coast Conspiracy To Save Lives," and is able to take appropriate preventative measures.

My colleague from Tennessee in his letter to Mr. Hoover stated that if there is any substance to the allegations against the Berrigans, it is Mr. Hoover's duty to arraign them before a Federal grand jury. Obviously, my colleague is not familiar with the procedures followed by the Department of Justice. The FBI is the principal investigative arm of the Department of Justice. It conducts investigations thoroughly and impartially to determine the facts. The results of the FBI's investigations are furnished to the Attorney General who makes the decision regarding prosecution. The FBI does not offer opinions, make recommendations, nor draw conclusions from the information it develops.

The FBI has a well-earned reputation for meticulous regard for the rights and privileges of all citizens. Certainly the people of this Nation recognize that the FBI handles its responsibilities with the utmost professionalism. I am confident that the Attorney General must be carefully considering prosecutive action under appropriate statutes in regard to any criminal activities of the "East Coast Conspiracy To Save Lives." We can all rest assured that the FBI, and its eminent Director, are not accustomed to making statements which are factually unsupportable. The record of the FBI in this regard for the nearly 50 years of its history is unblemished.

I join with the gentleman from Maryland in expressing my concern that the gentleman from Tennessee did not continue his discussion and yield to questions because I have great difficulty in discerning the purpose of his special order. Is it to defend the innocence of the Berrigan's or to attack J. Edgar Hoover? If the gentleman is attacking J. Edgar Hoover, I fear he is setting up a bogeyman and then knocking him over because I fail to find in the testimony of J. Edgar Hoover any statement that the Berrigan's were in fact involved in a conspiracy. There were newspaper accounts to that effect but the testimony which the gentleman from Maryland has placed in the record does not in fact make that charge. In any event, I do not believe it is proper for us to discuss the alleged conspiracy here. This is a matter for the Department of Justice to consider and possibly for the grand jury if the decision should be made to lay the same before a grand jury. So I make no comment on the guilt or innocence of any of the persons allegedly involved. The secret testimony which was unfortunately released by the Senate only said that the group plans to do certain acts. There was no specific charge of a conspiracy on the part of the Berrigan's.

In closing, I want to commend our dedicated Director of the FBI for keeping the Congress informed of matters which are of vital concern to all Americans. Mr. Hoover has spoken out at a time when acts of revolutionary violence have reached critical proportions in our Nation. The daily toll in lives and property is staggering. It is an understatement to say that the situation is grave. The bomb and the torch have become the tools of many dissidents in our midst and Mr. Hoover has warned of a new clear and present danger—the indigenous revolutionary. I intend to continue to give my fullest support to Mr. Hoover and the FBI and I would respectfully suggest, in this regard, that my colleagues as well as every citizen concerned about the threat to our internal security, do likewise.

Mr. FLYNT. Mr. Speaker, it is regrettable that the proceedings this evening have deteriorated as they have. In his invitation to all Members to join him in discussing this matter, the gen-

tleman from Tennessee specifically invited "a free exchange of information and views."

Then, during the 60 minutes allotted to him by special order of the House, he declined to yield to anyone to engage "in a free discussion" and proceeded to yield back the balance of his time.

I concede that under the rules of the House, he had the right to do that but he deliberately precluded the free exchange of information which he solicited.

In his appearances before the Committees on Appropriations of both the House and the Senate the Director of the Federal Bureau of Investigation was testifying in executive session and was not making a public statement, and Mr. Hoover released no part of his testimony.

That release and the decision to make it public was made by the appropriate committees of both Houses of the Congress.

In a letter addressed to the Director of the Federal Bureau of Investigation, the gentleman from Tennessee called upon the Director "to arraign the Berrigan brothers before a Federal grand jury to seek an indictment."

The gentleman from Tennessee knows, or should know, that such a decision and such an action can be brought only by the Department of Justice, and not by the FBI. The FBI is an investigative agency whose statutory duty it is to investigate allegations of criminal activity and report its findings to the Department of Justice—not to seek indictments before any grand jury.

In order to put this in a proper perspective, Mr. Speaker, I include as a part of my remarks pages 587–596 of the hearings before the subcommittees of the Committee on Appropriations of the House of Representatives. I only wish that it were possible to reproduce in the RECORD the photographs which appear on pages 590–593.

That portion of the hearings are as follows:

BOMBINGS

According to figures compiled by the Senate Judiciary Committee during the 15-month period from January 1, 1969, to April 15, 1970, approximately 5,000 actual bombings and 1,500 attempted bombings occurred. Of the actual bombings more than 1,200 were of the high explosive type and the remainder of an incendiary nature. During this period bombings and attempted bombings occurred at the rate of 433 per month or some 5,200 a year.

The new statute contains specific language to the effect that it is not the intent of the Congress to displace State and local jurisdiction in bombing matters. Primary jurisdiction remains with the State and local authorities.

This expression of congressional intent is essentially the same as that expressed in the earlier Bombing Statute (Title 18, Sec. 837) which served as the basis for the Department of Justice policy under which bombings were considered the primary responsibility of local authorities and FBI investigations were requested by the Department only on a highly selective basis.

The new statute does not specifically mention campus bombings. These facilities would come under the legislation if the institution was receiving Federal financial assistance. In this respect they would fall in the same category as a police department or a research organization receiving Federal assistance.

The FBI could be called upon to investigate campus incidents involving actual or attempted damage or destruction of property involving a bomb or incendiary device. The Organized Crime Control Act of 1970 does not give the FBI any new jurisdiction over campus violence other than in explosive and incendiary bombings.

I would like to emphasize there has been a great deal said by some of these pseudo-liberals to the effect that we would go on all campuses of the country to stop demonstrations. That is not true. We only have jurisdiction if there has been a bombing which falls within the purview of the statute.

We could also be requested to investigate conspiracies to commit these acts if there is evidence that an overt act has been committed. In the absence of such an act, the details of any alleged bombing or arson conspiracy would be referred to school officials and local police. This is the procedure we utilize with regard to any form of campus violence not involving the use of explosive or incendiary devices.

The FBI will continue its present intelligence coverage of violence-prone New Left, black and other extremist organizations, and individuals. As in the past, we will immediately disseminate to appropriate local and Federal agencies any information indicating actual or potential violence.

In the final analysis, the degree to which our investigative workload in connection with bombings and the interstate transportation of explosives will increase will be determined by the policy adopted by the Department of Justice.

Investigation of a major bombing case, based on our experience, requires the full-time services of 50 agents for approximately 60 days, and an investigation not of a major nature requires the full-time services of 25 agents for approximately 30 days. Based on the figures on bombings and attempted bombings (some 5,200 per year) developed by a Senate Judiciary Committee, if we were required to investigate all bombings and attempted bombings these investigations could require the full-time services of over 10,000 agents along with supporting personnel and equipment.

We conservatively estimate we will require an additional 400 agents to handle the initial investigative work accruing under the bombing aspects of the Organized Crime Control Act of 1970 as well as to handle the mounting work being required in connection with other campus violence, aircraft hijackings, and New Left and black extremists.

Now, I would like to discuss our work in these other areas.

CAMPUS VIOLENCE

The 1969–70 academic year witnessed an unprecedented level of violence on campuses throughout the United States and the toll of fatalities, injuries, and property damage was approximately double the previous year. Nearly 1,800 student demonstrations took place resulting in over 7,500 arrests, 462 injuries (some two-thirds to police) and 8 deaths. Violent tactics were used on numerous occasions including 247 arsons and 313 sit-ins or building seizures. ROTC facilities were singled out as a target on 282 occasions. Property damage amounted to more than $9.5 million.

During the current academic year, there have been over 130 demonstrations on college campuses. These demonstrations have resulted in over 150 arrests and 23 injuries (seven of which were to police). There have been six sit-ins, eight bombings, and 10 arsons. The ROTC has been the target of 13 demonstrations. Damages have exceeded $3,250,000.

FBI investigations in connection with campus violence can be costly. For example, we conducted extensive investigation at the request of the Department of Justice concerning the burning of the ROTC armory and the shooting of the four students by Ohio National Guardsmen at Kent State University in early May 1970. Results were set forth in reports containing over 8,000 pages which were furnished to the Department and to the President's Commission on Campus Unrest. The total cost of this investigation was estimated at $274,100. A peak of 302 special agents were assigned to this case and our agents worked 6,316 hours of overtime for which no compensation was received.

A forecast of what might be expected this year occurred August 24, 1970, when a massive explosion demolished a building at the University of Wisconsin housing an army research center.

This explosion, which caused some $3 million damage including destruction of Atomic Energy Commission computer equipment and took the life of a graduate student while maiming three others, was triggered by a professionally engineered bomb hidden in a stolen panel truck parked on a ramp immediately adjacent to the building. The highly explosive mixture consisted of ammonium nitrate fertilizer mixed with fuel oil. The detonation of such a mixture is assured only when it is used in conjunction with another explosive such as dynamite; however, no conclusions could be reached as to the method of detonation in this case.

This exhibit, consisting of several photographs, shows the extent of damage to the building at the University.

Mr. ROONEY. We shall insert the very interesting photographs taken at the University of Wisconsin, at this point in the record.

(The photographs appear at pp. 590–593).

Mr. HOOVER. The University of Wisconsin has been the site of student disorders and acts of violence for many months, including several bombing or arson attempts against power facilities, a nearby ammunition plant, and ROTC buildings. Four subjects have been indicted on destruction of Government property and related charges and are presently the objects of intensive fugitive investigations by the FBI.

College campuses across the Nation have been the scenes of many bombings since September 1, 1969. A listing of the 22 bombings (as of Nov. 5, 1970) brought to the attention of the FBI during this period is set forth in this exhibit.

Mr. ROONEY. We shall insert this exhibit following the photographs in the record.

(The exhibit appears at pp. 594 and 595).

BOMBINGS ON COLLEGE CAMPUSES SEPTEMBER 1, 1969–NOVEMBER 5, 1970

"The 22 bombings on the college campuses of the Nation during the period September 1, 1969, through November 5, 1970, of which the FBI is aware are briefly described as follows:

"On November 19, 1969, an explosive device believed to have been constructed from dynamite, was exploded at Seattle Community College, Seattle, Wash. The purpose of the explosion is not known; however, there had been racial tension on the campus.

"On November 19, 1969, a bomb was thrown into the cafeteria at the Wisconsin State University, Oshkosh, Wis. Damage was minimal and there were no injuries reported.

"On December 9, 1969, an unknown quantity of dynamite was exploded on the campus at Sam Houston State University, Huntsville, Tex. Forty windows were broken in campus buildings by the explosion. School authorities consider this incident a "prank."

"On February 18, 1970, a pipe filled with "black powder" was utilized to bomb an automobile at Cuyahoga Community College, Cleveland, Ohio. The car belonged to a member of the college security force. The purpose of the bombing is not known.

"On March 2, 1970, an explosion occurred at the ROTC building at the University of Colorado, Boulder, Colo. The explosive device was made by filling a 5-gallon can with gasoline. There were no injuries and damage was estimated at $2,000. Signs painted nearby read 'Imperialism Burns' and 'Vietnam Napalm ROTC.'

"On March 31, 1970, two jeeps owned by the University of Washington, Seattle, Wash., were damaged by pipe bombs. The jeeps were across the street from the campus security office. The jeeps were extensively damaged. There were no injuries and school authorities do not know the reason for the bombing.

"On April 1, 1970, four large glass doors of the administration building at Michigan State University, East Lansing, Mich., were damaged by explosive devices made of firecrackers. There were no injuries and damages amounted to $500. Slogans painted on the wall read 'Smash Racist U' and 'Revolution.'

"On May 4, 1970, a plastic-type bombing device exploded at the Air Force ROTC building at the University of North Carolina, Chapel Hill, N.C. The resulting damage was minor.

"On May 13, 1970, an explosive device thrown into Alumni hall at the University of North Carolina caused an estimated $6,000 damage to the building.

"On May 14, 1970, the alma mater statue at Columbia University, New York City, was damaged by a bomb consisting of one or two sticks of TNT.

"On May 27, 1970, a pipe bomb was exploded in the faculty office building, California State College, Long Beach, Calif. There were no injuries and damages were estimated at $200.

"On June 5, 1970, an explosion occurred in the building housing the Naval Reserve Officers Training Corps (ROTC) at the University of California at Los Angeles. The bomb was described as 'low-grade.' Damages were minor. There were no injuries.

"On June 29, 1970, a bomb, constructed of dynamite, was exploded on a windowsill of the Harvey Ingham Science Hall at Drake University, Des Moines, Iowa. The purpose of the bombing has not been ascertained. Damage amounted to $250,000 and there were no injuries.

"On July 1, 1970, a pipe bomb was exploded in a classroom at the University of California at Berkeley. Damage was estimated at $7,000. The classroom was used for Asian Studies. There were no injuries.

"On August 24, 1970. Sterling Hall, the Mathematical Research Center at the University of Wisconsin, Madison, Wis., was bombed. The explosive device consisted of a panel truck filled with commercial fertilizer mixed with fuel oil. There was one death and three injuries. Damage was estimated at $3 million. The explosion allegedly was for the purpose of ending university research for the military. Four individuals have been indicted for destruction of Government property and related charges. They are presently fugitives.

"On September 16, 1970, a stick of dynamite was exploded on the roof of Macky Auditorium, University of Colorado, Boulder, Colo. The reason for this explosion is not known; $1,000 in damage resulted.

"On October 3, 1970, a bomb exploded in Prince Leucien Campbell Hall at the University of Oregon, Eugene, Oreg. An estimated $50,000 damage resulted.

"On October 6, 1970, an explosive was set off in the restroom area of Student Union Building at Bluefield State College, Bluefield, W. Va. Damage was estimated at $15,000.

"On October 8, 1970, a bomb was exploded in Clark Hall, University of Washington, Seattle, Wash. This Hall is occupied by ROTC facilities. A few minutes prior to the explosion, school authorities received a telephonic warning that the bomb would be set off. A preliminary estimate is that $54,500 in damage resulted.

"On the early morning of October 14, 1970, Harvard University police received a call from a young female warning that a bomb had been placed in The Center for International Affairs Building at the University. The caller said, 'You have 6 minutes.' A short time later a bomb exploded in the library on the third floor of the building. Initial estimate of damage is $50,000.

"On October 23, 1970, following a rally at Kent State University, Kent, Ohio, a bomb was exploded on the porch of a frame building utilized by the Black United Students. A hole was blown in the porch and windows in the building were broken.

"On November 5, 1970, the campus security office at Bowling Green State University, Bowling Green, Ohio, was bombed. One window was blown out with damage estimated at $25. Subsequently, a Bowling Green newspaper received a note reading, 'Ask the campus security pigs what happened to their window Thursday night. That's only a sampling of what we can and will do. Power to the people, death to the pigs.' The note was signed 'The People's Army.' "

Mr. HOOVER. The listing does not include the numerous incendiary incidents in which Molotov cocktails were used nor the many arsons or suspected arsons in which there was no indication of an explosive device.

The FBI currently has eight sabotage investigations in which prosecutive action is pending. Three of these involve sabotage of ROTC university facilities. In the eight cases, a total of 31 individual subjects have been charged with Federal violations including sabotage.

During the 1969–70 school year, there was a marked increase in racial disorders in public schools, up 68 percent over the previous year, and involving 530 disorders.

These disturbances, often involving violence, occurred in more than 200 cities in 33 States and the District of Columbia. They resulted in some 500 injuries, including injuries to 70 police officers and 30 teachers, and more than 1,800 arrests. There has been a corresponding increase in efforts of militant black groups to propagandize and foment disorders among students, especially at the high school level.

NEW LEFT TERRORISM

New Left extremist groups, notably the so-called Weatherman, have stepped up terrorist activities during 1970. This group originally belonged to the Students for a Democratic Society (SDS) but separated because it did not consider the SDS to be sufficiently militant and violent in its actions.

The Weatherman claimed credit for an explosion at a New York City Police Department facility on June 9, 1970, which caused $150,000 damages and eight injuries. The group apparently was involved in earlier abortive efforts to dynamite targets in Detroit. Three underground Weatherman activists were killed in a New York City explosion in March 1970. The Weatherman group now is completely underground and in May 1970, Bernardine Dohrn, one of its leaders, declared a state of war against the United States on behalf of the group. Over 20 Weatherman militants are currently fugitives, including Dohrn who is one of the FBI's "Ten Most Wanted Fugitives," arising out of indictments on antiriot charges and violations of Federal bombing and gun control statutes during the past year.

Willingness to employ any type of terrorist tactics is becoming increasingly apparent among extremist elements. One example has recently come to light involving an incipient plot on the part of an anarchist group on the east coast, the so-called East Coast Conspiracy to Save Lives.

This is a militant group self-described as being composed of Catholic priests and nuns, teachers, students, and former students who have manifested opposition to the war in Vietnam by acts of violence against Government agencies and private corporations engaged in work relating to U.S. participation in the Vietnam conflict.

The principal leaders of this group are Philip and Daniel Berrigan, Catholic priests who are currently incarcerated in the Federal Correctional Institution at Danbury, Conn., for their participation in the destruction of Selective Service records in Baltimore, Md., in 1968.

This group plans to blow up underground electrical conduits and steam pipes serving the Washington, D.C., area in order to disrupt Federal Government operations. The plotters are also concocting a scheme to kidnap a highly placed Government official. The name of a White House staff member has been mentioned as a possible victim. If successful, the plotters would demand an end to U.S. bombing operations in Southeast Asia and the release of all political prisoners as ransom. Intensive investigation is being conducted concerning this matter.

School segregationists, too, have resorted to terroristic bombings. For example, on July 4, 1970, at Longview, Tex., 27 dynamite charges were simultaneously exploded damaging 36 school buses involved in a U.S. District Court school integration order. FBI investigation of a white group violently opposed to desegregation resulted in the indictment of two subjects for obstructing a U.S. District Court order and for conspiring to deprive citizens of their constitutional rights. Both were convicted and on November 5, 1970, each received the maximum sentence of 11 years in prison and each was fined the $11,000 maximum fine.

Mr. ROONEY. It is fantastic to think how far these sort of things have been permitted to go.

Mr. FASCELL. Mr. Speaker, I associate myself completely with the remarks of the gentleman from Maryland.

The Director of the Bureau, Mr. Edgar Hoover, has the duty and the responsibility to inform the Congress fully on those factors directly bearing on the needs and operations of his Bureau and the security of the United States.

Mr. Hoover is unjustly castigated if his testimony is released by a committee of the Congress and is thereafter misinterpreted.

Furthermore, Mr. Speaker, the entire matter of the "East Coast Conspiracy To Save Lives" is a continuing investigation and is pending within the Department of Justice for action. Therefore, identification of its principals and its purposes to the Congress is in order. There is no impropriety in the testimony of the distinguished Director of the FBI given to a committee of the Congress, fulfilling his responsibility to the Congress and the people of this country. On the contrary, Mr. Hoover should be commended for calling the shots as he sees them without fear or favor with only the security and safety of this country as the primary criteria for fulfilling his onerous duties and responsibilities.

Mr. HOGAN. Mr. Speaker, it does not appear to me that the gentleman from Tennessee has offered any evidence whatsoever to back up his criticism of Mr. Hoover. The gentleman accuses the FBI Director of being "less than candid." It appears, however, that the gentleman's objection really is that the FBI Director

was too candid, that he was too forthright in calling a spade a spade, too open in enumerating the concrete evidence of the creeping revolution we have in this country today.

Let us hope that Mr. Hoover will continue to be candid in discharging the responsibilities of his job and not be intimidated by the bleeding hearts who refuse to see the evidence of violence and revolution which abounds throughout the land.

It is an amazing paradox that those who preach peace practice violence. It is even more amazing that there are gullible people among us who do not see through these inherent contradictions and the dishonesty of those who masquerade under disguises of "peace," "equality" and "justice."

The Berrigan brothers are convicted felons intent on destroying this country. It is disappointing to me that a Member of this body would rush to their defense and attack a dedicated public servant who has devoted his entire life to the preservation of this country.

It was my great honor and privilege to serve in the FBI under Mr. Hoover for 10 years. I have complete confidence in his honesty and integrity. If he testified that the East Coast Committee To Save Lives has been plotting to blow up underground electrical conduits and steampipes serving Washington to disrupt Government operations, then it is so. If Mr. Hoover says they have been scheming to kidnap a high government official, then they have, I might remind my colleagues that Father Daniel Berrigan, while he was still a Federal fugitive preached in a church in Philadelphia in which he said:

It is impossible to remain a Christian and abide by the law of the land.

I insert an editorial concerning Daniel Berrigan which appeared in the Catholic Standard in the RECORD at this point:

CRIMINAL ACTIVITY

Father Daniel Berrigan's antics as a self-imposed fugitive from justice are little more than a meaningless charade. No one seriously doubts that if the FBI were to give his case full attention he would be in jail now. In the meantime his ego is being supported by "clandestine" interviews with reporters obviously more intrigued with the game being played than by the story itself.

One thing is certain. Father Berrigan is not a political martyr. He was tried, convicted and sentenced for destroying public records. At no time was he either persecuted or prosecuted for political activity. In fact, it probably was the lack of public response to his well publicized views that induced him to turn to criminal activity.

The truly unfortunate aspect of the whole sorry situation is that Father Berrigan is exposing many other well meaning people to possible criminal charges. Harboring a fugitive from justice is itself a crime. He knows this even if they don't.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1413, TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. STAGGERS submitted the following conference report and statement on the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute:

CONFERENCE REPORT (H. REPT. NO. 91-1714)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of March 1, 1971.

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

And the Senate agree to the same.

HARLEY O. STAGGERS,
JOHN D. DINGELL,
BROCK ADAMS,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
JACOB K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all after the resolving clause of the House-passed joint resolution and inserted a new text. The conference agreement is a substitute for the text of both the House-passed resolution and the Senate amendment.

The text of the conference substitute is the same as the House-passed resolution, except for the addition of a new section reading as follows:

"SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

"(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

"(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate."

HARLEY O. STAGGERS,
JOHN D. DINGELL,
BROCK ADAMS,
Managers on the Part of the House.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For statement of managers on the part of the House, see prior proceedings.)

Mr. STAGGERS. Mr. Speaker, the conferees that went to conference on the part of the House with the Senate performed an outstanding job. I might say this, that the House bill as reported earlier is almost identical, with one addition, and I would like to read that. They have restored the House date and practically everything else. It reads:

Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) The progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference committees and their employees; and

(2) Any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

This is the language that has been added.

Mr. Speaker, I yield 15 minutes to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, I might say that the conference report, as agreed to, is the same as the one which was adopted by the House, except that there was a Senate amendment which in effect says that the President must—15 days prior to the expiration date specified, which would be March 1—submit to the Congress a full and comprehensive report containing, first, the progress, if any, of negotiations between the National Railway Labor Conference, and the Eastern, Western, and Southeastern Carriers Conference Committee and their employees; and, second, any such rec-

ommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

Now, those are the only changes from the House version .

The Senate put in its bill the very wording of the Staggers amendment, to which I was opposed in the beginning, and felt that it did balance this and weighted it definitely in favor of labor, and I am sure there is not going to be bargaining in the meantime because they have already received what they asked for in full yesterday before our committee.

Putting that aside, I submit that as far as the report is concerned, the rest of it we were in agreement on, and there was no great dispute between us except as to the modification of the Senate amendment which did take out, third, compelling the President to submit a detailed proposal for the partial operation of the railroads affected by the dispute described in this joint resolution so as to assure transportation services necessary to national defense, health, and safety.

And this, of course, was what labor wanted, and which they had already consented to do, and shows in the report that portion was stricken for a very good reason.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. ROONEY of New York. Mr. Speaker, I think we are more interested in what is in it, rather than what was stricken, and that if the gentleman would confine himself to that we would be better off.

Mr. SPRINGER. I thought I had explained to my colleagues that it is the same one that went from this House, except the two matters which I mentioned with reference to the President's report to the Congress, and he has to do that, if he so chooses to make a report, 15 days before. If he does not make it 15 days before, then he does not make any official report to us.

And the second——

Mr. HAYS. Mr. Speaker, will the gentleman yield at this point?

Mr. SPRINGER. I will yield to the gentleman from Ohio, but I was hoping I could complete my statement on this.

Mr. HAYS. The gentleman, I am sure, understands that there is a deadline at midnight tonight. Is the gentleman aware that it is now 5 minutes after midnight, and that we would like to vote on the conference report?

Mr. SPRINGER. I am.

Mr. HAYS. Why do we not?

Mr. SPRINGER. I felt that in view of the importance of this that a complete explanation ought to be made of what was done in the conference.

Now, we spent an hour or an hour and a half over there, and I felt that the Members would like to know what is in this report, and how it was arrived at. Not that I agreed with what was done in this report, but I felt certainly we were due an explanation of it, and I have tried to do so, and I am willing to answer any questions at this point.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ROONEY of New York. I would suggest that we ought to just get to a vote on this. It is 5 minutes after 12 o'clock—midnight. The day has not arrived when my voice cannot be heard in this Chamber, and I am in bad shape if it cannot be heard.

Mr. SPRINGER. Mr. Speaker, I yield back the balance of my time.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 131, not voting 104, as follows:

[Roll No. 397]

YEAS—198

Adams	Gallagher	Philbin
Addabbo	Garmatz	Pike
Albert	Gaydos	Pirnie
Alexander	Giaimo	Podell
Anderson, Calif.	Gibbons	Poff
	Gonzalez	Price, Ill.
Anderson, Tenn.	Green, Oreg.	Pryor, Ark.
	Griffin	Pucinski
Annunzio	Gude	Quillen
Ashley	Hagan	Railsback
Beall, Md.	Haley	Randall
Bennett	Halpern	Rees
Bevill	Hamilton	Reid, N.Y.
Biaggi	Hanley	Rhodes
Biester	Hansen, Wash.	Riegle
Blanton	Harsha	Rodino
Boggs	Hastings	Roe
Boland	Hathaway	Rogers, Fla.
Brademas	Hays	Rooney, N.Y.
Brasco	Heckler, Mass.	Rooney, Pa.
Brinkley	Henderson	Rostenkowski
Brooks	Hicks	Ruppe
Broyhill, Va.	Hogan	St Germain
Burlison, Mo.	Horton	Sandman
Byrne, Pa.	Howard	Saylor
Byrnes, Wis.	Ichord	Scheuer
Cabell	Jarman	Schneebeli
Caffery	Jonas	Shipley
Carey	Jones, Ala.	Sikes
Carney	Jones, N.C.	Sisk
Carter	Jones, Tenn.	Skubitz
Casey	Kazen	Smith, Iowa
Celler	Koch	Smith, N.Y.
Chappell	Kyros	Stafford
Clark	Landrum	Staggers
Collins, Ill.	Latta	Stanton
Colmer	Long, Md.	Steed
Corman	Lowenstein	Steele
Coughlin	Lukens	Steiger, Wis.
Culver	McCarthy	Stratton
Daniels, N.J.	McClory	Stubblefield
Davis, Wis.	McDade	Stuckey
de la Garza	McKneally	Sullivan
Dellenback	Mahon	Symington
Dingell	Mann	Taylor
Donohue	Meeds	Teague, Tex.
Downing	Melcher	Thompson, Ga.
Duncan	Mikva	Tiernan
Eckhardt	Miller, Ohio	Udall
Edmondson	Minish	Vanik
Edwards, Ala.	Mink	Vigorito
Eilberg	Mollohan	Wampler
Evans, Colo.	Monagan	Watts
Fascell	Montgomery	Weicker
Feighan	Moorhead	Whalley
Fish	Morgan	White
Flood	Morse	Whitehurst
Flowers	Murphy, Ill.	Wilson, Charles H.
Foley	Murphy, N.Y.	
Ford, William D.	Natcher	Wright
	Nichols	Wydler
Fountain	Nix	Wyman
Fraser	O'Hara	Yates
Friedel	O'Neal, Ga.	Yatron
Fulton, Pa.	Patman	Young
Fulton, Tenn.	Patten	Zablocki
Fuqua	Pelly	
Galifianakis	Pepper	

NAYS—131

Anderson, Ill.	Eshleman	Olsen
Andrews, N. Dak.	Findley	O'Neill, Mass.
	Flynt	Ottinger
Arends	Ford, Gerald R.	Passman
Ashbrook	Forsythe	Perkins
Belcher	Frelinghuysen	Pettis
Bell, Calif.	Frey	Pickle
Berry	Goldwater	Poage
Betts	Goodling	Price, Tex.
Bingham	Green, Pa.	Quie
Blackburn	Gross	Rarick
Bow	Hall	Reid, Ill.
Bray	Hammer-schmidt	Robison
Brock		Roth
Brotzman	Harrington	Rousselot
Brown, Mich.	Harvey	Roybal
Brown, Ohio	Hechler, W. Va.	Ruth
Broyhill, N.C.	Helstoski	Ryan
Buchanan	Holifield	Satterfield
Burke, Fla.	Hosmer	Schadeberg
Burke, Mass.	Hutchinson	Scherle
Burleson, Tex.	Jacobs	Schmitz
Burton, Calif.	Johnson, Calif.	Schwengel
Bush	Keith	Scott
Camp	Kleppe	Sebelius
Cederberg	Kyl	Shriver
Chamberlain	Landgrebe	Smith, Calif.
Clancy	Lloyd	Snyder
Clausen, Don H.	Lujan	Springer
	McCloskey	Steiger, Ariz.
Clawson, Del	McClure	Stokes
Cleveland	McDonald, Mich.	Taft
Conable		Talcott
Conte	McEwen	Tunney
Crane	Madden	Van Deerlin
Daniel, Va.	Mailliard	Vander Jagt
Denney	Marsh	Ware
Dennis	Martin	Watson
Derwinski	Matsunaga	Whalen
Devine	Mizell	Williams
Dickinson	Mosher	Wilson, Bob
Dorn	Myers	Winn
Edwards, Calif.	Nedzi	Wyatt
Erlenborn	Nelsen	Wylie
Esch	Obey	Zion

NOT VOTING—104

Abbitt	Farbstein	Mayne
Abernethy	Fisher	Meskill
Adair	Foreman	Michel
Andrews, Ala.	Gettys	Miller, Calif.
Aspinall	Gilbert	Mills
Ayres	Gray	Minshall
Baring	Griffiths	Mize
Barrett	Grover	Morton
Blatnik	Gubser	Moss
Bolling	Hanna	O'Konski
Broomfield	Hansen, Idaho	Pollock
Brown, Calif.	Hawkins	Powell
Burton, Utah	Hébert	Preyer, N.C.
Button	Hull	Purcell
Chisholm	Hungate	Reifel
Clay	Hunt	Reuss
Cohelan	Johnson, Pa.	Rivers
Collier	Karth	Roberts
Collins, Tex.	Kastenmeier	Rogers, Colo.
Conyers	Kee	Rosenthal
Corbett	King	Roudebush
Cowger	Kluczynski	Slack
Cramer	Kuykendall	Stephens
Cunningham	Langen	Teague, Calif.
Daddario	Leggett	Thompson, N.J.
Davis, Ga.	Lennon	Thomson, Wis.
Delaney	Long, La.	Ullman
Dent	McCulloch	Waggonner
Diggs	McFall	Waldie
Dowdy	McMillan	Whitten
Dulski	Macdonald, Mass.	Widnall
Dwyer		Wiggins
Edwards, La.	MacGregor	Wold
Evins, Tenn.	Mathias	Wolff
Fallon	May	Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Corbett.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Hébert with Mr. Michel.

Mr. Waggonner with Mr. Johnson of Pennsylvania.

Mr. Abernethy with Mr. O'Konski.

Mr. Andrews of Alabama with Mr. Mathias.

Mr. Miller of California with Mr. Thomson of Wisconsin.

Mr. Hall with Mr. Grover.

Mr. Leggett with Mr. Minshall.

Mr. Moss with Mr. Mayne.
Mr. Preyer of North Carolina with Mr. Kuykendal.
Mr. Gettys with Mr. Cunningham.
Mr. Gray with Mr. Button.
Mr. Slack with Mr. Collier.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Evins of Tennessee with Mr. Adair.
Mr. Long of Louisiana with Mr. Foreman.
Mr. Cohelan with Mr. Teague of California.
Mr. Barrett with Mr. Williams.
Mr. Gilbert with Mr. Broomfield.
Mr. Davis of Georgia with Mr. Hansen of Idaho.
Mr. Delaney with Mr. King.
Mr. Reuss with Mr. Ayres.
Mr. Rogers of Colorado with Mr. Zwach.
Mr. Whitten with Mr. Wiggins.
Mr. Rivers with Mr. Morton.
Mr. Stephens with Mr. Cowger.
Mr. Fisher with Mr. Collins of Texas.
Mr. Mills with Mr. Widnall.
Mr. Blatnik with Mr. Reifel.
Mr. Karth with Mr. Langen.
Mr. Wolff with Mr. Hawkins.
Mr. Waldie with Mrs. Chisholm.
Mr. Roberts with Mr. Burton of Utah.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Rosenthal with Mr. McCulloch.
Mr. Aspinall with Mr. Wold.
Mr. Kluczynski with Mr. Pollock.
Mr. Kastenmeier wtih Mr. MacGregor.
Mr. Lennon with Mr. Roudebush.
Mr. Macdonald of Massachusetts with Mrs. May.
Mr. Daddario with Mr. Meskill.
Mr. Abbitt with Mr. Mize.
Mr. Baring with Mr. Fallon.
Mr. Farbstein with Mr. Clay.
Mr. Brown of California with Mr. Conyers.
Mr. Ullman with Mr. Kee.
Mr. McMillan with Mr. McFall.
Mr. Purcell with Mr. Hanna.
Mr. Dulski with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE, AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until noon today, the clerk be authorized to receive messages from the Senate, and the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

POSSIBILITY OF A RUSSIAN SUBMARINE BASE IN CUBA

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, for the past several weeks, it has been obvious that the possibility of the construction of a Russian submarine base in Cuba still exists.

Despite the Kremlin's sharp denial, the threat continues. The apparent departure of a large Soviet crane-equipped tug and submarine tender from the deepwater port of Cienfuegos on Cuba's west coast may be so much window dressing. We are now informed that the submarine tender is back in a secluded harbor west of Havana.

Duplicity and treachery have always been behind the Russian's strategy in dealing with the free world and the grim Cuban episode should not be ruled an exception.

Abundant reasons for doubts and the danger of another Communist double-cross have gradually been coming to the surface. The evidence adds fuel to the fire of the concern every American should feel for the future security of this Nation.

The big barges, equipped with submarine repair facilities, still remain at Cienfuegos. The barges originally were towed across the Atlantic by a Russian freighter and have been anchored at the Cuban port since early September. Our naval and intelligence authorities consider these barges a vital element in the buildup of Soviet submarine strength in the unsettled Caribbean.

U.S. reconnaissance flights have also verified the existence of large quantities of construction equipment, materiel and other supplies having been unloaded among the hills overlooking Cienfuegos. The expensive machinery and stores are carefully protected by heavy tarpaulins and other covering with sentries on guard around the clock.

Underlying the menacing possibility of a Russian submarine base in Cuba is an even greater, and more subtle danger.

The Russian's steadily expanding naval power, not just in the Caribbean, but in other vital areas of the world, notably the Mediterranean Sea and the Indian Ocean, cannot be overlooked.

Today, not only has Russia successfully crowded the United States for naval supremacy throughout the world, but in line with some key categories, has already surpassed us.

The Soviet's greatest naval strength is contained in its huge submarine force—the largest in the world and the most massive ever created. Included are about 350 submarines, 80 of them nuclear-powered, about half armed with Polaris-type ballistic missiles. This type of submarine, like those of the United States carry 16 missiles with a range of around 1,300 miles. And if this isn't a grim enough fact, the Russians are now testing a submarine ballistic missile with an estimated range of 3,000 miles.

In contrast, the United States has 147 operational submarines, 88 of which are nuclear-powered. Of the latter, 41 are armed with Polaris ballistic missiles.

The significance of the Russian's greater research and development efforts will become evident, not today, tomorrow or even a year from now. But, 5 or 10 years from now, this Nation will be in grave danger if we continue on our present course.

Mr. Speaker, we must see that Congress appropriates sufficient defense funds to make certain this country will have the necessary offensive and defensive weapons to remain strong. We must be prepared to counter any Communist threat to our security.

NEW SEA LEVEL CANAL REPORT: AN INVITATION TO NATIONAL DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania, (Mr. FLOOD), is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, on December 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission headed by Hon. Robert B. Anderson filed its final report under Public Law 88–609 with the President. Chairman Anderson was also the chief negotiator of the three proposed 1967 canal treaties between the United States and Panama that were never signed because of strong public opposition in both countries.

I have received and read an advance copy of the main body of the report, which contains no surprises for those who have followed the subject closely. The following are the main points:

First. It recommends the construction of the old dream of a so-called sea level canal that would be entirely within Panamanian territory about 10 miles west of the existing canal, both to be operated and defended by the United States in a unified canal system consisting of the existing canal and the proposed new canal, with participation by Panama.

Second. It supports the negotiation of new treaties with Panama and the start of construction on the proposed new canal not later than 15 years in advance of capacity saturation of the existing canal.

Third. It opposes unjustifiably the major modernization of the existing canal by the simple and relatively inexpensive method of constructing additional locks as recommended by independent canal experts including former Governors of the Panama Canal, erroneously states that such modernization would require a new treaty with Panama, and recommends huge locks dimensions—160 feet by 1,450 feet by 65 feet—all calculated to increase the costs of such modernization.

Fourth. It minimizes the ecological hazards to marine life that leading biologists fear would result from opening a salt water channel between the oceans.

Fifth. It disregards the provisions of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress and obviously supports the surrender of U.S. sovereignty over the Canal Zone to Panama.

Sixth. It ignores the danger of a Communist takeover of the Isthmus as occurred in 1959 in Cuba and most recently in Chile.

Seventh. It would have the United States accept responsibility without au-

thority in a land of endemic revolution, thus subjecting our country to continuous political blackmail.

Here it should be explained that the proposed passage, incorrectly called a sea level canal, would not be a great waterway like the Strait of Magellan but merely a restricted channel about 40-miles long. It would not be an open canal as its name implies but an artificial channel with two vulnerable tidal control structures, one close to the Pacific entrance and another about 25 miles to the north. Other vulnerable structures would be on both banks.

Evidently making every possible effort to justify a long predetermined objective of securing authorization for a vast sea level construction project, the framers of the Anderson report not only failed to face the realities involved but also relied upon the historical bugbear of all sea level drives—that of the alleged greater vulnerability of the high level lake-lock plan as was done during the debates of 1905–06, 1939, and 1945–48. In this sense, like the Bourbons of France, sea level advocates have learned nothing and forgotten nothing.

In connection with the principal recommendation of the Anderson report, it is significant that Col. John P. Sheffey, the commission director, in an interview published in the December 1, 1970, Wall Street Journal, made it clear that a major purpose of constructing a sea level canal is the ending of recurring disputes between Panama and the United States over canal operation and sovereignty through excellent treaty relationships that if such relationships are not obtained there is no justification for doing it. He added that on economic grounds alone the justification for such a canal is quite weak. These statements are of themselves sufficient to destroy the force and effect of the main recommendations involved.

Mr. Speaker, can the Congress and the Nation have any confidence in a report that is publicly repudiated in important respects even by one of its principal formulators?

More important than the flaming faults of the report is the total disregard of the Soviet effort to dominate the Caribbean. Based in Cuba on the flank of the Atlantic approaches to the Panama Canal, communist power is supported with nuclear missiles and submarines. Its prime objective for conquest of the Caribbean is wresting control of the Panama Canal from the United States and its permanent takeover by Soviet power. The report's conclusions and recommendations are an invitation to national and Western Hemisphere disaster.

At this time I would like to discuss one of Panama's principal points in attacking the United States—the perpetuity provision of the 1903 Treaty under which the Panama Canal was constructed and still operates. This provision is just as binding on the United States to operate the canal in perpetuity. Does not the presence of the United States on the Isthmus guarantee the independence of Panama so long as our country functions in the ownership and operation of the Canal? In recent years since the dominance of the State Department in canal policy matters it has never seemed to oppose any wild claim by Panama as did Secretary Hughes in 1923 but always appears to have acquiesced therein however fantastic they may have been.

As to the surrender to Panama of the Canal Zone and valuable properties by no more than treaty action the same would apply to the return of Texas and the vast Southwest to Mexico. Fortunately, the wise statesmen who wrote the U.S. Constitution sought to avoid such danger by vesting the power to dispose of territory and other property of the United States in the Congress—article IV, section 3, clause 2.

In the course of the sea level canal investigation the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries under the leadership of its able and courageous chairman, the gentlewoman from Missouri (Mrs. SULLIVAN), followed the subject closely, conducted hearings, and made visitations to the isthmus.

In a devastatingly incisive "Report on the Problems Concerning the Panama Canal," recently issued in committee print form, the subcommittee meets the challenges in the sea level canal report previously discussed and admirably clarifies major canal issues with extensive documentation.

The following are the principal highlights of the subcommittee's report:

First. It presents the terminal lake-third lock plan for major increase of capacity and operational improvement of the existing lake-lock-type canal, which, most importantly does not require the negotiation of a new treaty.

Second. It exposes the fallacious assumptions underlying the abortive 1967 canal treaties.

Third. It dismisses the claim of sea level advocates that the growing number of supervessels—tankers and bulk carriers—in justification for a new canal of so-called sea level design as invalid.

Fourth. It emphasizes the necessity for full U.S. sovereignty over the existing Canal Zone for defense purposes.

Fifth. It stresses the power of the Congress under article IV, section 3, clause 2 of the U.S. Constitution in regard to transfer of territory and property in connection with the canal enterprise.

Sixth. It opposes joint operation of the Panama Canal with Panama as "completely unworkable as well as contrary to the best interests of the United States."

Seventh. It emphasizes that Panamanian harrassment of the United States is aimed at securing sovereignty over the Canal Zone and the present canal and that the Congress is "adamant in its opposition" to any such cession.

Eighth. It opposes any negotiations with Panama that would revive the discredited 1967 treaties.

Ninth. It states that the act of Congress authorizing the Third Locks project has never been repealed and that more than $75,000,000 was expended on it before construction was suspended. To this could be added $95,000,000 spent on extensive channel improvements completed on August 15, 1970, making a total of more than $170,000,000 already expended on the major modernization program.

Tenth. It lists H.R. 3792 for the major increase of capacity and operational improvement of the existing Panama Canal for consideration after receipt of the final report of the Anderson study group.

Another fact that the Congress should not overlook is that the total net investment of the taxpayers of our country in the Panama Canal, including its defense, from 1904 through June 30, 1968, is more than $5 billion.

Mr. Speaker, I wish at this time to commend the distinguished chairman of the Subcommittee on the Panama Canal and the other members of the subcommittee for their splendid analysis. It ought to be studied by every Member of the Congress and every publicist who writes on the vital canal subject. It merits the widest distribution among the libraries of the Nation so that it will be available to students seeking facts and not fallacious assumptions. No doubt it will become an important state paper.

In regard to the Soviet danger at Panama previously mentioned, this is not an imaginary terror but part of a calculated Kremlin policy for world domination through gaining control of strategic water ways. Wresting the Panama Canal from the United States has been a Soviet objective since 1917, and it will so remain. We must face that threat with all its grim realities and thus avoid the peril instead of inviting it through a program that would surrender U.S. sovereignty over the Canal Zone. As evidence of what could occur at Panama, I would invite attention to the fate of the Suez Canal after the surrender of British sovereignty power over the Suez Canal Zone. Within a few months it was nationalized in 1956 by Egypt, an ally of the Soviets, and it has been closed since 1967. It will not be opened until it is in the Soviet interest to permit it, and this can be expected when Soviet naval power in the Indian Ocean requires its use.

In 1947 President Truman was faced with the problem of transmitting a voluminous report on a sea-level project to the Congress as required by the law that had authorized the investigation that produced the report. After official study in executive agencies, he transmitted it to the Congress without comment or recommendation. The Congress took no action thereon and will doubtless treat the recent Anderson panel report in like manner.

In 1964, following the Red-led mob assaults in the Canal Zone that required the use of the U.S. Army to defend the lives of our citizens and the Canal itself, President Johnson, after taking a correct position initially, reversed himself on the advice of his counselors and started a series of events of which the 1970 report by the Anderson study panel is the culmination. Judging from an extensive correspondence from many parts of the Nation, the Canal surrender policy of President Johnson was an important factor in his loss of popularity that caused him to withdraw from the last Presidential election.

President Nixon now faces a similar critical decision that could affect his future. Certainly no President who advo-

cates, or acquiesces in, the surrender of the Panama Canal can hope to succeed himself. U.S. citizens and taxpayers will never sanction such action.

The subcommittee on the Panama Canal's report in addition to its main body has nine appendices as follows:

I. Partial List of Congressional Documents and Enactments Relating to the Panama Canal, 1825–1968.

II. Statement by President Johnson, Jan. 4, 1965.

III. Statement by President Johnson, Oct. 18, 1965.

IV. Text of Proposed Treaty on Panama Canal Sovereignty and Operation.

V. Text of Proposed Sea-Level Canal Treaty.

VI. Text of Proposed Treaty on Canal Defense.

VII. Letter of Brig. Gen. Omar T. Torrijon to Senator Edward M. Kennedy and Speech by Foreign Minister Juan A. Tack.

VIII. Letter of Chairman Leonor K. Sullivan to President Nixon, Jan. 23, 1970.

IX. Panamanian Rejection of proposed 1967 treaties, Sept. 5, 1970.

Because of the importance of the Panama Canal Subcommittee's main report, I quote a major portion of it along with appendix I as parts of my remarks. The other appendices can be located in the committee print, which is available to all Members of the Congress. The text of the proposed treaties can also be found in statements to the Senate by Senator STROM THURMOND in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967.

The indicated report and its appendix I follow:

REPORT ON THE PROBLEMS CONCERNING THE PANAMA CANAL

The purpose of this report is to present a review of the activities of the Subcommittee on Panama Canal during the 91st Congress. The report also affords the subcommittee (subcommittee chairman and ranking minority member) the opportunity to give its (their) views on such important matters as the draft treaties and the negotiations related thereto, as well as providing the means to make available the 1967 draft treaties and other pertinent documents that heretofore have not been readily available and not collected in one place.

The subcommittee work must be considered against the background of affairs affecting the Panama Canal such as the abortive 1967 draft treaties, the study of the Atlantic-Pacific Interoceanic Canal Study Commission with respect to the feasibility of a new sea level canal,[1] the Terminal Lake-Third Locks Plan [2] (for the major operational improvement and increase of capacity of the canal), and the question of tolls with respect to the lock canal treaty and the sea level canal treaty.

The concept of the construction of a new canal raises the associated problems of nuclear excavation, the impact of the transit of the Northwest Passage by the tanker, *Manhattan*, and the ecological, political, and economic ramifications of digging a new canal. Underlying all these canal-associated problems are considerations of foreign policy, finance, defense, shipping, engineering, and the restive Republic of Panama.

BACKGROUND [3]

In order to promote better understanding and to bring the activities of the Panama Canal Subcommittee into sharp focus with the complex issues involved, it is necessary to set out some of the history and background of these problems, especially with respect to the draft treaty negotiations, the sea level canal studies, their relationship, and canal capacity, projects and tolls.

Incident to Panama's continuing demand for the restoration of the rights of sovereignty in the Canal Zone, events ended in rioting and a formal break in diplomatic relations in 1964. When diplomatic relations were resumed, the Presidents of the two countries agreed to appoint special ambassadors for the negotiation of a new treaty. Meanwhile, the administration strongly supported legislation for the study of a sea level canal by the Interoceanic Canal Study Commission. After this legislation was enacted, President Johnson issued a statement on December 18, 1964, in which he announced that he had reached two decisions, first, that the United States should press forward with plans and preparations for a sea level canal, and second, to propose to Panama the negotiation of an entirely new treaty on the existing Panama Canal. The statement announced that the President had appointed Robert B. Anderson as special ambassador for negotiation of the treaty and subsequently the President also appointed Mr. Anderson as Chairman of the Atlantic-Pacific Inter-oceanic Canal Study Commission.[4]

On September 24, 1965, the President issued a progress report on the treaty negotiations.[5] The report stated that the two countries were negotiating three treaties:

1. a new treaty to replace the 1903 treaty and its amendments;

2. a military base rights and status of forces agreement; and

3. a treaty under which a new sea level canal might be built in Panama.

The statement also said that the new treaty covering the existing canal would abrogate the 1903 treaty and its amendments, effectively recognize Panama's sovereignty over the area of the present Canal Zone, terminate after a specified number of years or on the opening of the sea level canal, whichever occurred first, provide for an appropriate political, economic and social integration of the canal operation area with the rest of Panama, and to insure that the rights and interests of the canal employees are safeguarded.

Draft treaties of 1967

On June 26, 1967, it was announced that the negotiating teams of the two countries had reached agreement on the new treaties and that when signed, the treaties would be presented to each country's legislative body for consideration in accordance with their respective constitutional processes.

Copies of the draft treaties were not released in the United States. However, in July 1967, copies of what purported to be official texts of the three draft treaties were obtained in Panama by the Chicago Tribune and were published in the Tribune and subsequently reprinted in the Congressional Record of July 17, 21, and 27, 1967. Copies of the texts published in the Tribune and in the Congressional Record are set out in appendixes IV–VI. The draft treaties encountered strong opposition in Panama and in the United States and they have never been signed.

On October 11, 1968, the Panama National Guard staged a military coup to oust President Arnulfo Arias who had been duly elected as President and inaugurated on October 1. A military junta took over the Government of Panama and has remained in control since that time. Ultimate authority in the Government appears to be consolidated in Brig. Gen. Omar Torrijos, the Commandant of the National Guard. Although for a period of time after the coup General Torrijos indicated that elections would be held in 1970 to restore constitutional government, recent pronouncements by the general and his Foreign Minister indicate that they regard the present form of dictatorial government more appropriate than constitutional government brought to power by popular elections.[6]

Interrelationship of treaty negotiations and sea level canal studies

The 1967 draft treaties, the negotiations, and the sea level canal studies are closely related. This is pointed up by the official information pamphlet of the Atlantic-Pacific Interoceanic Canal Study Commission which stresses the nexus between the Commission's studies and the then contemporary treaty negotiations in the following paragraph:

"The Interoceanic Canal Study Commission itself has no direct responsibility for the conduct of canal treaty negotiations with countries containing the canal routes under investigation. However, treaty negotiations and the sea-level canal investigation are interrelated; and the various studies in support of the investigation will take into account the terms of the treaties in force at the time study reports are to be rendered. The close coordination of the Canal Commission's investigation with treaty negotiations is facilitated by the dual role of the Honorable Robert B. Anderson as Chairman of the Commission and as Special Representative of the United States for United States and Panama relations and for the treaty negotiations between these countries with respect to a new treaty to replace the Treaty of 1903. In this latter function, Ambassador Anderson's co-negotiator is the Honorable John N. Irwin, II, Special Representative of the United States of America for Interoceanic Canal Negotiations. Together, the two Special Ambassadors are charged with the responsibility for negotiating mutually supporting treaties and agreements for the continued operation of the existing lock canal; for the continued use of military bases in Panama; and for rights to construct and operate a new sea-level canal in each of the countries where routes are surveyed."

The interrelationship referred to in this statement is apparent from the 1967 draft treaties and the statements made during the period of negotiations. Clearly, at the time negotiations were commenced it was assumed that since the Panama Canal was thought to be inadequate to meet the requirements of commerce it should be replaced; that a sea-level canal was economically feasible because it could be inexpensively built with nuclear excavation methods; that once the sea-level canal was built and operating under the control of the United States, the existing canal and the Canal Zone could be relinquished to Panama; and that in the interim the treaties under which the U.S. built and operated the Panama Canal could be abrogated and a temporary arrangement substituted under which Panama's sovereignty over the Canal Zone would be recognized but control of operation of the canal would remain with the United States until the sea-level canal was built.

In the view of the subcommittee (subcommittee chairman and ranking minority member), the assumptions underlying the 1967 drafts are not now valid if, indeed, they ever were. Various aspects of the interrelated problems involved in the sea-level canal studies and the treaty negotiations are considered in the following pages of this report, with particular reference to the appropriateness of the provisions of the 1967 drafts in the light of presently known facts.

CAPACITY OF THE PANAMA CANAL

Although the tonnage of cargo moving through the Panama Canal has steadily increased over the past several years, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity so as to require immediate action to replace the canal.

Traffic associated with the Vietnam war is now diminishing. The continued economic growth of Japan is less predictable, but a leveling off of that growth with a corresponding

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reduction in the rate of growth in canal traffic appears inevitable.

The growing number of superships does not seem to be a valid reason for a new, larger canal since commercially these are tankers and bulk carriers. No general cargo vessels are too large to transit the Canal and it is not anticipated that general cargo vessels too large to use the canal will be built in the immediate future. In fact, the new vessels designed by two shipyards under contract to the Maritime Administration to provide series construction under the recently passed maritime program will all fit through the canal.

From the time of completion of the Panama Canal, the Congress has almost continuously given consideration to the question of how to provide additional capacity for interoceanic commerce after the ultimate capacity of the existing canal has been reached. The two projects that have received the most study are (1) the construction of a new set of locks for the existing canal or (2) construction of a new canal, either in Panama or at another location.

Additional locks for the Panama Canal

In 1929 Congress authorized an investigation to ascertain the practicability and approximate cost of constructing and maintaining (1) such additional locks at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; (2) any other route for a ship canal between the Atlantic and Pacific Oceans; and (3) a canal across the Republic of Nicaragua.[7] These investigations were made by the Secretary of War and the Corps of Engineers and the report was submitted to Congress in 1931.[8]

In 1936 the Congress authorized the Governor of the Panama Canal to make a further investigation of the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures.[9] The report of this investigation was submitted by the Governor of the Panama Canal in 1939.[10] Congress authorized construction of a third set of locks and related improvements as recommended in the report.[11]

Work was commenced on this project but discontinued after completion of the excavations for new locks at Miraflores and Gatun because of overriding requirements for manpower and materials in World War II. However, the act authorizing the project has never been repealed.

In 1943, proposals were advanced for modifications of the third locks project by consolidation of the Pacific locks at Miraflores, abandonment of the Pedro Miguel locks, and formation of a terminal lake north of the new Miraflores locks.[12] This proposal is the basis for the plan for construction of additional locks involved in H.R. 3792, 91st Congress, now pending before the House Committee on Merchant Marine and Fisheries.

In 1945, Congress authorized the Governor of the Panama Canal to make a new study of increasing the capacity and security of the Panama Canal or construction of a new canal or canals at other locations.[13] This study, completed in 1947, found that either a lock canal or a sea-level canal would meet the future needs of interoceanic commerce, but recommended a sea-level canal on the basis of defense considerations. The report included three detailed plans for improvement of the lock canal. Two of these were based on consolidation of the Pacific locks at one location and elimination of the Pedro Miguel locks substantially along the lines of the 1943 modification of the 1939 third locks plan.

SEA-LEVEL CANAL PROJECTS

At the time the Panama Canal was authorized and built there was intense controversy over the questions whether to build a sea-level canal or a lock canal and whether the canal should be located in Nicaragua or Panama. The original Isthmian Canal Commission recommended construction of a sea-level canal, but after prolonged consideration the Congress finally decided the issue by enacting legislation expressly providing for the construction of a lock canal.[14]

However, after the construction of a third set of locks had been suspended, consideration of the merits of a sea-level canal was revived by the 1947 report of the Governor of the Panama Canal made pursuant to the act of December 28, 1945. As previously noted, this report concluded that construction of additional locks would meet the anticipated requirements of commercial traffic but recommended construction of a sea-level canal because of security considerations. The study on which the report was based covered some 30 routes for a canal from Mexico to Colombia but the report found that the most practicable solution was conversion of the existing canal to sea-level. The engineering studies and identification of possible canal routes used in the 1947 report have been used extensively as the basis for subsequent investigations.

In 1950, Congress reorganized the operating organizations charged with operation of the canal and government of the Canal Zone, and transferred the waterway to the Panama Canal Company as an independent agency of the Government in corporate form.[15]

Soon after this reorganization the Board of Directors of the Panama Canal Company commenced studies of the capacity of the canal and the capital improvements required to provide additional capacity to meet growing traffic requirements. In 1960, the Company submitted a report recommending a program of improvements of the present canal and the initiation of planning for construction of a sea level canal using nuclear excavation methods.

Following the submission of the 1960 report, the Committee on Merchant Marine and Fisheries appointed a board of independent consultants to review the whole subject. In a report dated June 1, 1960, the Board concluded that no sea level canal project should be undertaken in the near future; that the interim projects for improvement of the Panama Canal should be completed as soon as possible; that further studies should be made of both nuclear and conventional excavation methods; and that the whole subject should be reviewed not later than 1970.[16]

After the report by the Board of Consultants, the Panama Canal Company continued its studies of traffic growth and of capital improvements necessary to provide increased capacity. In addition, growing unrest in the Republic of Panama and demands by that country for abrogation of the treaties under which the canal was built and operated added urgency to the necessity for consideration of the question whether a new canal should be built in a different country.

In 1962 and 1963, legislation was introduced in the 87th and 88th Congresses by the chairman of the House Committee on Merchant Marine and Fisheries to authorize a new study of means for increasing the capacity of the Panama Canal or construction of a new canal to meet the future needs of commerce.

As previously noted, the administration strongly supported legislation to authorize the study, and great emphasis was placed on the availability of nuclear excavation methods that would make possible the construction of a new canal at a relatively modest cost.

Information furnished to this committee indicated that nuclear excavation was feasible and that the cost of construction by that method would be from $500 million to $770 million as compared to more than $5 billion for conventional construction at either of the sites considered for construction by nuclear methods. The cost of conventional construction at the present site of the canal was estimated at about $2.3 billion based on the estimate used in the 1947 studies.

The legislation providing for a new Commission to study the feasibility of a sea-level canal was enacted by the 88th Congress.[17] The act requires the Commission to make a complete investigation to determine "the feasibility of, and the most suitable site for, the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof." The act as later amended, requires annual progress reports, and a final report not later than December 1, 1970.

Although the final report of the Commission is not due until later this year, the fifth annual report, dated July 31, 1969, disclosed that for the purposes of the study, nuclear excavation had been eliminated. The report also stated that conventional construction of a sea-level canal on route 10, some 5 miles outside the Canal Zone, is technically feasible.

The report pointed out that final cost estimates have not been completed but that preliminary estimates indicate that the cost would be about the same as the cost of conversion of the existing canal to sea-level estimated in 1964 at $2.3 billion.

All the costs discussed in reference to construction of a sea-level canal are exclusive of payments to the country in which the canal would be located in return for the right to build the canal.

With nuclear excavation methods eliminated, the prospect of substitution of a new sea-level canal for the present canal at an acceptable cost is substantially diminished.

The 1967 treaty drafts, however, were obviously based on the assumption that a new canal would be built to replace the existing canal. The sea-level canal treaty draft left for future agreement the financial arrangement between the United States and Panama, so that the real cost of the canal cannot possibly be known at this time. Under the draft treaties, if a new canal is not built, the U.S. would lose all interest in or control over the Panama Canal at the end of this century.

The subcommittee assumes that the final report of the Atlantic-Pacific Interoceanic Canal Study Commission will treat all aspects of the justification for construction of a sea-level canal. In the meantime, however, on the basis of information furnished to date, it is the view of the subcommittee (the chairman and ranking minority member) that further discussions with Panama should not be based on an assumption that Congress will authorize construction of a sea-level canal.

Nicaragua as a Possible New Canal Site

One of the sites for a new canal included in the investigation of the Study Commission is the Republic of Nicaragua. Originally considered as a preferred site for a canal before construction in Panama was authorized in 1902. Nicaragua has continued to receive serious study as the site for any new canal. In 1914, the United States and Nicaragua concluded a treaty in which Nicaragua granted the United States exclusive rights to construct a canal across the Republic.[18] That treaty would be abrogated under the provisions of a convention signed by the United States and Nicaragua on July 14, 1970.[19]

In 1922, Congress authorized an investigation for the purpose of revising and bringing up to date the report of the Isthmian Canal Commission with respect to the practicability, advantages, and cost of construction of a canal across Nicaragua.[20]

In the study of possible routes for a new canal made pursuant to the act of December 28, 1945, Nicaragua was one of the routes

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considered and included in the 1947 report of the study.[21]

The Nicaragua route was also included in the study by the Board of Consultants appointed by this committee in 1960,[22] and was included as one of the possible sites for a new canal to be studied by the Interoceanic Canal Study Commission.

Defense of the canal (treaties)

Under the existing treaties the United States, with full powers of sovereignty in the Canal Zone, may use the Canal Zone as it sees fit to provide for the defense of the canal. The 1967 treaties would substitute defense bases in Panamanian territory under Panamanian jurisdiction for the present arrangement.

In 1942, the Republic of Panama entered into an agreement with the United States for such defense bases in Panama. The terms of the agreement provided that it should continue in effect until the signing of a "definitive treaty of peace" ending World War II. After the surrender of Japan, however, Panama insisted that the bases be vacated even though the treaty of peace had not been signed, and, after demonstrations in the streets against continuation of the arrangement, the United States was required to withdraw from the bases.

The developments in reference to the 1942 agreement were followed carefully by the Merchant Marine and Fisheries Committee at the time, and even before Panama finally required the bases to be abandoned, the committee pointed out that the difficulties with the Panamanian Government might require location of any new canal in another country.[23]

Tolls problem

From the time the canal was completed and opened to commerce, the Congress has devoted much time and effort to maintenance of a toll structure that would pay the costs of operation and assure that tolls remained fair and equitable to the users of the canal. In the language of a former Assistant Secretary of State for Latin American Affairs "the United States, while unilaterally operating the canal, has, in reality, acted as a kind of trustee for the benefit of that part of international and hemisphere trade that uses the canal."

During the treaty negotiations leading up to the 1967 drafts, officials of the Republic of Panama publicly attacked this concept of tolls administration and advocated recognition in the treaties of the right of Panama to exploit the revenue producing potential of the canal as Panama's most important natural resource, comparable to mineral deposits in other countries.[24]

One of the members of Panama's negotiating team proposed a 300 percent increase in tolls.[25] On another occasion Panama's Ambassador to the United States, also one of the negotiators for a new treaty, took the position that tolls should be established at rates sufficient to fund Panama's economic development programs.

The 1967 treaty drafts provide for payments to Panama, as part of the cost of operation, in the amount of 17 cents a ton of cargo transiting the canal in the first year of operation under the treaty, increasing to 22 cents a ton in annual increments of 1 cent over a 5-year period. Payments to the United States are called for in the amount of 8 cents a ton in the first year increasing to 10 cents a ton in 1 cent increments over a 2-year period. After payment of operating costs and the cost of capital improvements, any remaining revenues are divided equally between the United States and Panama.[26]

In the fiscal year 1970 the volume of cargo carried on vessels transiting the canal was 119 million tons. On this volume, payments to Panama from tolls would be $20 million in the first year, rising to $26 million in the fifth year of operation. Payments to the United States of $9.5 million in the first year, rising to $11.9 million in the fifth year, would be called for by the treaty. Thus, at the end of the fifth year, tolls revenues would be expected to yield $38 million for payments to Panama and the United States in addition to operating expenses and expenditures for capital improvements.

Over the last 10 years of operation, the average net income of the Panama Canal Company (revenue less operating expense) has been $8.1 million a year and capital expenditures have averaged $14.3 million. Tolls revenues over the same 10-year period have averaged $74.6 million.

The arithmetic of the tolls provisions of the draft treaties produces a requirement for continuous tolls increases, primarily for making large annual payments to Panama. The treaty imposes no limitation whatever on increases in tolls after the first 3 years of operation under the treaty, and of course, no restrictions of any kind are placed on tolls or any other phase of operation of the canal when it passes to Panama at the end of a 30-year period. Given the announced objectives of Panama's policymakers in reference to tolls, the implications for tolls-paying users of the canal are clear. However, in rejecting the 1967 drafts, Panama appears to take the position that the payments are inadequate and that the United States should continue to make payments to Panama after the canal is transferred to Panama. (See appendix IX, page 87.)

One factor that has to be considered in reference to any program based on increases in tolls rates is the effect of such increases on traffic through the canal. A study by Stanford Research Institute, presented to this subcommittee in 1967, concluded that tolls could be increased as much as 25 percent with little effect on traffic through the canal, but that traffic will become progressively smaller as tolls are increased more than 25 percent above present rates.[27]

The sensitivity of canal traffic to tolls increases is of basic importance in the economic evaluation of the sea level canal project. The 1967 draft sea level canal treaty provides for "fair and equitable sharing of revenues" of the sea level canal between Panama, the United States and any other participants in the construction of the canal, during the 60-year life of the treaty.[28] Details of this sharing arrangement are not provided in the draft but are left for future agreement, but the draft explicitly provides that payments to Panama from revenues are to be "an integral part of the arrangements for financing the construction of the sea level canal * * *".[29] This means, of course, that the sea level canal will be expected to produce from tolls the amounts required to amortize the cost of construction and make payments in an undisclosed amount to Panama. The treaty provides for operation of the sea level canal by a Commission set up along the lines of the joint administration provided for the Panama Canal in the lock canal treaty. The Commission appears not to be subject to control in any way by the Congress and to be vulnerable to the same objections as the joint administration of the lock canal. On termination of the treaty, the whole operation apparently goes over to Panama and the matter of tolls would be solely within the discretion of that country.

Whether or not tolls revenues of the sea level canal could support the projected payments is a serious question particularly in view of the sensitivity of traffic to tolls increases pointed out by Stanford Research Institute.

The interim reports of the Interoceanic Canal Study Commission indicate that a special task force under the leadership of a representative of the Treasury Department is making a study of costs and revenues to determine the financial feasibility of the various plans under consideration by the Commission. The interim reports contain no tentative conclusions of this study group similar to the tentative conclusions of engineering aspects of the study.

Activities of the Panama Canal Subcommittee

In light of the importance of the Panama Canal to the economy and national security of the United States, the magnitude and complexity of the issues involved, and in response to its jurisdictional obligations, the Subcommittee on Panama Canal took certain legislative and other related actions in the 91st Congress within the purview of its responsibilities.

The Legislative Reorganization Act of 1946[30] provides that the Committee on Merchant Marine and Fisheries shall have jurisdiction over legislation and other matters relating to the Panama Canal, including the administration, sanitation, and government of the Canal Zone and interoceanic canals generally. House Resolution 131, 91st Congress, authorizes the committee to make investigations pertaining to the administration and operation of the Panama Canal and all laws and problems pertaining thereto, including the necessity of providing additional facilities for transiting vessels between the Atlantic and Pacific Oceans.

It is interesting to note that the above-mentioned law and House document mandate a very broad jurisdiction to the House Committee on Merchant Marine and Fisheries. This sweeping jurisdiction gives the committee authority over legislation, maintenance, and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone, and interocean canals generally.

This broad authority, of course, does not mention foreign affairs which would come within the ambit of another congressional committee. However, it is almost incontrovertible that the maintenance and operation of the Canal and the Canal Zone are inextricably bound to such basic matters as the 1964–67 draft treaties.

As an example, it is noted that the Interoceanic Canal Study Commission, although admitting no direct responsibility for the conduct of canal treaty negotiations, commented in its information pamphlet on the interrelationship between treaty negotiations and sea level canal feasibility studies. In fact, the 1967 draft treaties were at least in part premised and carried forward on the concept of a sea level canal. Moreover, the then administration recognized the interlocking of Canal problems and treaty negotiations when it appointed Robert B. Anderson to the dual role of Chairman of the Interoceanic Study Commission and as Special Representative for the United States to negotiate with Panama a new treaty to replace the Treaty of 1903.

The jurisdiction of the House Committee on Merchant Marine and Fisheries extends, *inter alia*, to interoceanic canals generally, which must be at the heart of any treaty negotiations, so it would not be reasonable for the Subcommittee on Panama Canal not to be concerned with the 1967 draft treaties, or any other treaty negotiations affecting the Panama Canal.

November 1969 briefing of Subcommittee on certain Panama Canal problems

In response to an invitation of the Chairman of the Subcommittee on Panama Canal, on November 20, 1969, a number of experts from the State Department, the Corps of Engineers, the Atomic Energy Commission, and the Maritime Administration appeared before the subcommittee. The chief spokesmen at these hearings were the Honorable Robert B. Anderson, Chairman of the Interoceanic Canal Commission and Chairman of the Negotiating Team appointed by President Johnson to negotiate the 1967 treaties with Panama, and Mr. Charles Meyer, As-

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sistant Secretary of State for Inter-American Affairs.

The purpose of the hearings was to receive the State Department's views with respect to the problem of Panama versus the United States both as to the treaties and the future of treaty negotiations, as well as with respect to the interim report that was made earlier that year by the Interoceanic Canal Commission concerning plans for a sea level canal site.

A number of other pertinent questions were raised in the course of the briefing such as the impact of the transit of the Northwest Passage by the *Manhattan* on the Canal the ecological ramifications of digging a new canal, and the question of tolls with respect to the lock canal treaty and the sea level canal treaty. This briefing was conducted in executive session and was confidential.

Canal Zone investigation by congressional delegation

A congressional delegation visited the Canal Zone on January 14, 15 and 16, 1970, and was comprised of members of the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries and a ranking Democratic member of the House Committee on Armed Services. The delegation was headed by the Honorable Leonor K. (Mrs. John B.) Sullivan (Democrat of St. Louis, Mo.) chairman of the subcommittee on Panama Canal, and consisted of the following other House Members: The Honorable Melvin Price (Democrat, Illinois) a ranking member of the House Committee on Armed Services; the Honorable Charles A. Mosher (Republican, Ohio); the Honorable James R. Grover (Republican, New York); the Honorable John M. Murphy (Democrat, New York); the Honorable Frank Annunzio (Democrat, Illinois); and Ernest J. Corrado, subcommittee counsel.

The purpose of the delegation's visit to the Canal Zone was to meet with Governor Leber and Ambassador Sayre to be briefed on and discuss current problems concerning the Canal Zone and the operation of the canal. In addition, the delegation conducted a number of meetings and hearings with various labor and civic groups from the Canal Zone to discuss problems of mutual interest and to determine areas in which the members of the delegation might help to ameliorate living conditions in the Canal Zone and be of help in improving general Canal Zone operations.

In his briefing, the Governor gave the following as alternatives for future canal use in the area:

(*a*) Further improve the present canal.
(*b*) Third locks-terminal lake.
(*c*) A sea level canal.

The Governor concluded that a multilane sea level canal is not in the cards and that the Interoceanic Canal Study Commission will, in all probability, recommend a single lane sea level canal to operate with the present canal. He also indicated that nuclear excavation is out for now so that the price of any new canal will be around $3 billion.

The Governor made the following points with respect to canal improvements, traffic and capacity.

Since the reorganization of the Panama Canal in 1950, the Panama Canal Company has followed a continuous program of capital improvements and changes in operating procedures to increase the capacity of the canal. One of the major improvements is the widening of Gaillard Cut to provide a minimum width of 500 feet. This project was completed in August 1970 at a total cost of some $69 million. The effectiveness of the Company's program can be judged by the fact that the time in Canal Zone waters for transiting vessels has been reduced from 18 hours in 1968 to 16.4 hours in 1969 and 15.2 hours in 1970.

A study recently completed for the Panama Canal Company by an internationally recognized consulting firm has concluded that with certain additional capital improvements made over a substantial period of time in phase with traffic increases, the capacity of the canal will be 26,800 ships a year.[82]

The following tabulation shows the numbers of oceangoing ships and the amount of cargo moving through the canal in each of the last 3 fiscal years:

	1970	1969	1968
Oceangoing transits:			
Commercial	13,658	13,150	13,199
Government	1,068	1,376	1,504
Free	103	76	104
Total	14,829	14,602	14,807
Cargo (long tons)	118,900,000	108,800,000	105,500,000

It is significant that cargo tonnage increases at a greater proportionate rate than the number of transits. Indeed, in 1969, when the number of ships was reduced from that of the preceding year, cargo tonnage increased. The explanation of this anomaly lies in the greater utilization of cargo space of transiting vessels and the trend toward larger ships in the world fleet.

One of the significant developments of the delegation's visit to the Canal Zone was the effort of the chairman of the subcommittee to get the United States to cede 160 acres of a larger 900-acre parcel known as old France field to the Republic of Panama. The Republic wanted to use the land as an adjunct to the present overcrowded commercial operations of the Colon free zone. It seemed especially sensible since the U.S. Government apparently was no longer using this land and because the Colon free zone makes a substantial contribution to the economy of Panama. The chairman of the subcommittee formally proposed this needed land transfer in a letter of January 23, 1970, to President Nixon.[83] The only reply the chairman has received with respect to this useful proposal was an acknowledgement from the White House dated January 30, 1970.

This incident concerning the ceding of part of old France field to the Colon free zone raises the question of the transfer of U.S. property to the Republic of Panama and the role of Congress in such transfers.

Article IV, section 3, clause 2 of the Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; * * *". The force of this constitutional provision has been recognized as applicable to transfers to Panama of property acquired by the United States in connection with the Panama Canal enterprise.

Such property includes the assets of the New Panama Canal Company of France including the Panama Railroad, purchased under authority of the act of June 28, 1902, title to land in the Canal Zone acquired under authority of that act or subsequent legislation, the waterway, appurtenant installations, buildings and other structures in the Canal Zone, funds of the Panama Canal Company and Canal Zone Government, accounts receivable, and all other assets of the Panama Canal Company, the Canal Zone Government, the military departments and other departments and agencies of the Government in the Canal Zone.

In accordance with the constitutional requirements, property of the United States associated with the Panama Canal enterprise has been disposed of in the past only in accordance with congressional authorization. For example, Congress has authorized the disposal of realty owned by the Panama Canal Railroad in Colon;[84] the transfer to Panama of land and the interest of the United States in water and sewer systems in the cities of Panama and Colon;[84] and the transfer of land and improvements to Panama in accordance with the 1955 treaty.[85]

In previous cases in which the President or his representatives have entered into agreements to transfer land or other property to Panama, the agreement has been made subject to enactment of authorizing legislation by the Congress. See, for example, article V of the 1955 treaty with Panama providing that:

"The United States of America agrees that, *subject to the enactment of legislation by the Congress*, there shall be conveyed to the Republic of Panama free of cost all the right, title, and interest held by the United States of America or its agencies in and to certain lands and improvements * * * (emphasis supplied)."

The relationship of the powers of Congress in property transfers to the 1967 draft treaties will be commented on later in the report.

Hearing on canal traffic capacity and tolls

On April 22, 1970, the subcommittee held a 1-day hearing on the projection of the Canal traffic, capacity and tolls, which are tied into the sea-level canal feasibility and treaty negotiations issues. Governor Leber was the principal witness on these matters. At the same time, the chairman invited Mr. Leonard Kujawa, Arthur Anderson and Co., to report on the impact of the IMCO Universal Measurement Tonnage System on the Panama Canal Tonnage Assessment System. The testimony at this hearing was voluminous but may be summarized as follows:

1. Regarding revenue potential over a long period:

(*a*) The present toll system should be retained only for increases in revenue of approximately 15 percent which would require a 25-percent increase in rates.

(*b*) A new tolls system could provide additional revenue up to approximately 40 percent. This is the maximum revenue potential of the Canal and would be accompanied by a substantial decrease in the level of traffic.

2. As to the present tolls system, there is no overriding reason to change at either present or moderately higher revenue objectives.

3. Regarding a possible new tolls system:

(*a*) It should be adopted to minimize traffic loss only if an increase in revenue above 15 perecnt is required.

(*b*) It must be recognized that the sensitivity to tolls varies by commodity.

(*c*) It would be more flexible in responding to defined objectives although more difficult to administer.

4. It was concluded that the tolls charge serves other than purely financial objectives. For example, it could be used to increase the longevity of the Canal by discouraging that 20 percent of transits, small ships, which only contribute 5 percent of revenue. Also, it could be designed to discourage ships having only marginal benefit from using the Canal leaving more capacity to accommodate ships benefiting greatly from use of the Canal.

5. The impact of toll charges on countries of cargo origin and destination cannot be ignored. For example, Canal tolls have significant impact on the economies of Ecuador, Peru and Chile.

6. When one considers the impact of toll charges on trade routes, the consumer, and underdeveloped nations and the world community in general, the question is presented, "Who shall bear the added burden of any increase in tolls?"

The following conclusions may be drawn from the testimony:

1. Despite the competition of oil pipe lines, giant tankers annd ore carriers, huge aircraft and "land bridges" (railroads), the Panama Canal is not about to go out of business but

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is destined for "a long and healthy future".

2. Based upon the traffic forecast and the capacity improvement program but without taking into account the depressant effect on transits of any toll raise, there is indication that the Canal will be able to accommodate traffic through the end of this century.

3. The super ocean vessels now being constructed were planned because of tolls considerations, for use on trade routes that do not require transit of the Panama Canal, and that those vessels would not use this canal even if they could transit it.

4. By basing the capacity improvement program on an incremental basis, tied solely to the traffic which we can see materializing in short-range forecast, we can minimize capital costs and meet the needs of world commerce.

5. Under existing law, there is not a need for a toll increase at this time.

6. The question of application of the Universal Measurement Convention to Panama Canal tolls is a matter for the Congress. The application of the universal measurement system to the canal would result in a redistribution of the tolls burden borne among ships and cargo, although this impact would be less using gross tonnage. The minimum 12-year transition period to the universal measurement system presents many unsolved problems, especially regarding the incomparability of tolls paid by like ships.

Fifth and sixth annual reports of the Interoceanic Canal Study Commission

The Sixth Annual Report of the Atlantic-Pacific Interoceanic Canal Study Commission was submitted to President Nixon on July 31, 1970. In this brief report, the Commission indicated that all its studies bearing on the feasibility of a new sea-level canal have been completed with the exception of the determination of the technical feasibility of nuclear canal excavation. Years of additional research and experimentation will be needed in this area, but the Commission will provide an evaluation of the prospects of nuclear canal excavation in its final report due December 1, 1970.

The Fifth Annual Report of the Commission was submitted to the President on July 31, 1969. At the time of this report, the Commission had completed its data collection activities on all of the five sea-level canal routes under investigation. The field operations had been terminated, and all facilities and equipment not removed had been turned over to the host country. As of the date of that report, the office and laboratory evaluations of route data were well advanced as were the Commission studies of the diplomatic, economic, and military considerations bearing on the feasibility of a new sea-level canal constructed by conventional or nuclear excavation.

Correspondence with State Department

At the briefing of the subcommittee by the State Department on November 20, 1969, questions were raised about existing treaties as they affect U.S. interests in the Canal Zone. On December 12, 1969, the subcommittee wrote to Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs, asking advice on the implications of our treaty commitments to Columbia as they affect our interests in building a new canal and as they may affect existing obligations under the present canal.

On December 24, 1969, a reply was received from the Acting Assistant Secretary. This letter iterated the provisions of the 1941 treaty between Colombia and the United States which subcommittee counsel had already researched. The letter did not, however, answer our questions. The subcommittee did not pursue the matter further.

Legislation

1. H.R. 7517 was signed into law on July 24, 1970, and became Public Law 91-355.

This legislation, costs to be paid from canal tolls, is designed to adjust cash relief payments to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for the adjustment of future payments on the basis of cost of living. The measure would also extend the eligibility for cash relief payments to surviving widows of such former employees.

The committee reported this bill out on July 10, 1969, it passed the House on July 21, 1969, and the Senate on July 15, 1970. During the delegation's visit to Panama in January 1970, this measure was the piece of legislation most frequently asked about by the various citizens groups and it was the one bill that everyone was unanimous in the view that it be enacted.

2. H.R. 2063, introduced by Mr. Boggs on January 6, 1969, to provide increases in annuities granted under the Panama Canal Construction Service Annuity Act of May 29, 1944. No action has been taken on this bill.

3. H.R. 17614, introduced by Mrs. Sullivan (by request) on May 13, 1970. The effect of this bill would require the Panama Canal Company to reimburse the U.S. Treasury annually for the $1.5 million by which the annuity payable to the Republic of Panama was increased under the 1955 treaty between the United States and Panama. An identical bill has been introduced in every Congress since the 87th Congress. No action has been taken on this bill.

4. H.R. 3792, introduced by Mr. Flood on January 16, 1969, to provide for the increase of capacity and the improvement of operations of the Panama Canal. It was determined that the subcommittee should not take action on this third locks legislation at least until receiving the final report of the Interoceanic Study Commission.

CURRENT STATUS OF ISSUES

Draft treaties

On August 5, 1970, the Minister of Foreign Relations sent a letter to our Secretary of State advising that Panama was willing to continue negotiations but that none of the three draft treaties recommended by the negotiators was satisfactory.

At the time the letter was written to the Secretary of State, Panama's Foreign Office released a 32-page document explaining the reasons for rejection of the 1967 treaty drafts.[35a] This document analyzed the drafts on the basis of Panama's dissatisfaction with the existing treaty provisions on the following issues:

(1) Perpetuity of U.S. control,

(2) U.S. jurisdiction in the Canal Zone,

(3) Improvements of the Panama Canal,

(4) Military installations and activities,

(5) Insufficiency of direct benefits from the canal,

(6) Insufficiency of indirect benefits from U.S. operations, and

(7) Unilateral interpretation of treaties by the United States.

In general, this document takes an extreme position which in effect rejects U.S. control of the canal, the right of the United States to maintain military forces on the isthmus, and rejects the management of the canal for the benefit of shipping rather than the enrichment of Panama. Near the end of the document, Panama concludes that the root causes of conflict which have arisen since 1903 by reason of the unilateral interpretation and application of the existing treaties, on the part of the U.S. Government, will continue and will be aggravated in many respects, if the 1967 draft treaties were to be approved by the Republic of Panama.

In addition to the Panamanian inhibitions concerning the draft treaties, several important American objections are noted as follows.

Under the existing treaties, the United States has complete control because within the Canal Zone it exercises the rights of sovereignty.[36] The 1967 draft treaties recognize the full sovereignty of Panama over the Canal Zone and provide for transfer of the Panama Canal to a joint administration, a new entity composed of members appointed by the Presidents of the Republic of Panama and of the United States. The control over the joint administration would rest solely on the fact that five members of the Commission would be appointed by the President of the United States and four members would be appointed by the President of Panama. The chairmanship of the administration would rotate between members appointed by the President of each country.

The joint administration provided by the 1967 drafts would be independent of the Congress and no provision is made in the drafts for any control of the administration by any branch of the U.S. Government. On the other hand, complete legislative, executive, and judicial power in respect to the canal and the contiguous area would be divided between the joint administration and the Republic of Panama. The arrangement is so complex and unwieldly as to be, in the judgment of this subcommittee (the authors of this paper), completely unworkable as well as contrary to the best interests of the United States.[37]

The 1967 draft treaties ignore the quoted provisions of article IV of the Constitution. The draft treaty providing for operation of the existing canal makes no reference to the necessity for congressional action to dispose of property of the United States but provides without qualification for assumption by the joint administration of "all of the assets, liabilities and commitments of the Panama Canal Company and Cana l Zone Government" with the proviso that the unrecovered investment of the United States in the Panama Canal is not included in the liabilities assumed by the administration.[38]

Upon entry into force of the treaty, all rights of the United States of America to real property in the Canal Zone, not included in areas transferred to the joint administration "shall become the exclusive rights of the Republic of Panama, without cost;"[39] and on termination of the treaty any rights of the United States and of the administration to real property in the canal area become the exclusive rights of the Republic of Panama.[40]

On termination of the treaty, the Panama Canal, all its appurtenant facilities and all property of the joint administration "shall be the property of the Republic of Panama."[41] The treaty would terminate on December 31, 1999 or on the opening of a sea-level canal, whichever occurs first.[42]

In view of the responsibility of Congress to dispose of property of the United States, it is highly unlikely that such sweeping dispositions would be allowed to take place without congressional action of any kind. The failure of the 1967 drafts take into account the authority and responsibility of Congress in this regard is one of most glaring defects of the 1967 drafts.[43]

Rio Hato lease termination

In the 1955 treaty between Panama and the United States, Panama again authorized use of the Rio Hato Base by the U.S. Armed Forces as a training area for a period of 15 years, subject to extension by agreement between the two countries.[44] The 15-year period expired on August 15, 1970, and on August 21, the Government of Panama announced that it had rejected a request by the United States for renewal of the agreement to permit continued use of the base. The United States was previously ousted from the same base in 1947 when demanded by a "student" demonstration.

These experiences point to the result that could be expected to follow if the United

Footnotes at end of article.

States were to give up the right to defend the canal provided by the 1903 treaty and rely on an agreement for maintaining defense bases subject to the sovereignty of the Republic of Panama.

Harassment of United States by Panama

It would appear from press reports and other sources that Panama has embarked on a calculated program of protest concerning activities in the Canal Zone. These protests are without foundation and include contentions that shipping agents improperly conduct business in the Canal Zone (see article III, 1936 treaty); that the Panama Canal Company's improvement program is new construction and in violation of article I of the 1936 treaty; (see treaty note defining maintenance); that the U.S. laws governing extradition from the Canal Zone to Panama violate article XVI of the 1903 treaty; and that maintenance of tolls at existing rates deprives Panama of financial returns to which it is entitled.

At the same time that Panama alleges wholesale treaty violations by the United States, it persists in actions which appear to be in direct violation of its commitments to the United States. For example, Panama imposes a transportation tax on Canal Zone residents leaving the Isthmus through the Tocumen Airport notwithstanding article X of the 1903 treaty providing that no charges of any kind shall be imposed on persons in the service of the Panama Canal agencies, article IV of the 1936 treaty providing that no charges should be imposed on residents of the Canal Zone passing from the Canal Zone into Panama, and Article XVII of the 1949 Aviation Agreement providing that Canal Zone passengers arriving at or departing from Tocumen will have the right of free travel through the Republic.

No restoration of constitutional government

While appeals to nationalistic and anti-U.S. sentiment have increased in volume, the Provisional Military Government has been moving further away from the intention originally announced to hold elections and restore constitutional government in 1970. The power of the government appears to have been consolidated effectively in one man (Brigadier General Torrijos) who, in a letter to Senator Kennedy in May, 1970, expressed the view forcefully that military government is preferable to democratic processes in Latin American countries. The same idea was projected in a speech on June 26 by Foreign Minister Tack before the OAS in Washington. Both the letter and the speech emphasize that in almost all demonstrations which disturb the public order in Latin America, the demonstrators are in the right, and that university students, their eyes opened in the classroom, rebel against living in a world full of injustices.

INCREASES IN PUBLIC DEBT

Another significant factor in the background of our relations with Panama is the dramatic increase in the public debt, mostly through increased loans from AID, the World Bank, the Inter-American Development Bank, and private sources. As of December 31, 1968, Panama's indebtedness was reported as $168,700,000. From newspaper reports alone it appears that loans of at least $135,-300,000 were obtained in 1969–70 and applications for at least another $60 million are now pending. This of course may lead to a severe fiscal crisis on the Panana Government which may account for the return to emphasis in anti-United States nationalism as a political diversion.

Sea-level canal

The question of canal improvement, viz., a new sea-level canal, the Third Locks-Terminal Lake plan or improving the existing canal, hinges on the final report of the Interoceanic Canal Study Commission.

CONCLUSIONS

The record of recent actions of the present Panamanian nonconstitutional provisional Military Government with respect to the United States presence in Panama argues against the wisdom of the United States taking part in any activity at this time which would disturb the basic U.S. jurisdiction in the Canal Zone. Militating against any such U.S. action are the Rio Hato lease termination episode, the Panamanian rejection of the 1967 draft treaties, the frequent unfounded allegations of improper U.S. conduct, illegal and discriminatory actions against Canal Zone residents (e.g., the transportation tax on Canal Zone residents traveling by air) and the constant drumfire of anti-American propaganda in the utterances of Panamanian officials and in the Panamanian news media.

Panama has consistently demanded a substantial increase in tolls with the revenue to be paid over to Panama. One of the members of Panama's negotiating team proposed a 300-percent increase in tolls. The arithmetic of the tolls provisions of the 1967 draft treaties would dictate continuous tolls increases. Even this is not now sufficient in the view of the provisional Military Government as it indicated in its recent public rejection of the 1967 treaties. Comprehensive studies indicate that a 25-percent tolls increase is the maxmum before canal traffic would react to the increase and tail off dramatically. Even if a sea-level canal should prove to be feasibly, and should be constructed, it is questionable whether it could support even the projected payments of the 1967 treaties, especially in light of the sensitivity of canal traffic to tolls increases.

At the time the 1967 treaties were drafted and negotiated it was thought that the canal was inadequate to meet the requirements of commerce and should be replaced. Although the transiting tonnage has increased, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity. In fact, Governor Leber stated before the subcommittee on April 22, 1970, that based on traffic forecasts and the canal improvement program, the existing canal should be able to handle the traffic to the end of the century.

At the time the 1967 treaties were drafted and negotiated it was thought that a sea-level canal was economically feasible and could be inexpensively built by nuclear excavation. Once the sea-level canal was built and operating under the control of the United States, the existing canal and zone would be turned over to Panama. It is clear from the Interoceanic Canal Study Commission's interim 6th Annual Report (July 31, 1970) that nuclear excavation has been eliminated for the foreseeable future. The report states, "Years of additional research and experimentation are needed to perfect the nuclear excavation technology." With nuclear excavation out, the possibility of the substitution of a new sea-level canal for the present canal at an acceptable cost is greatly diminished.

The cost to construct a new sea-level canal on route 10 (5 miles outside Canal Zone) would be about $2.3 billion, which is about what it would cost to convert the existing canal to a sea-level canal. It is noted that the 1967 Sea-Level Canal Treaty left for future agreement the financial arrangement between the United States and Panama (which would be in addition to the cost of construction), so the total cost cannot possibly be known. Thus, it is abundantly clear that the Republic of Panama, or anyone else for that matter, cannot premise future treaty negotiations on the assumption that Congress will authorize the construction of a new sea-level canal or enact legislation to transfer the existing canal to any other country.

After the Atlantic-Pacific Interoceanic Canal Study Commission submits its report on the feasibility of the construction of a sea-level, canal, the Congress will then have the task of deciding what, if any action should be taken either to build a new sea-level canal or to provide additional locks and improvements for the existing canal in line with the pending terminal lake-third locks plan.

The Panamanian Government has made known its objections to the 1967 draft treaties in unmistakable terms. From the standpoint of the United States, there are a number of disabilities inherent in those treaties aside from the facts mentioned above that they are based on erroneous premises. They would, for example, result in the United States relinquishing its powers of sovereignty over the canal, and would operate in such a way that the United States would not be able to effectively control the Panama Canal or provide for its defense in a satisfactory manner. In addition, these treaties contemplate an unrealistic and unreasonable increase in tolls rates and revenues and do not take into account the constitutional authority of Congress over the disposal of U.S. property. Also, the treaties would remove the canal from the authority of Congress. In this connection, it is noted that under the 1967 draft locks treaty, control of the canal would pass from the Congress to the nine-man governing authority, and the five American members would be appointed by the President, subject to confirmation by the Senate, and responsible to the Executive, not to the Congress. This arrangement alone makes the treaties unacceptable to the Congress.

It has been said that "Histories make men wise." If this is so, we should recognize that the pattern of Panamanian behavior which led to the 1964–67 treaties and negotiations is being repeated, undoubtedly for the purpose of forcing new negotiations and treaties even more retrograde to U.S. interests.

It must be understood by all interested parties that the Congress looks with disfavor on such disruptive treaties and is adamant in its opposition to ceding U.S. sovereignty and jurisdiction over the Canal Zone to the Republic of Panama. Indeed, the House of Representatives has expressed itself with respect to the 1964–67 treaties blunder, through the introduction of some 105 resolutions declaring it to be the policy of the House of Representatives and the desire of the people that the United States should maintain its soveregnty and jurisdiction over the Panama Canal Zone.

All responsible parties both in this country [45] and in Panama must be aware that due to prior congressional opposition and the strong stand taken by Panama in rejecting the 1967 draft treaties, it is the consensus of this subcommittee (the authors of this paper) that treaty negotiations should not go forward and that the subcommittee (we) oppose(s) any negotiations which would revive the 1967 treaties or initiate new treaties of a similar nature which would be a source of confusion, irritation and contention both here and in Panama, and which would be inimical to the best interests of the United States.

FOOTNOTES

[1] The act of September 22, 1964 (Public Law 88–609; 78 Stat. 990) provided for a commission of five members to study the feasibility, methods of construction, location, and cost of a sea level canal between the Atlantic and Pacific Oceans. As amended in 1968 (Public Law 90–359; 82 Stat. 249) the act requires annual progress reports to the Congress as well as a final report by December 1, 1970. Such interim reports have been submitted, the latest being the Sixth Annual Report of the Commission, dated July 31, 1970.

[2] This concept includes provisions for the—

(a) Elimination of the bottleneck Pedro Miguel locks.

(b) Consolidation of all Pacific locks south of Miraflores.

(c) Raising the Gatun Lake water level to its optimum height (about 92 feet).

(d) Construction of one set of larger locks.

(e) Creation of the Pacific end of the canal of a summit-level terminal lake anchorage for use as a Pacific reservoir to correspond with the layout of the Atlantic end to permit uninterrupted operation of the Pacific locks during fog periods.

[3] The history of the search for a passage between the Atlantic and Pacific Oceans and early proposals for construction of a transisthmian canal which culminated in the French venture in the 19th century is available in a number of authoritative books and publications. DuVal: "Cadiz to Cathay", Stanford University Press (1940); Mack: "The Land Divided", Knopf (1944); H. Rept. 2218, 86th Cong., p. 3 et seq.

The congressional documents listed in appendix I show that throughout the 19th century the United States was exploring the feasibility of construction of a transisthmian canal in Nicaragua or in Panama. After the failure of the French project at the end of the century, the Congress authorized the President to acquire the rights in perpetuity to construct and operate a canal across the Isthmus of Panama (then part of Colombia) or Nicaragua; (Act of June 28, 1902; 32 Stat. 481). In 1903 Panama obtained its independence from Colombia and entered into a treaty with the United States in which Panama granted to the United States in perpetuity the use, occupation and control of the Canal Zone for the construction, operation and protection of a canal and also granted to the United States all the rights, power, and authority within the Canal Zone which the United States would exercise if it were sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority. (Convention for the Construction of a Ship Canal, 1903. Articles II and III.)

[4] The full text of the Dec. 18, 1964, statement is set out in app. II.

[5] See app. III for the text of this statement.

[6] General Torrijos' views were expressed in a letter to Senator Kennedy dated May 7, 1970, published in "El Panama American" on July 1, 1970. Similar sentiments were expressed by the Foreign Minister in a statement at a meeting of the Organization of American States on June 26, 1970. Translations of both documents are attached in app. VII.

[7] Pub. Res. 99, 70th Cong., approved March 2, 1929.

[8] H. Doc. 139, 72d Cong.

[9] Pub. Res. 74–85; 49 Stat. 1256.

[10] H. Doc. 210, 76th Cong.

[11] Act of August 11, 1939, 53 Stat. 1409; P.L. 76–391.

[12] See report on proposals for the elimination of Pedro Miguel locks of the Panama Canal, 102 Congressional Record 10756–10766 (1956).

[13] Public Law 79–280; 59 Stat. 663.

[14] Act of June 29, 1906; See DuVal: *And the Mountains Will Move,* Stanford Univ. Press (1947), p. 206 et. seq.

[15] Public Law 80–808; 62 Stat. 1075.

[16] H. Rept. 1960, 86th Cong.

[17] Public Law 88–609; 78 Stat. 990.

[18] T.S. 624.

[19] Dept. of State Bulletin, Aug. 10, 1970, p. 183.

[20] Pub. Res. 99, 70th Cong., approved March 22, 1929.

[21] H. Doc. 139, 72d Cong.

[22] H. Rept. 1960, 86th Cong.

[23] See H. Rept. No. 781, 80th Cong., pp. 10–12.

[24] See statements by Foreign Minister Fernando Eleta reported in the *Miami Herald,* February 12, 1966.

[25] *Panama American,* March 6, 1966.

[26] Art. XXXIII, pars. 4 and 5.

[27] Hearings, Panama Canal Company status report—tolls study, Committee on Merchant Marine and Fisheries, 90th Cong., May 18, 1967, pp. 49–170.

[28] Art. X, par. (2) (c).

[29] Art. III, par. (2).

[30] P.L. 79–60; 60 Stat. 823.

[31] Panama has taken the remarkable position that such capital improvements are beyond the authority of the United States. This view is vigorously asserted in the document shown in appendix IX notwithstanding a formal exchange of notes between the two countries to the effect that "maintenance" as applied to the canal within the meaning of article I of the 1936 treaty permits both expansion and new construction. See treaty series No. 945, page 66.

[32] See App. VIII for a copy of this letter.

[33] Pub. Res. 75–54; 50 Stat. 511.

[34] P.L. 78–48; 57 Stat. 74.

[35] P.L. 85–223; 71 Stat. 509.

[35a] The text of the document was published in *La Estrella de Panama,* Sept. 5, 1970. A translation is attached in app. IX.

[36] Before the Panama Canal was built, President Rutherford Hayes in a Message to Congress on March 8, 1880, announced the policy that:

"It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national interests."

This has been the policy of the United States since the Panama Canal was built, and the subcommittee understands that no change in the policy was intended in the 1967 treaty drafts. However, the 1967 drafts contemplate a change in the method of control that is so drastic and, the subcommittee believes, so unworkable as to result in the loss of any effective control over the Canal by the United States.

[37] Panama also objects to transfer of control of a new entity, not part of either Government. See Appendix X.

[38] Art. III, par. 3.

[39] Art. XXXVIII, par. 1.

[40] Art. XXXVIII, par. 3.

[41] Art. XXXIX, par. 1.

[42] Art. XLI.

[43] See Cong. Rec., vol. 113, (1967), p. H–10544.

[44] Article VIII, TIAS 3297, p. 14.

[45] It is interesting to note that at the Oct. 24, 1970, White House dinner celebrating the anniversary of the United Nations, one of the invitees was Demetrio B. Lakas, President of the Republic of Panama. Also in attendance were John N. Irwin, Under Secretary of State; and Charles A. Meyer, Assistant Secretary of State. These latter individuals participated in the negotiations of the last set of unacceptable treaties. In May, Daniel Hofgren, a Presidential assistant was delegated the responsibility for conducting negotiations with the Republic of Panama for a new Atlantic-Pacific Interoceanic Canal.

Appendix I

Partial List of Congressional Documents and Enactments Relating to the Panama Canal [1]

Nineteenth Congress, first session:

Senate Doc. No. 68, December 26, 1825.—Message of the President on the congress at Panama; United States not to take part in deliberations of a belligerent character; not to contract alliances, nor to engage in any project imputing hostility to any other nation.

Senate Doc. 21, January 19, 1826.—Report from the Committee on Roads and Canals, recommending survey of canal between the Atlantic and Gulf of Mexico.

House Res. No. 11, January 25, 1826.—Resolution by Mr. Miner that the appointment of ministers to the proposed congress at Panama is a measure dictated by wisdom, and provision ought to be made for expenses.

House Ex. Doc. No. 162, March 15, 1826.—Message of the President relative to an appropriation to carry into effect the mission to Panama.

House Report No. 137, March 25, 1826.—Report from the Committee on Foreign Relations for an appropriation for mission to Panama.

Senate Doc. No. 73, March 30, 1826.—Resolution by Mr. Branch that the appointment of ministers to the Panama congress is not within the competency of the Executive.

House Res. No. 36, April 3, 1862.—Resolution relative to the inexpediency of appropriating funds for mission to Panama.

House Res. No. 38, April 4, 1826.—Resolution by Mr. Buchanan that it is inexpedient to depart from the long-established policy of the country by an alliance with any nation by which the United States would be deprived of independent action in any crisis.

House Res. No. 40, April 11, 1826.—Resolution by Mr. Polk that the sending of ministers to the congress at Panama would have a tendency to involve the nation in entangling alliances, and that it is inexpedient to send ministers or grant an appropriation to defray expenses of said mission.

House Ex. Doc. No. 157, April 15, 1826.—Message of the President with statement relative to governments to be presented at the congress at Panama.

House Res. No. 42, April 18, 1826.—Resolution by Mr. Buchanan that the Government ought not to be represented at the congress at Panama.

Nineteenth Congress, second session:

House Ex. Doc. No. 23, December 26, 1826.—Message of the President relative to the congress at Panama.

House Report No. 56, January 24, 1827.—Report from the Naval Committee on transit across the Isthmus of Panama.

Twenty-third Congress, second session:

Senate Journal, page 238, March 3, 1835.—Resolution by Mr. Clayton requesting the President of the United States to open negotiations with other nations as to opening a communication between the Atlantic and Pacific oceans.

Twenty-fourth Congress, second session:

Senate Journal, January 9, 1837.—Message of the President relative to a ship canal across the Isthmus of Panama.

Twenty-fifth Congress, second session:

House Ex. Doc. No. 228, March 12, 1838.—Message of the President relative to the Darien Canal, as to the expediency of opening negotiations with other nations as to a ship canal across the Isthmus of Darien.

Twenty-fifth Congress, third session:

House Report No. 322, March 2, 1839.—Report submitted by Mr. Mercer, from the Committee on Roads and Canals, as to the construction of a ship canal between North and South America.

Twenty-sixth Congress, first session:

Senate Doc. No. 224, March 4, 1840.—Citizens of Indiana, remonstrating against the construction of canal across the Isthmus of Darien.

Twenty-eighth Congress, first session:

House Doc. No. 77, January 19, 1844.—Message from the President relative to communication between the Atlantic and Pacific oceans.

Twenty-ninth Congress, first session:

Senate Ex. Doc. No. 339, May 11, 1846.—Report of the Secretary of State, transmitting information relative to a ship canal across the Isthmus of Panama.

Thirtieth Congress, second session:

[1] Exclusive of legislation in annual Appropriations Acts.

House Report No. 145, February 20, 1849.—Report by Mr. Rockwell, from the Select Committee on a Canal between the Atlantic and the Pacific Oceans.

Thirty-first Congress, first session:

House Report No. 439, August 1, 1850.—Report of Mr. Staunton, relative to a canal across the Isthmus of Tehuantepec, Panama, or Nicaragua.

Thirty-first Congress, second session:

Senate Ex. Doc. No. 40, February 21, 1850.—Message of the President on Isthmus of Panama.

Thirty-second Congress, first session:

Senate Ex. Doc. No. 97, July 27, 1852.—Message of the President, transmitting a report from the Department of State, respecting a right of way across the Isthmus of Tehuantepec.

Senate Report No. 355, August 30, 1852.—Report of Mr. Mason, from the Senate Committee on Foreign Relations, respecting the right of way across the Isthmus of Tehuantepec.

Senate Ex. Doc. No.—, December 16, 1851.—Message of the President on a ship canal between the Atlantic and the Pacific oceans.

Thirty-second Congress, second session:

Senate Ex. Doc. No. 44, February 18, 1853.—Message of the President, transmitting Mr. Edward Everett's communication to the British minister on the subject of an interoceanic canal by the Nicaraguan route.

Thirty-third Congress, first session:

Senate Ex. Doc. No. 13, December 31, 1853.—Message of the President, transmitting the correspondence growing out of the treaty of Washington of July 4, 1850.

Thirty-third Congress, second session:

Senate Ex. Doc. No. 1, October 25, 1854.—Report by Lieut. J. G. Strain on the Isthmus of Darien.

Thirty-fourth Congress, first session:

Senate Ex. Doc. No. 68, May 15, 1856.—Message of the President, transmitting sundry papers and documents in relation to the affairs with the Government of Nicaragua.

Thirty-fourth Congress, third session:

Senate Ex. Doc. No. 51, February 13, 1857.—Report of the Secretary of War, transmitting a copy of the report of Capt. T. J. Cram on the interoceanic canal.

Thirty-fifth Congress, first session:

House Report No. 476, May 29, 1858.—Report by Mr. Hawkins on case of Panama Railroad Company.

Senate Ex. Doc. No. 72, June 11, 1858.—Message of the President, transmitting information respecting the Isthmus of Tehuantepec.

Thirty-sixth Congress, second session:

Senate Ex. Doc. No. 9, February 13, 1861.—Report of the Secretary of War, transmitting Lieutenant Michler's report of his survey for an interoceanic canal near the Isthmus of Darien.

Thirty-ninth Congress, first session:

Senate Ex. Doc. No. 62, July 12, 1866.—Report of the Secretary of the Navy, transmitting a report of Rear-Admiral Charles H. Davis in relation to the various proposed interoceanic canals.

Thirty-ninth Congress, second session:

Senate Ex. Doc. No. 25, February 11, 1867.—Message of the President, transmitting correspondence on the subject of grants to American citizens for railroads and telegraph lines across the Republic of Mexico.

Fortieth Congress, first session:

House Mis. Doc. No. 24, March 19, 1867.—Report by Mr. Banks, requiring the Committee on Foreign Affairs to inquire and report what measures have been taken by foreign governments in reference to transit across the Isthmus of Panama.

Forty-first Congress, second session:

House Ex. Doc. No. 81, January 21, 1870.—Message of the President on the Darien Ship Canal.

House Ex. Doc. No. 113, February 2, 1870.—Communication upon the subject of interoceanic communication across the Isthmus of Darien.

Forty-second Congress, second session:

Senate Ex. Doc. No. 6, November 1, 1871.—Report of the Secretary of the Navy, transmitting report of Capt. R. W. Shufeldt, containing report of explorations and surveys as to practicability of a ship canal between the Atlantic and Pacific oceans.

House Mis. Doc. No. 219, January 16, 1872.—Report of the Secretary of State, transmitting information as to the views of European governments in regard to international cooperation for the construction of a ship canal between the Atlantic and Pacific oceans.

Forty-second Congress, third session:

House Report No. 76, February 13, 1873.—Report by Mr. Negley on the construction of a ship canal.

House Mis. Doc. No. 113, July 7, 1870.—Report of explorations and surveys as to a ship canal between the Atlantic and Pacific oceans by the Isthmus of Darien, by Commander Thomas Oliver Selfridge.

Forty-third Congress, first session:

Senate Ex. Doc. No. 57, June 16, 1874.—Report by the Secretary of the Navy, transmitting the report of Commander E. P. Lull, with surveys for a ship canal between the Atlantic and the Pacific oceans through Nicaragua.

Forty-fifth Congress, third session:

Senate Ex. Doc. No. 75, March 7, 1879.—Report by the Secretary of the Navy, transmitting reports of surveys for location of ship canal through the Isthmus of Panama and Napipi.

Forty-sixth Congress, first session:

Senate Ex. Doc. No. 15, April 18, 1879.—Message of the President, transmitting report of Daniel Ammen on the different interoceanic canal surveys.

House Ex. Doc. No. 10, June 13, 1879.—Report from the Secretary of State relative to the steps taken by the Government of the United States to promote the construction of an interoceanic canal across the Isthmus of Darien.

Forty-sixth Congress, second session:

House Ex. Doc. No. 63, March 17, 1880.—Report from the Secretary of the Navy, transmitting the report of Lieut. T. A. M. Craven relating to a survey for an interoceanic canal.

Senate Ex. Doc. No. 112, March 8, 1880.—Message of the President, transmitting documents from the State Department relative to the proposed interoceanic canal between the Atlantic and Pacific oceans.

House Report No. 1121, April 16, 1880.—Report by Mr. Cox on the abrogation of the Clayton-Bulwer treaty.

Senate Mis. Doc. No. 9, December 4, 1879.—Resolution by Mr. Eaton requesting the correspondence between the United States and foreign governments relative to a ship canal across the Isthmus between North and South America.

House Ex. Doc. No. 57, March 8, 1880.—Message of the President, transmitting copies of correspondence in relation to interoceanic canals.

House Ex. Doc. Nos. 61 and 86, March 5, 1880.—A letter from the Secretary of the Treasury, giving commercial statistics relative to the trade between the Atlantic and the Pacific coasts.

Forty-sixth Congress, third session:

House Report No. 224, February 14, 1881.—Report by Mr. Hill on the interoceanic canals and the Monroe Doctrine.

House Mis. Doc. No. 16, February 6, 1880.—Report by Mr. King from the Select Committee on Interoceanic Canals.

House Mis. Doc. No. 13, February 17, 1881.—Report by Mr. Turner on the Tehuantepec Ship Canal.

House Report No. 390, March 3, 1880.—Report by Mr. King on the Monroe Doctrine and ship canals.

House Report No. 211, February 12, 1881.—Report by Mr. King on the Maritime Canal Company of Nicaragua.

House Report No. 322, February 22, 1881.—Report by Mr. King on interoceanic ship railway.

Senate Mis. Doc. No. 42, February 16, 1881.—Resolution by Mr. Eaton that the consent of the United States is a necessary condition precedent to the execution of an interoceanic ship canal.

Forty-seventh Congress, special session:

Senate Report No. 1, May 16, 1881.—Report of Mr. Burnside on the construction of ship canals across the Isthmus of Darien.

Senate Ex. Doc. No. 5, October 24, 1881.—Message of the President, transmitting documents from the State Department relative to the projected oceanic canal at Panama.

Forty-seventh Congress, first session:

Senate Report No. 213, March 6, 1882.—Report by Mr. Vest, from Committee on Commerce, on bill to incorporate the Interoceanic Ship Railway Company.

Senate Ex. Doc. No. 194, August 3, 1882.—Message of the President, transmitting a report of the Secretary of State and accompanying papers relating to Clayton-Bulwer treaty.

Senate Ex. Doc. No. 78, January 27, 1882.—Message of the President, transmitting the correspondence touching the desired modification of the Clayton-Bulwer treaty.

House Report No. 1698, July 21, 1882.—Majority report by Mr. Kasson on the Nicaragua Canal bill. Part 2 of this report contains the views of the minority, by Mr. Blount.

Senate Report No. 368, April 4, 1882.—Report by Mr. Miller from the Committee on Foreign Relations.

Forty-seventh Congress, second session:

Senate Report No. 952, January 31, 1883.—Report by Mr. Miller on the incorporation of the Maritime Canal Company of Nicaragua.

House Ex. Doc. No. 107, May 2, 1882.—Report of the Secretary of the Navy, transmitting the report of Lieut. J. T. Sullivan.

Forty-eighth Congress, first session:

Senate Ex. Doc. No. 26, December 19, 1883.—Message of the President, transmitting a report of the Secretary of State relating to the treaty between the United States and Great Britain signed April 19, 1850.

Senate Ex. Doc. No. 123, March 12, 1884.—Report of the United States officers on the progress of the work on the ship canal at the Isthmus of Panama.

Forty-eighth Congress, second session:

Senate Mis. Doc. No. 12, December 10, 1884.—Report from the Secretary of State, containing the correspondence relative to the Panama Canal.

Forty-ninth Congress, first session:

House Mis. Doc. No. 395, January 20, 1886.—Special intelligence report on the progress of the work of the Panama Canal during the year 1885, by Lieut. W. W. Kimball, U.S.N.

Senate Mis. Doc. No. 139, July 12, 1886.—A remonstrance of the American, Atlantic and Pacific Ship-Canal Company against the incorporation by Congress of the Maritime Canal Company of Nicaragua, presented by Mr. Sherman.

Senate Ex. Doc. No. 99, March 15, 1886.—Report of the Secretary of the Navy, transmitting the report and survey of the Nicaragua Canal, by A. G. Menocal.

Forty-ninth Congress, second session:

Senate Report No. 1628, January 6, 1887.—Report by Mr. Edmunds on Senate bill No. 2636, to incorporate the Maritime Canal Company of Nicaragua.

Senate Ex. Doc. No. 50, January 25, 1887.—Message of the President transmitting a report from the Secretary of State, with sundry, papers touching the construction of a ship canal through Nicaragua.

Fiftieth Congress, first session:

Senate Report No. 221, February 9, 1888.—Report by Mr. Edmunds on Senate bill No.

1305, to incorporate the Maritime Canal Company of Nicaragua.

Fiftieth Congress, second session:

House Report No. 4167, March 2, 1889.—Report by Mr. McCreary on the construction or control of interoceanic canals at the Isthmus of Darien by European governments.

Fifty-first Congress, fisrt session:

House Report No. 3035, August 30, 1890.—Report by Mr. Baker adverse to repealing the act incorporating the Maritime Canal Company of Nicaragua.

Fifty-first Congress, first session:

Senate Ex. Doc. No. 49, February 6, 1890.—Report of the Secretary of the Interior, transmitting the Report of the Maritime Canal Company of Nicaragua for 1889.

Fifty-first Congress, second session:

Senate Mis. Doc. No. 76, February 21, 1891.—Resolution by Mr. McPherson providing for the construction of the Nicaragua Canal by the United States.

Senate Report No. 2334, January 20, 1891.—Report by Mr. Edmunds containing a list of the stockholders in the Nicaragua Canal Company.

Senate Report No. 1944, January 10, 1891.—Report by Mr. Sherman from Committee on Foreign Relations, to accompany Senate bill No. 4827.

Senate Ex. Doc. No. 5, December 8, 1890.—Annual Report of the Maritime Canal Company of Nicaragua for 1890.

Fifty-second Congress, first session:

Senate Ex. Doc. No. 4, December 10, 1891.—Annual Report of the Maritime Canal Company of Nicaragua to December 1, 1891.

Senate Mis. Doc. No. 7, December 8, 1891.—Memorial from the legislature of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 36, December 21, 1891.—Memorial from the Traffic Association of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 32, January 6, 1892.—Resolution by Mr. Morgan providing for an inquiry as to the progress of the Nicaragua Canal.

House Mis. Doc. No. 17, November 14, 1890.—Report of Consul Newell, transmitting a report of the commission making annual settlement of the Nicaragua Canal Company.

Senate Mis. Doc. No. 97, March 18, 1892.—Report by the Secretary of War, transmitting a report by Maj. C. E. Dutton relative to the Nicaragua Canal.

Senate Mis. Doc. No. 208, July 22, 1892.—Resolution by Mr. Sherman directing a continuation of the investigation of the Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 5, 1892.—Report of the Maritime Canal Company of Nicaragua for 1892.

Senate Mis. Doc. No. 69, February 10, 1892.—Resolution by Mr. Higgins requesting a report as to the work done by the Nicaragua Canal Company.

Fifty-second Congress, second session:

Senate Mis. Doc. No. 16, December 21, 1892.—Memorials favoring a speedy completion of the Nicaragua Canal presented by Mr. Morgan.

Senate Mis. Doc. No. 23, January 13, 1893.—Nicaragua Canal, advantages to accrue from, resolution providing for inquiry as to, by Mr. Morgan.

Senate Mis. Doc. No. 32, January 20, 1893.—Resolutions of National Board of Trade urging the early completion of the Nicaragua Canal by the United States presented by Mr. Quay.

Senate Ex. Doc. No. 46, February 6, 1893.—Report of Maj. W. McFarland on the examinations of the proposed route for the Nicaragua Canal.

Senate Mis. Doc. No. 25, January 14, 1893.—Resolution by Mr. Wolcott directing inquiry as to the expenditures upon the Nicaragua Canal.

Senate Report No. 1262, February 4, 1893.—Report presented by Mr. Sherman as to the expenses and progress of the Nicaragua Canal Company.

Senate Report No. 1142, December 22, 1892.—Condition and prospects of the Nicaragua Canal (on Senate bill 1218).

Senate Mis. Doc. 47, February 9, 1893.—Resolutions of Virginia organizations favoring the construction of the Nicaragua Canal under the control of the United States presented by Mr. Hunton.

Senate Ex. Doc. No. 1, December 6, 1892.—Report of the Secretary of the Interior, transmitting the Annual Report of the Maritime Company of Nicaragua.

Fifty-third Congress, second session:

Senate Report No. 331, April 14, 1894.—Report by Mr. Morgan amending and favoring Senate bill 1481, to amend act incorporating Maritime Canal Company of Nicaragua.

House Report No. 1201, July 5, 1894.—Report on the Nicaragua Canal by A. G. Menocal.

Senate Mis. Doc. No. 18, December 10, 1893.—Resolution by Mr. Morgan for joint committee to report on the Nicaragua Canal.

Senate Ex. Doc. No. 74, April 6, 1894.—Report of the Secretary of War, transmitting a report on the military aspects of the Nicaragua Canal by Capt. G. P. Scriven.

House Report No. 226, December 19, 1893.—House resolution No. 70, by Mr. Wise, providing for a joint committee on the Nicaragua Canal.

Senate Ex. Doc. No. 5, December 11, 1893.—Report of the Nicaragua Canal Company for 1893.

House Report No. 1201, July 5, 1894.—Report by Mr. Mallory, submitting H.R. 7639, to amend act to incorporate the Nicaragua Canal Company.

Fifty-third Congress, third session:

House Report No. 1779, February 7, 1895.—Report favoring Senate bill No. 1481, to amend act to incorporate Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 3, 1894.—Annual report of the Maritime Canal Company of Nicaragua for the year 1894.

Senate Mis. Doc. No. 15, December 4, 1894.—Memorial from San Francisco for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 7, December 3, 1894.—Memorial of the Chamber of Commerce of Portland, Oreg., for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 56, January 18, 1895.—Resolution by Mr. Caffery, favoring acquisition of territory in Nicaragua and Costa Rica for a ship canal.

Fifty-fourth Congress, first session:

Senate Doc. No. 315, March 27, 1896.—Hearings on House bill No. 35, on the Nicaragua Canal, before the Interstate and Foreign Commerce Committee.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of February 11, 1860, between Great Britain and Nicaragua; treaty of June 21, 1867, between the United States and Nicaragua.

House Report No. 2126, June 1, 1896.—Report on the Nicaragua Canal Board of Engineers for ascertaining feasibility, permanence, and cost of canal by route contemplated by act which passed Senate January 28, 1895 For appendix and maps see House Doc. No. 279, 2 parts.

House Report No. 1851, May 18, 1896.—Report of the Committee on Printing, favoring Senate concurrent resolution No. 40, to print the report of the Nicaragua Canal Board of Engineers.

Senate Doc. No. 34, December 20, 1895.—Mr. Cockrell presented lecture delivered by Mr. E. L. Corthell, before the National Geographic Society at Washintgon, D.C., November 22, 1895, on the Tehuantepec route.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of April 19, 1850.

House Doc. No. 279, February 7, 1896.—Message of the President, transmitting the report of the board of engineers as to cost of construction and completion of the Nicaragua Canal by the route contemplated and provided for by the act which passed the Senate January 28, 1895.

House Report No. 2285, June 6, 1896.—Report by Mr. Chickering, for printing the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal

House Report No. 178, June 30, 1896.—Report by Mr. Doolittle, requesting the report of the board of engineers on the Nicaragua Canal route.

Senate Report No. 1109, June 2, 1896.—Report by Mr. Morgan, from the Select Committee of the Construction of the Nicaragua Canal, favoring Senate bill No. 3247, identical with House bill No. 35, to amend act to incorporate the Maritime Canal Company of Nicaragua.

Senate Doc. No. 15, December 9, 1895.—Annual report for the year 1895 of the Maritime Canal Company of Nicaragua.

Fifty-fourth Congress, second session:

Senate Doc. No. 102, January 29, 1897.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, including a statement of the president of the Maritime Canal Company relative thereto.

Senate Doc. No. 14, December 9, 1896.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 78, January 22, 1897.—Report of Secretary of State, transmitting a communication from the minister of the Greater Republic of Central America at Washington, D.C., relating to the Nicaragua Canal.

Senate Doc. No. 184, March 3, 1897.—Message of the President, transmitting a report from the Secretary of State, with correspondence relating to the Nicaragua Canal since 1887.

Fifty-fifth Congress, second session:

Senate Doc. No. 10, December 8, 1897.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 263, March 12, 1898.—The Dream of Navigators, by Capt. A. S. Crowninshield, U.S.N.

Senate Doc. No. 289, June 9, 1898.—Report of the Secretary of the Interior, transmitting a statement from the Maritime Canal Company as to its stocks, bonds, etc., for construction of the canal.

Senate Doc. No. 291, June 1898.—Clayton Bulwer treaty of April 19, 1850.

Senate Doc. No. 341, June 15, 1898.—Statements before the Select Committee on the Construction of the Nicaragua Canal, by J. G. Walker, L. M. Haupt, and Peter C. Hains.

Senate Report No. 1265, June 30, 1898.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, to accompany bill No. 4792.

Senate Doc. No. 245, April 19, 1898.—Secretary of the Treasury transmits an estimate showing the additional cost of a survey of the Nicaragua Canal.

Senate Doc. No. 188, 1898.—Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaragua Canal, the future control of the Pacific Ocean, the strategic value of Hawaii and its annexation to the United States.

1888. Act to incorporate the Maritime Canal Company of Nicaragua.

1895. Act January 28, 1895, establishing a Board for ascertaining feasibility, permanence and cost of a canal across Nicaragua.

1899. Act March 3, 1899, authorizing the President to appoint a Commission to investigate routes for a transisthmian canal, par-

ticularly in Panama and Nicaragua, 30 Stat. 1150.

Note: The Commission recommended Nicaragua. Senate Document 357, 57th Congress.

1902. The Spooner Act of June 28, 1902, authorizing the President to acquire "perpetual control" of a transisthmian canal route in Panama or Nicaragua and to proceed to construct a canal. 32 Stat. 481.

1904. Act April 28, 1904, providing for the temporary government of the Canal Zone. 33 Stat. 429.

1905. Act December 21, 1905, supplementing the Spooner Act, and *inter alia* requiring annual reports to the Congress by persons in charge of construction of the Canal and government of the Canal Zone. 34 Stat. 5.

1906. Act June 29, 1906, providing for construction of a lock canal at Panama. 34 Stat. 611.

1909. Act February 27, 1909, relating to the use, control and ownership of land in the Canal Zone. 35 Stat. 658.

1912. The Panama Canal Act of August 24, 1912, providing for the opening, maintenance, protection and operation of the Panama Canal and the sanitation and government of the Canal Zone. 37 Stat. 560.

1914. Act of June 15, 1914, amending the tolls provisions of the Panama Canal Act of August 24, 1912. 38 Stat. 385.

1914. Act August 25, 1914, authorizing transfer of a steam launch used in the construction of the Panama Canal to the Government of France. 38 Stat. 709.

1915. Act March 4, 1915, providing for the recognition of services of military and Public Health Service Officers in the construction of the Panama Canal. 38 Stat. 1190.

1916. Act August 21, 1916, authorizing the President to make rules and regulations affecting health, quarantine, taxation, highways and police power in the Canal Zone. 39 Stat. 528.

1916. Act September 7, 1916, providing for compensation for injuries sustained by employees of the U.S. in the performance of their duties, with specific provisions for administation of the Act insofar as concerns employees of the Panama Canal. 39 Stat. 742.

1919. Act prohibiting the importation, sale or possession of alcoholic beverages in the Canal Zone, 41 Stat. 305.

1928. Act March 23, 1928, authorizing construction of a dam across the Charges River at Alhajuela in the Canal Zone.

1929. Resolution 99, March 2, 1929, authorizing an investigation of construction and cost of additional locks at the Panama Canal, and the practicability and cost of constructing and maintaining a new canal at Nicaragua.

1930. Act May 27, 1930, providing for a ferry and highway near the Pacific entrance of the Panama Canal. 46 Stat. 388.

1934. Act June 19, 1934, to establish a code of laws for the Canal Zone. (Not published in Statutes at Large.)

1935. Act May 31, 1935, establishing the jurisdiction of the U.S. Circuit Court of Appeals to review final decision of U.S. District Court for the District of the Canal Zone. 49 Stat. 313.

1936. Joint Resolution May 1, 1936, authorizing the Governor of the Panama Canal to investigate the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures. 49 Stat. 1256.

1936. Act June 24, 1936, providing for exclusion and deportation of persons from the Canal Zone, 49 Stat. 1905.

1936. Act June 24, 1936, providing for punishment of vagrancy and disorderly conduct in the Canal Zone. 49 Stat. 1906.

1937. Act July 8, 1937, providing for cash relief of certain employees of the Panama Canal not within the provisions of the Canal Zone Retirement Act. 50 Stat. 478.

1937. Act July 9, 1937, establishing sovereign rights, power and authority of the U.S. over air space above the Canal Zone and authorizing the President to make rules governing air navigation in the Canal Zone. 50 Stat. 486.

1937. Act July 10, 1937, amending the provisions of law for issuance of marriage licenses in the Canal Zone. 50 Stat. 510.

1937. Joint Resolution July 10, 1937, authorizing the disposal of Panama Railroad Company lands in Colon, Republic of Panama. 50 Stat. 511.

1937. Act August 24, 1937, providing for the measurement of vessels using the Panama Canal. 50 Stat. 750.

1938. Act March 26, 1938, providing for appointment term, leave and residence of the District Judge, District Attorney and Marshal in the Canal Zone. 52 Stat. 118.

1939. Act August 11, 1939, authorizing construction of a third set of locks at the Panama Canal. 53 Stat. 1409.

1940. Act June 13, 1940, amending the laws governing the Canal Zone postal system. 54 Stat. 389.

1940. Act October 21, 1940, establishing rates of overtime compensation at the Panama Canal. 54 Stat. 1205.

1941. Act June 3, 1941, authorizing overtime rates of compensation for certain per annum employees of the Panama Canal. 55 Stat. 241.

1941. Act December 12, 1941, providing for regulation of photographing in the Canal Zone. 55 Stat. 798.

1941. Act December 16, 1941, providing for removal of fugitives to or from the Canal Zone. 55 Stat. 802.

1941. Act December 31, 1941, incorporating the Union Church in the Canal Zone. 55 Stat. 877.

1943. Joint Resolution of May 3, 1943, authorizing transfer to Panama of certain lands and the rights, title and interest of the U.S. in the water systems of the cities of Panama and Colon.

1944. Act May 29, 1944, providing for recognition of civilian employees in construction of the Panama Canal. 58 Stat. 257.

1944. Act July 1, 1944, increasing the terms of the District Judge, District Attorney and Marshal. 62 Stat. 991.

1945. Act July 2, 1945, amending the Canal Zone Retirement Act.

1945. Act December 28, 1945, authorizing an investigation of the means of increasing the capacity and security of the Panama Canal. 59 Stat. 663.

1946. Act August 7, 1946, amending its Act of May 29, 1944, to recognize the services of civilian employees in construction of the Panama Canal. 60 Stat. 873.

1947. Act July 2, 1947, authorizing transfer of property by the War and Navy Departments to the Panama Canal.

1948. Act June 29, 1948, reincorporating the Panama Railroad Company. 62 Stat 1076.

1949. Act July 21, 1949, repealing the Canal Zone Retirement Act and extending the Civil Service Retirement Act to employees of the Panama Canal and Panama Railroad Company, 63 Stat. 475.

1949. Act August 10, 1949, making miscellaneous amendments to the Canal Zone Code.

1950. Act September 26, 1950, to provide for the operation of the Panama Canal by the Panama Railroad Company, as renamed the Panama Canal Company and to reconstitute the agency changed with the civil government of the Canal Zone. 62 Stat. 1076.

1956. Act July 23, 1956, authorizing construction of a high level bridge over the Panama Canal at Balboa in accordance with an agreement with the Republic of Panama. 70 Stat. 596.

1957. Act August 30, 1957, authorizing the conveyance to the Republic of Panama of lands and improvements which U.S. had agreed to convey in 1955 treaty "subject to the enactment of legislation by the Congress." 71 Stat. 509.

1958. Act July 25, 1958, to implement the provisions of the 1955 treaty and associated agreements with Panama covering personnel administration in the Canal Zone. 72 Stat. 406.

1958. Act August 6, 1958, to authorize revision of the Canal Zone Code. 72 Stat. 512.

1962. Act October 18, 1962, revising and codifying the laws of the Canal Zone. 76 A. Stat.

1964. Act September 23, 1964, providing for a Commission to investigate feasibility of, most suitable site for and best methods of construction of a sea-level canal. 78 Stat. 990.

1968. Act June 22, 1968, amending the Act of September 22, 1964, by extending the life of the Commission to December 1, 1970, and increasing the authorization of appropriations for the study to $24 million. 82 Stat. 249.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

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

There was no objection.

RECESS

The SPEAKER. Pursuant to the unanimous consent request, the Chair declares a recess of the House, subject to the call of the Chair.

Accordingly (at 12 o'clock and 39 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 2 minutes a.m.

ADDRESS BY HON. ALEXANDER DEL GIORNO

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

Mr. ADDABBO. Mr. Speaker, the distinguished judge of the Court of Claims of the State of New York, the Honorable Alexander Del Giorno, recently addressed the 21st annual luncheon of the Columbian Lawyers Association, Inc., at Riccardo's in Long Island City, N.Y. Judge Del Giorno will be retiring at the end of this year after having served as judge of the New York State Court of Claims for the past 13 years and before that as city magistrate for 5½ years and as assemblyman for 8 years. I am proud to count on Judge Del Giorno as a personal friend.

I have long admired this true public servant who will be 71 years of age in February. He is the brother of Zachary Del Giorno, a former esteemed and dedicated employee of the House of Representatives, and his career—a Horatio Alger story—holds hope for all who come to our shores from a foreign land and for all Americans.

At this time I place the text of Judge Del Giorno's address to the Columbian Lawyers Association in the RECORD for the information of my colleagues in the House.

ADDRESS BY JUDGE ALEXANDER DEL GIORNO

I feel most highly honored to have been placed by this Association in the category of the great national and international guests who have heretofore spoken on the occasion of its Annual Luncheon. For this I am grateful to our President Daniel A. Castoria, the Chairman Benjamin V. Russo, the co-chairman Alfred J. Anastasi, and all the Officers, Board of Directors and Members of the Association.

Honored guests on the dais, and in the various groupings in attendance here today, and all guests here present, I am concerned whether or not my discourse this afternoon will not amount to more than the proverb "The dog barks and the wind carries it away." Nevertheless, in view of the fact that at the end of this year, I will have to retire as a Judge because of age, I just wonder if I can leave with you a message which in many ways will call upon your emotions and recollections, and perhaps help us to be more aware of where we are and where we ought to be.

I was born in 1900, and through the blessed love of my oldest brother, came here as an immigrant in 1913. He was a barber who raised and educated six children of his own, but still felt an obligation to our family on the other side to bring me and my younger brother here. I recollect how he would watch over us during our growth as a mother chicken watches her brood. Our difficulties were an opportunity for him to encourage us to carry on, for as he would repeat, better days were awaiting us. Every day he would religiously ask us how we had fared in school and would sympathize with our difficulties. He would ever preach to us to choose our friends well, and to keep good company. He would encourage us to study hard because he would tell us that that would be the only way we could reach the goal of a profession, the same goal that he never had the privilege to dream of even though he was a very intelligent person.

My younger brother and I deeply acknowledged in our daily tasks our obligations to our older brother and, I must confess, we did our best to perform as well as we could in school which was in his great desire. For my part I had to do a little bit more, such as opening up the barber shop at 7 o'clock every morning for thirteen years, including Sundays, work until the school bell rang at 8:45 a.m., and then run to school around the corner. After school I would return to the barber shop to continue my work until closing time, which in those days could be anytime from 8 to 11 o'clock at night depending upon the whim of the customers. My studies were between the shaves and haircuts as well as after hours. I had no time for organized sports but being a strong believer in keeping bodily fit would high jump and throw the shot put in our back yard, sometimes at night, by the dim light of our kitchen.

From the very day that I landed on the shores of this beloved land, I would hear my brother, in particular, but also our neighbors talk of the "Melting Pot". The melting pot was, of course, the American Way of Life and all its attributes, privileges and opportunities. Sensing the idea of what the melting pot meant, and the benefits that could be derived by being a part of its boiling mass, I threw myself into every activity possible, starting in elementary school, in order that I might learn about those around me, the Americans, and the American way of life, and that in turn they might learn more of me. I quickly laid aside the thought I fancied that I was the son of an important person on the other side, the head of the Municipal Police, and quickly under the stress of a new, strange but exhilarating life became very humble and observant but, nevertheless, with a burning energy I strove to serve and please, so that I could make friends of the few Italian immigrants in our community, but most of the non-Italians surrounding us in order that I might make myself acceptable among them. That community was Long Island City, and for many, many years, it was, for me, America itself. Every shave I gave with great care and with a big smile, no matter how tired I was, or how non-existent were the tips, for I was determined to please, and in return to be complimented by the people I served.

Alex Del Giorno has spoken of himself only as an example to be presented of the larger picture, for your fathers and grandparents in their own way experienced the same emotions and desires, the same anxieties, and they, too, saw that by devotion to duty, hard work, obedience to the law, devotion to friends, respect of neighbors, and love of the flag, there was a reward for them, the reward of some day calling themselves *American citizens*, and then to be able to say they also were now part of the warp and woof of the melting pot. Your fathers and grandfathers strove hard to learn an extra word of this very difficult language for us Italians, for they knew that communication with others and understanding on their part was basic to their acceptance in the community and to their very happiness and modest success they were hoping for.

I have known so many immigrants who for years were alone in this great land, away from their beloved wives and children, and toiling under harsh conditions, pining only for the day when they could bring them to this hospitable land. It was the rule and not the exception that they slept in some small hallway room, sometimes two and three together to save on rent, or were boarders in the home of some other immigrant whose wife had to take in boarders to help overcome the economic difficulties of feeding and raising a family on the meager wages that they also earned.

Outside of the neighborhood artisans, *that is* the barber, tailor, shoemaker, most of your ancestors worked for long hours at back-breaking jobs of building railroads and subways, excavating, cement and stone masonry, mining, farming, menial and heavy work in factories. They did not work 5 or 6 hours a day as in these days of Unionism, but 10, 12 or even more hours a day to merely keep the good will of their bosses, and their bodies and souls together, ever dreaming of better days for themselves and their children. I remember, as any immigrant would, with nostalgic emotions and true love, the land of my birth, Italy, but once I tasted the nectar of the gods, America, I have never once desired to leave these blessed shores; for here, like your fathers and grandfathers, I found the ultimate prescription for a full life in those rights and those freedoms and opportunities which have enriched my life. I have enjoyed these rights, and made use of them, as was my privilege and yours. Except for a few encounters, no one placed obstacles against my determination to become part of the "melting pot" and thus participate like any other citizen in all matters of public and personal interest available in my community, and in this, my country. In most cases, the educational development of your forefathers was very limited; nevertheless, they came here and labored and labored to give meaning to their dream—the education of their children by which they hoped to make available to them the economic and social advantages that only education could guarantee.

Few among your fathers and grandfathers, like my oldest brother, had a chance to go to school here. They came here to work and to improve their economic condition so that they could help their families back home. In the meantime their biggest handicap lay in their difficulty to learn the language and express themselves to their neighbors. A few of the immigrants returned home because of frustrations due principally to the difficulties encountered with the new language and customs, but to the many who persisted, was that a handicap that could not be overcome? Not at all. They had goals in mind; for me a profession; for most of them an opportunity to save some money and ultimately bring here their families, and then educate their children who must not suffer deprivations as they did for lack of such education.

I vividly recall a scene I witnessed many times when a family became united. The joy, happiness, exhilaration they all felt at being together, together, yes, but this was together in America. That was the highlight of that joyous encounter. Relatives, paisani and friends joined with them, plying them with questions about their own people back home. Some received parcels and letters brought in by the immigrants. There was feasting and drinking, sometimes on borrowed money. But the occasion made even a debt worthwhile.

Nevertheless, underneath it all, Papa had already made arrangements for school. Nothing was going to interfere with this goal. Two or three days later school commenced. Papa could not afford to delay even days in fulfilling this desire which was the beginning of making his dream come true. These, his children, were the tools which he would use to open up many difficult doors closed to him because of his inability to speak the language or understand its customs. He wanted for his sons a profession, if possible. If not possible, he would take account of that later on. Perish the thought of a lesser attainment now.

And from that moment he stood close to his sons, encouraged them to persist, reminded them of their future and his own disability exhibit, because he did not have the privilege of school or, if he did, that privilege was to the 2nd class generally. The children, for their part, gave of their all for such good parents. They strained themselves to make good in homage to their father and mother.

As their studies progressed and the children studied hard the parents could observe evolve through them the American dream they heard so much about but could not fully absorb. Their children, as they progressed in school, represented to the parents their own commitment to the America which was so good to them; the America of opportunity, freedom, equality, generous in its acceptance of meritorious contribution and even more generous in its accolades for worthy achievement.

Everyone here knows of my many years of active participation in the social life of our City and State with the consequent public dinners, but in my memory, I recall the greatest banquets of them all, the banquets given by the parents, paisani, and compatriots, and some of the non-Italian neighbors who admired the students, on the occasion of licensure, as a lawyer, doctor, teacher, architect, engineer and priest. The topping for every dish at these banquets was love, parental pride and admiration, a prayer of deep emotional gratitude to God, all of which amounted to a satisfaction in full for their sacrifices made by the whole family.

Those were the days when welfare was an unknown word. Each person stood on his own and bore the hard knocks of adversity or the pains of dark days by himself. Those were the days too when your neighbors stood by you, to help you in need or distress. In many ways the brotherhood of man under the fatherhood of God, was really practiced in its true meaning. Our people's neighbors were not rich, and often only immigrants or sons of immigrants themselves. Yet a neighbor then felt impelled to give to the other a helping hand although often that giving hand contained hardly more than the outstretched hand. Somehow or other we survived and were the better for it, for in dealing on a personal basis with our neighbors, it made all of us better neighbors, in happier communities.

However, like all other immigrants, your forefathers learned from their children. The children were now part of the operating

elements of the melting pot as they made their grade in business and the professions. Their progress exhilarated the parents who were thus led into a fuller and better view of what made the American ideals tick. Little by little most of these families spread out of the tight limits of their ethnic colonies, which in the beginning were necessary because here were those who understood them and helped relieve apprehensions and fears. They were spreading out within the cities and even into the suburbs. They moved into other States. In other words these immigrant families were now finding themselves if not in the main stream, at least at the edge looking in. Although now better acquainted and more understanding they still looked to their children for the leap forward.

Their children were now starting to break down barriers of language, of bias and prejudice by their very own educated participation in the affairs of the local community. In the nature of things these children married and raised families of their own. This process has naturally and abundantly continued so that today we can fully boast that some of you represent the fourth generation of Italo-Americans. These sturdy seeds of those decent hard working immigrants today flower throughout our land.

The seeds planted by those waves on waves of good immigrants who came here between the 90's and the First World War have now become many, varied but strong trees in the gardens we call America—the great scientists, college presidents, professors, teachers, leading bankers, executives, manufacturers of all types of goods, leading contractors in all fields of construction, generals and army officers in all our military services, Statesmen, politicians, Governors, Senators, Judges in all Courts of the land, Mayors all the way down the line to many Assemblymen and Councilmen, and in particular eminent doctors and lawyers, who perhaps number the most. I remember men like Louis Gallucci, Frank Bellucci, Joseph Loscalzo, and many others, who knew the heavy burden of being pioneers among us, but nevertheless, were most generous and helpful towards the young among us who were striving for position in the community. These men gave us courage.

In a way we have come full circle from the days of the lonely immigrant to the present where Italo-Americans are part and parcel, and in many ways, the shapers of the melting pot. We have not produced angels nor have we produced devils. We have produced 20 million good Americans and like all other races have some bad apples which we, more than anyone else, condemn and wish to eliminate from our midst. But these are few compared to the many who have participated in all our American wars from the First World War on, and who have given proportionately of themselves in the defense of democracy more than the ratio that our total population represents in this great nation. We are patriotic in the truest sense. We know what we owe to this great land of ours and are willing to serve or die for it without whimpering. We deem it our duty.

Necessarily, this talk, long as it may seem, can only be a sketchy reminder of who we are, where we have been and where we are. In a sense, it encompasses my own life and observation of the American panorama and our part in its development.

In this context I come to you, members of our Columbian Lawyers Association, Inc., of which I am a proud member.

I know most of you and your backgrounds. I know that you and yours were part of that vortex of bitter-sweet we went through with our families in order for you to be a lawyer. I am firm in my conviction that your splendid group of American lawyers will stack up most favorably in any area of the law with any other similar group. You have done yourselves proud in your expert and generous services to your clients. You are a bulwark of our Bar Association, of which I know no better group. You have immersed yourselves in the problems of our day. You are rendering honorable and distinctive services as Judges, legislators, public officials and as leaders in your respective communities. You have been in the forefront in support of those among you that you consider worthy of public service. Humbly I acknowledge your devotion and loyalty. I can truly say you have achieved the fulfillment of the "American Dream", and you now share the fruits thereof with your community and the harvest is not exhausted.

I am about to retire after serving 8 years as Assemblyman, 5½ years as City Magistrate, and 13 years as a Judge of the Court of Claims. I will be 71 years of age next February, but you have helped me to remain young. So, on December 31, 1970, I will say, humbly but proudly, "Thank you, my America, and to your ideals. May God protect you forever, for you alone are the hope of the generations of the future as you have been in the past."

My message to you:

We have accomplished much, but much more is due to us. Many places you could fill in our public life are still to be attained to really give meaning to that distant dream of your forebears. It is in your young hands. Go after them and they will be yours, if you only will not flinch on the way. God be good to you!

JOINT SPACE EFFORTS

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

Mr. MILLER of California. Mr. Speaker, on October 29, 1970, NASA reported that an agreement had been reached with the Academy of Sciences of the U.S.S.R. on procedures and a schedule for joint efforts to design compatible space rendezvous and docking arrangements.

This agreement results from the long and continuing NASA effort to expand the present limited cooperation between the United States and the Soviet Union in space activities. It specifies that each side will provide the other with supplementary technical information and a draft of technical requirements for those systems which it is judged should be made compatible. Joint working groups will then meet to refine these requirements and attempt to develop a single set of requirements for compatibility. The two sides will then independently work out preliminary systems designs. When this has been done, NASA and the Soviet Academy are to consider together what implementing action to take.

I am now informed that the agreement has been confirmed by an exchange of letters between Dr. Low and President Keldysh of the Soviet Academy. Since compatible docking arrangements could open the way to a wide variety of future activities in space, I consider this a matter of considerable importance and include the text of the agreement in the RECORD at this point:

SUMMARY OF RESULTS

Preliminary Technical Talks Between Representatives of the USSR Academy of Sciences and the US National Aeronautics and Space Administration on the Question of Providing for Compatibility of Rendezvous and Docking Systems of Manned Spacecraft and Space Stations.

I. In accordance with an earlier understanding between the leadership of the USSR Academy of Sciences and the US National Aeronautics and Space Administration, preliminary technical talks were held in Moscow, October 26-28, 1970, in which problems of providing for compatibility of rendezvous and docking systems of manned spacecraft and space stations were discussed.

As a result of the exchange of views and information on existing rendezvous and docking systems, the parties outlined a possible approach to providing for compatible systems.

II. It was recognized that the following questions merit further study:

1. Passive reflectors of the radio guidance systems, their location and characteristics.

2. Passive reflectors of the optical guidance system, their location and characteristics.

3. The radio-technical guidance equipment, utilizing active radio signal transmission and return, including its elements, location and characteristics.

4. Lighting equipment for rendezvous and docking, its elements, relative location and characteristics.

5. Benchmarks and reference marks for orientation during rendezvous and docking, their location and characteristics.

6. Coordinate systems for reference in developing rendezvous and docking techniques for spacecraft and space stations.

7. The docking assembly, inner tunnel and electrical, pneumatic and hydraulic couplings.

8. Pneumatic, hydraulic and electrical couplings and connectors between space suits and on-board equipment of the spacecraft or stations and their characteristics, the dimensions of hatches and the means of opening them from the outside (in the event that assistance needs to be rendered from the outside).

9. Composition and characteristics of the cabin atmosphere.

10. Voice and code communications between spacecraft.

11. Dynamics of docking and the stabilization of system after docking.

12. Constraints on the location of thrusters, solar batteries and other design elements which should be borne in mind to assure the possibility of docking.

III. The parties have agreed on the following procedure for further work:

1. To conduct, by correspondence, during the month of November 1970, a mutual exchange of technical materials on radio guidance and rendezvous systems, on the composition and characteristics of spacecraft atmospheres, and on systems of voice communications.

2. Each side will prepare its own draft of technical requirements for systems for which it considers it advisable to assure compatibility and, in January-February, 1971, will send these documents to the other side for preliminary familiarization.

3. In March-April, 1971, a meeting of working groups will be held for the purpose of which it is desirable to provide compatability, and to discuss these technical requirements with the goal of recommending common requirements. However, if the parties consider it necessary, they may choose to hold a prior meeting between the responsible representatives of the USSR Academy of Sciences and the U.S. NASA for the purpose of discussing the draft technical requirements in a preliminary manner.

4. After agreement on the technical requirements each side will independently work out preliminary systems designs.

5. After development of the designs, the representatives of the USSR Academy of Sciences and the U.S. NASA will consider them and determine what further work is necessary to assure compatibility.

IV. For the conduct of the meeting in March-April, 1971, the parties consider it advisable to form three working groups:

WG 1—Working Group to assure the compatibility of overall methods and means for rendezvous and docking. (Charged with the task of specifying systems for which compatibility should be assured, the selection of rendezvous methods, the consideration of items 6, 8, 9, 12 and, in part, items 1, 2, 3, 4, 5, of Section II as they concern the location of rendezvous and docking systems elements, and such other questions as are not included in the tasks of the other two Working Groups.)

WG 2—Working Group to insure compatibility of radio guidance systems, optical and other guidance systems and communications. (Charged with consideration of items 1, 2, 3, 4, 5 and 10 of Section II.)

WG 3—Working Group to assure compatibility of docking assembly and tunnel. (Charged with consideration of items 7 and 11 and, in part, items 5, 8 and 12 of Section II.)

The parties have agreed that the numerical composition, the place of meeting of the Working Groups, as well as specific dates for the meetings of the Working Groups, will be agreed upon subsequently by correspondence. The Working Group meetings will be conducted alternately in the two countries.

It is understood that rendezvous and docking are considered here only for occasions on which there is mutual agreement for such activities.

V. This *Summary of Results* shall enter into force after its affirmation by the President of the USSR Academy of Sciences and the Administrator of the National Aeronautics and Space Administration, and the parties shall inform each other of such affirmation by mail.

Done in Moscow, October 28, 1970 in duplicate, in the English and Russian languages.

For the USSR:

B. N. Petrov; K. P. Feoktistov; V. S. Syromyatnikov; V. V. Suslennikov; and V. A. Lavrov.

For the U.S.A.:

Robert R. Gilruth; Arnold W. Frutkin; George B. Hardy; Caldwell C. Johnson; and Glynn S. Lunney.

THE REGIONAL INTERVENTION PROJECT OF THE PEABODY COLLEGE KENNEDY CENTER

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

Mr. FULTON of Tennessee. Mr. Speaker, one of the most imaginative and successful programs designed to help children who are seriously disturbed is being carried on in my district.

It is the regional intervention project which offers training for children under 36 months whose behavior is so disturbed that they are a serious family disruption or whose behavior makes them high risks for eventual institutionalization.

The program, known as RIP, is being carried out at the John F. Kennedy Center at George Peabody College for Teachers in Nashville under a grant made possible by the Handicapped Children's Early Education Assistance Act administered by the Bureau of Education for the Handicapped in the U.S. Office of Education.

The purpose of RIP is to modify behavior that is recognized as unmanageable, for example, the child is negativistic, or destructive, or for no known physiological reason does not speak. Intervention includes involvement of parents, particularly mothers, so that the methods can be implemented in the home and eventually in the community. RIP seeks to demonstrate that a parent-implemented regional system for such early intervention is economically feasible.

Mr. Speaker, an excellent article on the work of RIP was recently written by Mr. Max York of the Nashville Tennessean and printed in that newspaper's magazine section on November 15, 1970. I include Mr. York's article in the RECORD at this point and commend it to the attention of our colleagues:

"THIS HAS SAVED MY CHILD FROM BEING A NOTHING"

(By Max York)

"My son is in every way a lovable, normal kid, and I like him."

This is hardly a startling statement from a proud and pretty red-haired Nashville mother. But then this isn't the beginning of the story. The son was not always lovable, and the mother did not always like him.

"He was an unhappy, crying child from the moment we brought him home from the hospital," the mother says. "As he grew, he became active, so active I couldn't keep up with him. He cried day and night.

"If we asked him to sit in a chair or wash his hands, it meant a confrontation. He would bolt in front of cars, if we didn't watch him constantly. He was always hitting and abusing his parents or anybody else who got in his way. When his baby sister came along, he hated her.

"The baby stayed bruised from his hitting her. The doctors put him on drugs. That helped for a while. Then the bottom fell out. His behavior got so bad we were afraid we were going to lose him. He showed no signs of fitting into society.

"We were really fearful about the kind of child we had brought into the world. I really thought we had produced the next Richard Speck (the convicted killer of the Chicago nurses).

"Our home life deteriorated. My husband said he just didn't know how long he would be able to do his work.

"It all came to a head when my son took his little sister's hand and held it over the stove, causing a second-degree burn.

"My pediatrician told me something I already knew: 'You need help.' He told me to call Dr. John Ora at the Kennedy Center. He told me to call him right that minute. I didn't. I waited until I got home.

"I said to myself, "That guy won't see me.' But I called him and later he returned the call. He began to talk. He mentioned that he didn't do things in the traditional way, and I could just picture him in my mind—beard, sandals and flaky ideas. But I was desperate. I had to give him a try, beard, sandals and all. He told me to come in the next day.

"I was surprised. He didn't have a beard, and his hair was in a crew cut."

That's how the red-haired mother came to know the Regional Intervention Project for Pre-Schoolers and Parents at the Kennedy Center, George Peabody College for Teachers. In simplest terms, the Regional Intervention Project has as one of its aims turning unmanageable brats into nice little boys and girls.

This almost miraculous change is accomplished by training parents in some relatively new and simple concepts. Once trained, it is mothers who run the project and make it work. This is causing national attention to focus on the project.

Here's how it works. A mother arrives with a child who has a severe behavior disorder. The other mothers assure her she is not alone and that something can be done. They know from experience. The staff and the mothers train the new mother.

The basic idea behind the project suggests that if you praise a child when it is good and immediately ignore it when it is bad, the pattern of behavior can be corrected. Once this idea is placed in the mind of the mother, she and the child go into a play room to put the theory into practice.

On a blackboard in the room, there is a list of 10 toys. The mother offers the child the toy at the top of the list. If the child plays with the toy, it is praised. Should the child show some unfavorable behavior, the mother immediately turns from the child.

Every two minutes, observers watching through a glass-covered window signal for a change of toys. The observers, usually a mother and a Peabody student, make notes on how the mother handles these situations.

"During the past five years, there has been a breakthrough in knowledge on how to control behavior," says Dr. Ora, the project director. "We take no credit for that. What we have done is come up with a service delivery system that features low cost and high benefits. In the past, there just hasn't been anywhere these parents could go. About all they could do was pay to put them in an institution, and that cost an average of $6,000 a year and sometimes as high as $18,000.

"This program is much more effective than it would be if it were run by pros. We felt that the program would work, but we have been surprised at just how well. The fact that mothers are doing what child psychiatrists have been doing doesn't bother us, and the fact that mothers are training college students is a real mind blower to educators."

Once their own child's behavior is under control, the mothers are expected to donate a few hours a week to the project. She might take data, guide tours or play with children. There are only three paid staff members who provide service to the parents and children. Most of the work is done by the mothers.

"The problem is we don't notice a child when he is doing good," a mother tells some visitors. "When he bangs a door, we do. A child quickly learns to get attention that way. We have to condition ourselves to do just the opposite. We have to do it until it becomes natural. After a while, I noticed my child was talking more. Maybe that was because we were talking to him a lot more."

"I took my child to a pediatrician," says a blonde mother. "He wanted to know if my husband was an alcoholic. I didn't go back to him. I took the child to a psychiatrist. He didn't even look at the child. He put him on drugs.

"The child had made a shambles of our home life. It was so bad my older daughter stayed away from home as much as she could. My husband tried to play golf all the time. My older daughter was perfectly normal. I kept telling myself it couldn't be all me.

"We couldn't take the child anywhere. When he was two, he turned over a chair at Shoney's. He threw food. He wouldn't do anything you told him. He jumped out of his bed and broke his collarbone. He cried all the time.

"I heard about RIP. Without an appointment, I came over and almost demanded help. It had gotten to the point I kept asking myself, 'Am I going to make it through the day?' I went into the parents class and began working with the child.

"Now I have a bright little boy. I'm proud I have a son I can enjoy. We read together. We do things together. After a year, I'm still excited about the project."

"My son is almost three," says a pretty dark-haired woman. "He could say only a very few words. He would say a word when he wanted something. He didn't play. He would spread chocolate syrup all over the kitchen. He kept turning on the stove. He would grab the iron. He wouldn't go to bed. He wandered off. I had to keep the doors bolted. Once he climbed the fence to the interstate highway. He wouldn't cooperate.

"Now he is in a regular play school. He talks all the time. He knows his ABCs. He can count to 35. He knows nursery rhymes. He wasn't happy before. Now he is. This has saved him from being a nothing."

"None of this comes easy," says another mother. "We never tell a mother it is going to be easy. It's one of the hardest things a parent has to do, but I can't express what it has done for our home life."

"Every morning was a confrontation at our house," another mother says. "It was exhausting and demoralizing. We couldn't have meals together. After two weeks here, everything was under control. Once he understood the rules, that was it."

The parents pay no fee for participation in the project. Federal funds meet the cost. Dr. Ora and Dr. Ronald Wiegerink, chairman of the Department of Special Education at Peabody, wrote the grant, which comes under the Handicapped Children's Early Education Assistance Act which is administered by the USOE's Bureau of Education for the Handicapped.

Generally, there are three types of children who are accepted by the project. All must be under 36 months of age. First, there is the oppositional child—such as those described earlier by the mothers. Because these children can be taken only on small numbers for research purposes, they must be referred by a pediatrician.

Next, there is the hard-to-manage developmentally slow child. These behavior disordered retardates are referred by pediatricians, general practitioners, public health nurses, psychiatrists or other professionals. In these cases, sometimes only simple advice is needed.

The third group is the project's main target—those children with suspected early childhood autism. Parents of these children should contact Mrs. Joann Ray, the project coordinator, at 327-8084 immediately. What is an autistic child? There are a number of symptoms. If a child has some of them, he may be autistic.

An autistic child is sometimes too excited to be fed. Learning to suck may be a problem. Problems with milk and wheat digestion are not uncommon. Some will not chew. They will eat only strained food. A child may be hooked on certain foods or will eat only from certain utensils.

Day-night sleeping may be reversed in some cases. Crib rocking and head banging—sometimes very severe—are common. He may get hooked on certain objects—such as a toy or a string—or some activity for hours. He may be in a shell or a dread world with no contact with others. He may seem deaf, but can still detect unusual sounds. He may insist on no change in his surroundings.

Some will not reach or adjust to being picked up. He may have clear speech, but only to repeat what has been heard. He may be fascinated by music. He may reverse pronouns, such as "you" for "I." He may show no imitation—such as pat-a-cake. He may not recognize his parents or he may be terrified of all strangers.

The presence of all these behaviors in one child would be rare, but failure to imitate normally and withdrawal from others is seen in almost every case.

"There are about five of these children born every year in Nashville," Ora says. "This means there are five families that can be destroyed. We know they are there, but we are not finding them. These families need massive support so they will not be torn apart. We can help stabilize the family and help control the behavior problem.

"We can't take them over 36 months old. This means there are about 15 out there. These children are heading for severe trouble. It will mean a severe strain on the other children. It's important that we get them."

What is it like to have an autistic child?

"We kept moving looking for help," says the mother of such a child. "We didn't know what to do. When he was very young, I knew something was wrong, but pediatricians kept telling me I was over anxious. He jumped up and down all day and made weird noises. At three, we started looking for help. At 3½, he couldn't talk but one day he said the pledge of allegiance to the flag. He began to withdraw. He was confused when he got out of the home. One day, he walked through a kid's ballgame. There were 25 or 30 of them playing. He walked through them, missing each one by a quarter of an inch. He saw them, but he didn't know what to do."

From Kansas, the woman and her family moved to Nashville and got the help they needed. The child is eight years old now and is in a Metro special education class.

Meantime, in the Kennedy Center hallway a mother is pulling a child's wagon loaded with a group of formerly oppositional children.

"Look at them," says Ora. "A few months ago, they were not even manageable by themselves. Now they are perfectly happy playing together. A year ago, their only alternative was emergency psychiatric help.

"We are going to get out a film for national educational television showing this method. We want to get this into the schools. It will mean changing cultural attitudes, but if we could get every mother to put these ideas into practices, there would be no more brats, no more Dennis the Menace."

That may be only a dream, but you couldn't convince the red-haired mother.

"In a month, his hitting was under control," she says. "A month later, he liked us. Then slowly he began to change. He's five now, and he's in a regular preschool. I now expect him to grow up and do something good."

DISTORTIONS BY EDITORIAL WRITERS

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

Mr. BROYHILL of Virginia. Mr. Speaker, I want to call the attention of this Congress to the unbelievably careless and lackadaisical fashion in which some Washington area editorial writers are gathering material for their editorials these days. I do not believe they are guilty of malicious distortion, although this is possible. I believe their problem is ignorance, which is equally unforgivable.

Let me cite two examples.

Last week I found it necessary to correct a WTOP-TV editorial which accused me of attempting to satisfy my ego by engineering a grudge amendment to the District of Columbia revenue bill, an amendment which I did not author and did not speak for or against, nor did any other member of the subcommittee that considered the measure, including those liberals who are first string teammates of WTOP's editorialists.

Then this past Sunday the Washington Star, a newspaper which used to enjoy a reputation as being fairly responsible, carried an editorial on the same revenue bill, and included therein a totally untrue statement.

In their venomous determination to attack the sections of the bill which include the transfer of Lorton to the Bureau of Prisons and withhold revenue funds until the District complies with provisions of the Highway Act, the Star said, and I quote:

> Both these absurdities previously have been thrust aside by Congress.

Mr. Speaker, it is possible that faulty memory and inadequate research could have caused the Star to forget that this House overwhelmingly passed the District of Columbia crime bill some months ago with the transfer of Lorton included therein. It is even possible that some stretching of the truth might justify their interpretation that the deletion of the Lorton provision agreed to in the House-Senate conference represented "thrusting aside by Congress." But every Member of this House who was on the floor the day the District of Columbia revenue bill of 1969 passed the House knows that it included a provision, sponsored by my colleague, the gentleman from Washington (Mr. ADAMS), and myself, that withheld funds from the District government until it complied with provisions of the Highway Act. I am sure most of them also know that this provision remained intact and was signed into law, and that the result was compliance on the part of the District government, however reluctant.

Mr. Speaker, I have been attacked many times by editorial writers for actions I have taken. I have never objected to the right of editorialists to espouse a radical-liberal philosophy with which I do not agree. But I think their right to criticize carries with it an obligation to know all the facts. I suggest therefore that in the future those charged with formulating the editorial policy for major segments of the news media might shorten their lunch or coffee break a little so they can delve more deeply into the subjects on which they hope to sway public opinion and congressional action.

RAILROAD EMBARGO

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

Mr. WHITE. Mr. Speaker, many of you have received, as I have, this communication from the Postmaster General:

> Postmaster General Winton M. Blount announced today that in view of the apparent imminence of a rail strike an embargo is being placed today on movement of all second, third, and fourth class mail beyond 300 miles of origin. Regional postal officials were notified the embargo would go into effect at 4:00 P.M. local times.

Mr. Speaker, I believe this is a highly precipitous action here at the holiday season, in view of the fact that no rail strike is as yet in progress and this body has been engaged this afternoon in efforts to prevent any such strike. I am sure such an embargo has already proved a tremendous inconvenience to millions of people throughout this country busy with Christmas mailing and I hope the Post Office Department will rescind the order in view of the actions being taken by this House this afternoon.

HUNTING WILDLIFE FROM AIRPLANES: A PRACTICE THAT MUST CEASE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, before calling our colleagues' attention to an important article on the subject of wildlife hunting, I want to personally commend each Member of the House for his approving vote on H.R. 15188 on December 7. With House passage of the bill, half of the long, hard battle has been won to protect all endangered species of wildlife from the ravages of a few mindless, heartless, human predators.

It is my sincere hope that our colleagues in the Senate will soon approve the bill. An article in the December issue of Outdoor Life should help to persuade Members of the other body of the necessity of the measure. The article, "The Angry Men," by Ben East, follows:

[From Outdoor Life, December 1970]

ALASKA'S DARK HOUR: THE ANGRY MEN

(By Ben East)

Listen to the story of an angry man.

In the fall of 1969 John Butler went back to the Talkeetna Mountains of Alaska for his fifth Dallsheep hunt.

Butler—a retired U.S. Navy commander, 52 years old and a biology teacher at a boys' school at Pottstown, Pennsylvania—is a conscientious and dedicated sportsman. He had served in Alaska from 1952 to 1956 and had hunted extensively in the Chugach-Talkeetna Mountains, on the Kenai Peninsula, and in the Susitna area. His four earlier ram hunts, all made with pack outfits, had been among the most thrilling experiences of his life.

"The taking of a hard-won trophy is meaningful and rewarding largely because of the time and effort spent," he told me.

Now Butler had a special reason for going back. After an absence of seven years (he had made his last hunt in 1962) he was returning to Alaska to introduce his 15-year-old son Jimmie to the thrills and challenges of sheep hunting.

A few days before the 1969 season opened, he and Jimmie rode into the Talkeetnas with a packstring. Red Lyons, a registered guide from Anchorage and an old hunting companion of Butler's, and Red's son Lake, about Jimmie's age, completed the party.

On the way to the high meadows at the headwaters of Carabou Creek, where on two of his previous hunts Butler had seen as many as 75 sheep and had taken two good rams, Lyons pointed out a number of bush-plane landing strips along the creek. Each strip was littered with oil cans and rubbish.

"The sheep hunting here isn't what it was," he warned.

That remark was to prove the understatement of the year, Butler says now.

In one day of preseason scouting and three days of hard hunting, he and his son did not see one Dall. Discouraged, they broke camp and moved to Mazuma Creek, where they soon located a band of 23 sheep but no good rams. Late that day a light plane showed up and hazed the entire band into another basin.

Before the Butler party left camp the next morning, they saw two hunters on foot take stations on a ridge above them. Then they heard the drone of an approaching aircraft and watched in helpless anger as the same plane they had seen the day before hazed the 23 sheep back across the ridge and deliberately drove them in front of the two hunters. There were no shootable rams in the band, however, and neither hunter fired.

The next morning, Butler and Lyons spotted a small band of ewes, lambs, and young rams at the top of a nearby mountain. A little more glassing turned up a solitary ram with a three-quarter curl bedded nearby. Commander Butler decided that this ram was good enough for Jimmie to go after, and they rode to the base of the mountain and started the stalk up a steep slope.

A hard climb brought them to a ledge 150 yards from the sheep. Then they heard a plane coming again: the same light aircraft they had seen before. It dipped low, buzzed the band of Dalls, and drove them out of sight. Then it circled back and zoomed down at the lone ram. He fled over the ridge and disappeared.

"I have never come so near to committing murder as I did at that moment," John Butler admits. He was not even able to read the numbers of the aircraft. Their color was so close to that of the plane that they could not be made out.

Young Jimmie Butler's first sheep hunt was finished. Defeated and outraged, the party pulled out the next day.

"Those alpine meadows must be returned to the rams, free from airplane interference," Butler says today. "The present rule that hunters can't hunt on a day they are airborne is not realistic and isn't working. Get the damned aircraft out of the sheep meadows! Unless Alaska wakes up, its ram hunting is doomed. Trophy Dalls are getting very hard to find. And hunting for brown and grizzly bears is being ruined in the same way."

John Butler is only one of the many angry men who have come to OUTDOOR LIFE in recent months to protest the outrages that are being inflicted on the wildlife resources of Alaska, to plead that this magazine look into the reasons, and to ask what can be done to avert disaster.

Some of these men are Alaskans. A surprising number of them work for the state's own Department of Fish and Game. Some are nationally known conservationists from outside the state. Others are nonresident sportsmen who have hunted there in recent years.

Wherever they live and however they earn their living, these men have two things in common with one another:

Disgust with the way things are going.

Deep concern for the future of Alaska's game.

One of the angriest men we have heard from is Gene Kvalvick, a registered guide living at Anchorage. For more than a year he has bombarded us with letters, newspaper clippings, government reports, and other evidence to prove his claims that the fish and wildlife resources of his home state are going down the drain and that far too little is being done about it.

"The game populations remaining in Alaska are in grave danger, and the danger comes not from wolves," Kvalvick wrote us last winter after bitter controversy erupted over the showing on a national television network of a film of an Alaskan aerial wolf hunt for bounty.

"It comes from people," he went on, "from the grocery clerk, the builders of the Hickel Highway, the developers, the oil companies, the pipeliners. Most of all, it comes from airborne guides and snow-machine-riding 'sportsmen' who harass the game herds endlessly.

"Our game department's protection officers are too few, underequipped, overworked. The game laws are hard to enforce up here, and the penalties are not severe enough. A $500 fine for killing a McKinley Park bear doesn't hurt a guide who has thousands of dollars tucked away in the bank—money paid by other clients who were interested only in getting a bear rug the easy way.

"There is widespread violation of the game laws by hunters using snowmobiles. Caribou, because they travel together in large numbers, are particularly vulnerable to unscrupulous and unsportsmanlike use of these machines. When a snow machine takes off in pursuit of a herd that is moving across snow-covered lakes and ridges on migration, the outcome of the chase is a foregone conclusion.

"Moose, among the most magnificent of Alaska's trophy animals, also are pursued and run down by snow machines and are spotted from the air.

"I hold no hard feelings toward a native who may use his snow machine to take a moose or caribou to feed a hungry family. But the so-called sportsman—who lives in a costly home and owns a car, a truck, and maybe a couple of snowmobiles—should go about his hunting differently.

"Aircraft and cross-country vehicles are necessary to travel in this state, but their use as an aid to hunting must be stopped. The law provides that 'No hunter or guide shall take or assist in taking brown or grizzly bear or sheep on any day he is airborne.' That law needs to be amended to apply to any cross-country vehicle as well, and to include every game animal in Alaska. Almost 6,000 snow machines are registered in the state now, 4,000 of them in Anchorage alone, and far too many of them are used in hunting."

Among those who agree with Kvalvick is U.S. Representative John P. Saylor, conservation-minded congressman from Pennsylvania, who has gone so far as to propose a ban on the use of aircraft, motorboats, snow machines, and all other powered vehicles in hunting on all federal lands. The area covered would include more than 90 percent of Alaska.

"Saylor's proposal will get the support of every real sportsman in the nation," comments George Pollard, an Alaskan master guide.

Last summer the game department announced 1970 hunting regulations, which included an authorized kill, by permit, of 2,725 antlerless moose in 14 game-management units. It was then the turn of some sportsmen's clubs to get angry.

The Sportsman's Game Preservation Society of Anchorage bought a full-page ad in the Anchorage Daily News to protest the proposal, basing its objections in part on a lack of adequate provision for law enforcement.

"The average Alaskan hunter believes that the proof of the pudding is in the eating," the ad read. "When he goes out each year and finds game scarcer and harder to bag, he is inclined to have doubts about some of our game policies. Some even believe that it might be wiser to have fewer biologists and more enforcement officers. The latter might apprehend the wanton-waste violators who take the antlers and leave the meat to waste, and those who shoot game animals and leave them for bear bait."

Want to hear from a few more angry men? Some of the harshest criticism comes from longtime employes of the Fish and Game Department whose names must be withheld if they are to keep their jobs.

As a veteran protection officer put it, "It would not be wise for me to jump out from behind a rock and start raising hell publicly."

Indeed it wouldn't. A regulation of the department—drafted by Augie Reetz, a former commissioner, and still in effect when this article was written—provides: "In matters pertaining to the fish and game policies or programs of the department or the state administration, the employe is obligated to defend those policies or, if he is not in accord with them, to refrain from any comment."

It was because of that rule that Dr. Robert Weeden, a top-ranking game biologist and one of the best-known conservationists in Alaska, quit the Department of Fish and Game last year to become a representative for the Alaska Conservation Society and the Sierra Club.

Wallace Noerenberg, the present fish-and-game commissioner, told OUTDOOR LIFE after a sharp legislative hearing last spring that he intends to replace the "gag rule" with a voluntary professional code of ethics for employes of the department. But in any case, with the Governor of Alaska looking over the game department's shoulder and holding the whip hand, it's a safe bet that any employe who openly criticized policy or performance would not remain long on the payroll.

So it was no wonder that the protection officer I referred to earlier asked to be kept anonymous.

"But I'm not just an outraged sportsman," he continued. "I have worked in professional wildlife management for many years, and I know what's going on up here. If things get much worse I'll resign my job and really raise some hell."

One of Alaska's top game biologists has this to say:

"Your story on the North Slope oil boom and the TAPS pipeline (see "Is It TAPS for Wild Alaska?" OUTDOOR LIFE, May 1970) must be told over and over again until the people of Alaska take notice of what the politicians and oil interests are doing to this state. I have lived in Alaska for 20 years and have seen it from one end to the other, and I don't like what's happening. Worst of all, the pillage has official sanction."

Speaking of that same OUTDOOR LIFE story, another veteran employee of the department wrote me, "You drew a little blood. Great! All of our Fish and Game Department people who read the article agree that it was a good job. And it was high time too."

"Alaskans are gunshy about outsiders interfering in their affairs," said another staff man of the department. "But without outside pressure, I fear greatly for the future of fish, wildlife, and wilderness areas up here."

There is plenty of evidence to support these bitter charges. Take the bear situation, for example.

In the Fairbanks Daily News-Miner last July—in a front-page story under an eight-column-wide headline that read "Polar Bear Hunting Out of Hand"—Joe LaRocca, the paper's resource editor and one of the top outdoor writers in Alaska, had this to say:

"For the record, 311 polar bears were taken legally by 468 licensed hunters along Alaska's north and northwest coasts during the 1970 season, which lasted from February 1 through April 30. The quota for the season had been set by the Fish and Game Department at 225.

"But another 100 polar bears, possibly more, were taken illegally by hunters led by a few unscrupulous Alaskan guides who consistently flout the state's hunting regulations with the brazen savvy of men who know that their chances of being apprehended are almost nil. And even if these guides are caught red-handed, the odds are that they won't be prosecuted, because of a loophole in the law that's big enough to drive a herd of caribou through. And if prosecuted, they won't be convicted.

"The Fish and Game Department's protection division readily admits that policing the annual polar-bear hunt—its toughest assignment—is a token and ineffectual effort, because of budget limitations. One veteran officer calls it a farce.

"This year the enforcement problem was compounded by a deficiency in the guiding regulations that discouraged the protection division from even bothering to send its officers onto the icefields to police the hunts. Certain guides have discovered a flaw in the regulation limiting the polar-bear kill, a flaw which the state's own attorneys say renders the regulation unenforceable.

"Individual guides are permitted to lead six successful hunts and to assist another guide in the taking of six more polar bears. But a final 21-word phrase in the limitation nullifies it, by applying it only to guides licensed for arctic operations. Thus a guide who has participated in the taking of 12 bears, six of them with another arctic guide, may take any additional number as long as he is accompanied by a nonarctic guide.

"A few greedy operators have pounced on this loophole in the last two years and flagrantly exceeded the 12-bear limit. The Fish and Game Board, which has authority to fix regulations, was asked at its December 1969 meeting to eliminate this final phrase. But, inexplicably, no action was taken and the rule remains unchanged."

LaRocca quoted Don Roberts, the protection division's area supervisor at Fairbanks (his region, which takes in the arctic hunting areas, covers 430,000 square miles), as exonerating many guides from blame.

"We've got some fine upstanding guides up there," Roberts told the News-Miner writer. "They understand that their livelihood depends on proper management of the resource. But others don't. They take all they can get."

LaRocca went on to point out that the enforcement staff in that part of Alaska is deplorably shorthanded and lacks proper air support for its operations.

"Department policy forbids its airborne personnel to stray from the frozen coastline during patrol, except in tandem with another aircraft," he explained. (Guides invariably use two planes in their hunting operations, for safety.) "And since the protection division rarely has one, much less two, aircraft at its disposal, the only policing weapon is effectively disarmed.

"Despite heavy hunting pressure—indicated by the fact that last April some 35 hunting planes were 'on the line' at Kotzebue at one time, waiting for weather to clear—the Fish and Game Department was able to maintain only one officer in the entire arctic north and northwest on a full-time basis last spring. He commuted from his base at Nome to Kotzebue and other points where polar bear hunts originate. But no officer was sent to Barrow or Barter Island, and hunts out of those places went wholly unpoliced."

A ranking Fish and Game Department official told LaRocca candidly, "We lost complete control of the polar bear hunt this year."

In a confidential letter to me last May, a high-level official of the department said:

"Things have really been hot on the bear-hunting front this spring. The guides have been running wild during the recent seasons on polar and brown bears, flagrantly violating any and all game laws and bragging openly about it. They know they won't be successfully prosecuted. Some of the stories brought back by our men who were in on these seasons would turn your stomach. It's a sad situation, and I'm afraid it's going to affect bear hunting for some time to come."

Statistics support this gloomy forecast. Alaska's legally reported kill of brown and grizzy bears plummeted from 854 in 1966 to 486 in 1969. There is, of course, no record of illegal kills.

Charles J. Keim is dean of the College of Arts and Letters at University of Alaska, a fellow of the Explorers Club, and also, somewhat surprisingly, a registered Alaska guide (where else could that happen?). He says, "Oil-prospecting activities on the treeless North Slope have so reduced the grizzly population of that region (one of the last large reservoirs of the species) that Alaskan officials found it necessary to eliminate the 1970 spring season by an emergency order. As a result of illegal hunting in the oil area, and illegal and aerial hunting on the offshort ice, the grizzy and polar-bear populations are in desperate straits."

Gene Kvalvick described for me a situation that leaves the way wide open for actual illegal market hunting of polar bears.

Alaska game regulations prohibit the sale of brown or grizzy-bear pelts and the pelt of any polar bear taken with the aid of aircraft. However, the sale of polar-bear skins taken by other methods is permitted. This exemption is intended to allow Eskimos to sell the skins of bears they kill legally, within the quota limits imposed by the game department.

In actual practice the exemption amounts to a loophole in the law as wide as a barn door.

"If we see a polar-bear pelt offered for sale in a store in Kotzebue, for example, there is absolutely no way we can determine whether the bear was killed by a native or by a hunter using a plane," Fred Walstad, assistant director of the game department's protection division, told me.

Game authorities do not believe, however, that there is any widespread illegal traffic in polar-bear skins, even though a small skin starts at a price of $200 and, according to Alaskan guides, trophy pelts are worth $1,500 to $2,500.

The same cannot be said, however, for brown and grizzly hides. Kvalvick claims that they are frequently advertised openly for sale in the classified sections of Alaska newspapers. He adds that fish-and-game protection officers can do little beyond warning the would-be seller that the sale is illegal.

"Recently a bear rug was advertised in an Anchorage paper," he relates. "Protection people warned the advertiser, and I then phoned him. I was told the owner lived in California. When I said I wanted a bear rug badly I was given the owner's name and address. In reply to a letter I wrote him, he offered to hold the rug for me to pick up if I would send him a check. He did not offer to ship it to me, probably because it had been taken out of Alaska illegally in the first place."

The magnitude of this illegal traffic in bear-skins was revealed in a second shocking story by Joe LaRocca, which appeared in the Daily News-Miner 10 days after his polar-bear piece.

Said LaRocca: "Deepening concern among the state's game officials over the destiny of Alaska's renowned but diminishing grizzly bears—pelt size is shrinking along with populations—has spawned a far-reaching investigation, now in its eighth month of hide smuggling. The investigation's probing tentacles so far have crept into 27 states and several foreign countries.

"It involves help from dozens of U.S. Fish and Wildlife Service officers throughout the country, as well as State of Washington Game Department aides, and has already led to the successful prosecution of five Alaska residents for illegally smuggling grizzly hides out of the state.

"Charges also are pending against two Alaskan guides, one of whom is suspected of illegally exporting 15 of the coveted bear-skins during one year's time, when the yearly bag limit for guides was four grizzlies.

"Additional charges are possible against dozens of other offenders involving more than 100 'suitcase bears' (surreptitiously exported hides are frequently packed and carried out of the state by nonresidents in personal luggage).

"The investigation began routinely enough. In November of 1969 three Alaska Fish and Game Department biologists were sent to taxidermy centers in Washington and Colorado, where a majority of trophies from Alaska go for processing. All bears taken in Alaska must be reported to the game depart-

ment for sealing, both as a control measure and to provide biological data.

"It was believed that a comparison of the state's sealing records with the records of the principal taxidermists known to handle Alaskan trophies would provide a useful indicator of how well hunters and guides were complying with the state's sealing requirements. There was at that time no intention to pursue the inquiry beyond a gathering of information.

"But the initial scrutiny of taxidermy invoices revealed a staggering total of 198 brown and grizzly hides received by four major taxidermists in Seattle, Spokane, and Denver in one 18-month period—all believed to be of Alaskan origin—that could not be traced to the state's own sealing records. In that same period the records showed that 600 to 700 skins were sealed, indicating that for every three bear hides that met the law's requirements, one was being exported illegally.

Publicity was suppressed while the investigation went on, but the essential details of the story leaked out, giving rise to suspicion that the matter was being hushed up to protect certain influential guides (a practice not entirely unprecedented in the department's recent annals). This writer was among the early skeptics and undertook an investigation of the investigation. This led to a frank and candid working relationship with the investigating officers, resulting in an agreement to suspend all public revelations that might jeopardize the probe.

"Subsequent investigation reduced to 164 the number of pelts that could not be accounted for. Of the owners of those pelts, 22 held Alaska addresses, 13 were outside the U.S., and 13 had no addresses. The rest were scattered through 27 states, and in many cases the names of the owners overlapped or were duplicated, so that a total of 166 people in 27 states were implicated.

"Further winnowing has now reduced the number of hides that are undoubtedly illegal to between 100 and 120. The investigation has been a monumental if not insuperable task, given the game department's budgetary limitations. It is continuing but is not making the headway the department would like.

"Fred Walstad, assistant director of the department's protection division at Juneau, told the News-Miner, 'We've reached a stalemate. We can't get good interviews outside the state, because we don't have the money to travel. Of the 13 foreign hunters who have been contacted, only six have responded. One Canadian told us that he had referred our inquiry to the guide involved and that the guide would respond, but that has not happened. Out-of-state witnesses have proven reluctant to return to Alaska to testify, and in some cases the principals have grown alarmed over their involvement and declined to cooperate. We have a good deal of information, which leads us to think there is more. We'll continue to pursue the investigation'."

About the time LaRocca's two stories appeared, another angry man turned up. He was Keith Miller, Governor of Alaska, who hotly denied reports that oil-industry workers are major violators of bear regulations on the North Slope.

The New York Times had published a story in May saying that decimation of the grizzlies made necessary the cancellation of the 1970 spring bear season. William Hopkins, manager of the Alaska Oil and Gas Association, asked the governor to investigate the charges, saying, "The oil industry has gone to great lengths to prohibit any hunting by its personnel or by contractor employes."

Miller replied, "The New York Times article does not accurately report the facts. I regret that a misrepresentation about the bear population has appeared in one of our nation's leading newspapers."

He went on to say that the closing of the bear season on the North Slope last spring was not done because the bear population was being decimated. "The closure was prompted primarily by improved access and increased human activity in what was once an extremely inaccessible area," the governor said.

This defense of the oil rush backfired in an astonishing manner.

Two days after Miller's letter was released, a mechanic working for a geophysical company on the North Slope was fined $1,750 and sentenced to 20 days in jail for killing a grizzly out of season. However, $1,000 of the fine and 15 days of the jail sentence were suspended. The violator had pleaded guilty to charges of shooting the bear last June, failing to attach a harvest tag to the carcass, failure to seal the hide within three days, and illegal possession of a white fox and a wolverine.

Three days later the man was taken into court again and was charged with making false statements to obtain a resident license and with taking a grizzly without a guide. Again he entered pleas of guilty on both counts.

This time it was Judge Mary Alice Miller who was angry. She levied an additional fine of $600 and a jail sentence of 60 days.

"You should understand that part of the high fines and jail terms result from your not being entirely truthful in court last week," she rebuked the defendant.

Alaskan sources told me that investigation indicated that at least two helicopters, plus half a dozen oilfield workers and pilots, were involved in the man's kills. And there were unconfirmed reports of the illegal taking of a walrus as well.

So much for Governor Miller's whitewash.

THE CHRISTIAN BROTHERS ACADEMY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, there is probably no aspect of American society these days that stirs more reaction than the field of education. Because it touches every American home, because it is so fundamentally responsible for our collective attitudes, for the shaping of our values, education, its quality and availability, is a constant concern for every citizen committed to the improvement of this Nation.

Given the dramatic social and political changes of the last 10 years, the swift evolution of our so-called life style, now more than ever education is in the spotlight. Those communities whose educational resources are first rate are, in my opinion, more than fortunate, they are blessed.

Syracuse and Onondaga County are blessed. In this metropolitan area of 470,000 people, there is abundance and quality in educational opportunity: One university, three colleges, and a highly rated elementary and secondary school system make it truly an educational center.

Standing out in excellence in this area is Christian Brothers Academy, a Catholic high school for boys, specializing in college preparatory work. C.B.A. has been preparing boys for college for 70 years in the Syracuse area. Its reputation for scholastic excellence and discipline graced by Christian charity has grown every year.

C.B.A. was founded in downtown Syracuse in 1900 by the French Catholic teaching order "Fratres Scholarum Christianarum" known in the United States as the Christian Brothers. It has been an inspirational part of the Syracuse community ever since.

Last June the graduating class had more boys than the entire school had in 1905. Of the 170 graduates, 36 received regents scholarships: there were 14 alternates, six national merit finalists, 11 national merit letters of commendations.

As a mark of their achievement consider that every boy in the graduating class was accepted at a college.

Brother Michael Kennedy, principal of the 793-pupil school, now located just outside the city of Syracuse on a 6-acre campus, is particularly proud of the C.B.A. work program, which enables students to earn money toward their tuition. Students do all the landscaping around the school, they paint, polish, repair, and work in the cafeteria. According to Brother Michael the boys not only earn money but learn to use their time constructively and form closer relationships with the brothers while working under their supervision.

This program is particularly commendable.

Who can measure the contribution that Christian Brothers Academy has made to the academic, social, and spiritual life of Syracuse and Onondaga County? No one could attempt an accurate answer but perhaps weighed against the call to greatness by John F. Kennedy in 1961 some insight may be gained:

> I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

Indeed, the glow from the Christian Brothers fire has truly lit a good portion of it.

Since its founding 70 years ago, C.B.A. has molded, trained, and educated literally thousands of business, community, and political leaders in central New York. Their cumulative contributions to our society are numberless.

I salute this fine institution and the magnificent Christian Brothers whose devotion and dedication have guided it.

RALLY FOR SOVIET JEWRY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, this coming Wednesday evening in my hometown of Syracuse, concerned citizens of all faiths will participate in a rally and march for Soviet Jewry. This is not intended as an idle gesture. It is deepfelt expression of concern felt for those thousands of Jews living in the Soviet Union whose cultural and religious heritage is slowly being strangled by the Communist regime.

Last July, when the arrests and persecution of Soviet Jews reached one of

their high points, I spoke out loudly in protest. I wrote to the White House, to the President of the Soviet Union, and to the Secretary General of the United Nations urging their immediate consideration of this inhumane condition. My protests were for naught. The persecution and deprivation go on unabated.

The victimization of Soviet Jewry is in direct violation of the Soviet Constitution and of the charter of the United Nations, and it most certainly violates every concept we have of human dignity and mutual respect. The closing of synagogues, the establishment of kangaroo courts to dole out "justice," the refusal of Soviet authorities to allow Jews to emigrate to Israel smacks of Nazi totalitarianism. Let us not forget them. Let my people go.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The American business system has provided the American consumer an increasingly wide variety of goods from which to choose. It has been estimated that in 1950 an average supermarket carried 1,500 items. Today that figure is placed at over 8,000.

THE LATE THEOS J. THOMPSON AND COL. JACK ROSEN

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Speaker, I was informed yesterday that the bodies of two outstanding public servants, who were lost in Lake Mead as a consequence of an airplane disaster on November 25, have been found. These two men, Atomic Energy Commissioner Theos J. Thompson and his principal assistant, Col. Jack Rosen, were both outstanding scientists to whom our Nation owes so very much.

Services honoring Colonel Rosen's memory have been scheduled for 10 a.m., Friday, December 11, at the Post Chapel at Fort Myer followed by full military honors at the gravesite, Arlington National Cemetery. I would hope that as many friends and admirers of Colonel Rosen would, if possible, avail themselves of the opportunity to be present to honor him.

Memorial services honoring Commissioner Thompson were held in Winchester, Mass., on December 1 and Washington, D.C., on December 2. Final services to be held in Lincoln, Nebr., have not yet been scheduled.

ROBERT COLDWELL WOOD INSTALLED AS PRESIDENT OF UNIVERSITY OF MASSACHUSETTS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MORSE. Mr. Speaker, today, December 9, my good friend and constituent, Robert Coldwell Wood, will be installed as president of the University of Massachusetts, and I am honored and privileged to take this opportunity to recall the vast experience and outstanding qualifications which he will bring to his new position.

Most of us here today remember the enormous talent, energy, and dedication with which he served this Nation, first as Under Secretary of the Department of Housing and Urban Development from 1966–68, and then in 1969, as Secretary of that Department.

Bob Wood's public service dates back to 1949, when he held the position of associate director of the Florida Legislative Reference Bureau. He then served as a management organization expert in the U.S. Bureau of the Budget. Since then, he has compiled a record of academic achievement which confirms him as an outstanding intellect, and a man who enters his new position with the highest qualifications and ability.

A graduate of Princeton University, with a doctorate from Harvard, a member of the American Academy of Arts & Sciences, and an author of several highly respected works on urban America and government, he has distinguished himself as a scholar and teacher at Harvard University and at the Massachusetts Institute of Technology, where he has held the positions of head of the political science department and director of the joint center for urban studies.

MIT and eastern Massachusetts will miss him, but I know he will do a characteristically outstanding job in the discharge of his challenging new responsibilities. This is a time of transition, a time which calls for perceptive understanding, strength, and new and imaginative thinking in the field of education and college administration. Robert Wood brings to the University of Massachusetts enormous talent, creativity, and great ability, and I cannot think of anyone more suited to the undertaking. It is with profound admiration and respect that I offer him my congratulations and high good wishes for continued success.

GENERAL LEAVE

Mr. SEBELIUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of the special order of today of the gentleman from Maryland (Mr. HOGAN).

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

There was no objection.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. GRAY (at the request of Mr. BOGGS), for today, on account of illness in the family.

Mr. HUNT (at the request of Mr. GERALD R. FORD), for today, on account of death in 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 include extraneous material:)

Mr. MCCLOSKEY, for 1 hour, December 15.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. PRICE of Texas, for 20 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. FRASER, for 10 minutes, today.

Mr. FLOOD, for 30 minutes, today.

Mr. O'HARA, for 20 minutes, today.

Mr. MIKVA, for 60 minutes, December 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORN and to include extraneous matter.

Mr. PICKLE to revise and extend his remarks and include extraneous matter on House Joint Resolution 1413.

Mr. HOLIFIELD and to include extraneous matter.

Mr. FINDLEY during consideration of the Findley amendment to H.R. 11547.

Mr. PHILBIN in five instances and to include extraneous matter.

Mr. ICHORD immediately following the remarks of Mr. HOGAN in his special order today.

Mr. FLYNT immediately following the remarks of Mr. ICHORD following the remarks of Mr. HOGAN in his special order today.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. DEVINE.
Mr. GERALD R. FORD.
Mr. TEAGUE of California.
Mr. ADAIR.
Mr. REID of New York.
Mr. HAMMERSCHMIDT.
Mr. WYMAN in two instances.
Mr. QUIE in six instances.
Mr. BROCK.
Mr. CARTER.
Mr. TAFT in four instances.
Mr. SCHMITZ in two instances.
Mr. COUGHLIN.
Mr. PRICE of Texas in two instances.
Mr. DERWINSKI in two instances.
Mr. LUKENS.
Mr. WIDNALL.
Mr. MCCLOSKEY.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. GAYDOS in four instances.
Mrs. GRIFFITHS in two instances.
Mr. REES in two instances.
Mr. KASTENMEIER in two instances.
Mr. LOWENSTEIN in five instances.
Mr. HELSTOSKI in two instances.

Mr. RARICK in three instances.
Mr. REUSS in six instances.
Mr. FLOOD.
Mr. JARMAN.
Mr. VAN DEERLIN in two instances.
Mr. HUNGATE in three instances.
Mr. ICHORD in two instances.
Mr. STOKES.
Mr. DANIEL of Virginia.
Mr. DANIELS of New Jersey.
Mr. VANIK in two instances.
Mr. WOLFF.
Mr. JOHNSON of California in two instances.
Mr. HAGAN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 8, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

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

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation;

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. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes;

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;

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

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

H.J. Res. 1077. A joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

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

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes a.m., Thursday, December 10, 1970), the House adjourned until 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:

2606. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes; to the Committee on the Judiciary.

2607. A letter from the chairman, Joint Committee on Internal Revenue Taxation, transmitting a report on refunds and credits of internal revenue taxes for the fiscal year ended June 30, 1968, pursuant to section 6405 of the Internal Revenue Code of 1954 (H. Doc. 91–425); to the Committee on Ways and Means and ordered to be printed.

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. DULSKI: Committee of conference. Conference report on H.R. 13000; with amendment (Rept. No. 91–1635). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. 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; with amendment (Rept. No. 91–1686). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1300. A resolution providing for the consideration of House Joint Resolution 1413. A resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; with amendment (Rept. No. 91–1687). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; (Rept. No. 91–1688). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1301. A resolution providing for the consideration of H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; (Rept. No. 91–1689). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1302. A resolution providing for the consideration of H.R. 19860. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes (Rept. No. 91–1690). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1303. A resolution providing for the consideration of H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; with amendment (Rept. No. 91–1691). Referred to the House Calendar.

Mr. ULLMAN: Committee on Ways and Means. H.R. 14233. A bill to modify ammunition recordkeeping requirements; with an amendment (Rept. No. 91–1692). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17658. A bill to provide floor stock refunds in the case of cement mixers; with amendments (Rept. No. 91–1693). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17984. A bill to amend section 905 of the Tax Reform Act of 1969; with amendments (Rept. No. 91–1694). Referred to the Committee of the Whole House on the State of the Union.

Mr MILLS: Committee on Ways and Means. H.R. 19369. A bill to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities (Rept. No. 91–1695). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 19790. A bill relating to the income tax treatment of certain sales of real property by a corporation; with amendments (Rept. 91–1696). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 956. A bill to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock"; (Rept. No. 91–1697). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 3107. A bill to officially designate the Totten Trail Pumping Station; (Rept. No. 91–1698). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 7334. A bill to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa"; (Rept. No. 91–1699). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 8933. A bill to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam; (Rept. No. 91–1700). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 12564. A bill to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha"; (Rept. No. 91–1701). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 14683. A bill to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.; (Rept. No. 91–1702). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 15205. A bill to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock (Rept. No. 91–4703). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 18858. A bill to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir; without amendment (Rept. No. 91–1704). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 19855. A bill to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake"; without amendment (Rept. No. 91–1705). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 13862. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; without amendment (Rept. No. 91–1706). Referred to the House Calendar.

Mr. GRAY: Committee on Public Works. H.R. 19857. A bill to name certain Federal buildings; without amendment (Rept. No. 91–1707). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 19890. A bill to name a Federal building in Memphis, Tenn., for the late Clifford Davis; without amendment (Rept. No. 91–1708). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir; (Rept. No. 91–1709). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; (Rept. No. 91–1710). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1499. An act to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma for the Chouteau family; (Rept. No. 91–1711). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1500. An act to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; (Rept. No. 91–1712). Referred to the House Calendar.

Mr. PERKINS: Committee of Conference. Conferees report on S. 3867. (Rept. No. 91–1713). Ordered to be printed.

Mr. STAGGERS: Committee of conference: Conference report on House Joint Resolution 1413. (Rept. No. 91–1714). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAHON:

H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. ADDABBO:

H.R. 19929. A bill to amend title 5, United States Code, to permit a retired officer of a regular component of the uniformed services who holds a civilian position in the Government to receive the full pay of that position in addition to his retired or retirement pay, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM (for himself, Mr. CELLER, Mr. ADDABBO, Mr. BIAGGI, Mr. BRASCO, Mr. CAREY, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. MURPHY of New York, Mr. PODELL, Mr. RYAN, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 19930. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 19931. A bill concerning medical records, information and data to promote facilitate medical studies, research, education and the performance of the obligations of medical utilization committees in the District of Columbia; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 19932. A bill to provide an additional period of time for review of the basic national rail passenger system, to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN (for himself, Mrs. DWYER, Mr. BROWN of Ohio, and Mr. VANDER JAGT):

H.R. 19933. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

By Mr. KOCH:

H.R. 19934. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. REID of New York:

H. Res. 1304. Resolution to amend paragraph 24 of rule XI of the Rules of the House of Representatives to provide for the "21-day rule"; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

650. By the SPEAKER: Petition of Evelyn Barnes, Bridge, Idaho, relative to an investigation of the Headstart program; to the Committee on Education and Labor.

651. Also, petition of the Massachusetts Conference on Social Welfare, Inc., relative to the legal services program of the Office of Economic Opportunity; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

HORTON EXPRESSES PRIDE IN THE OPERATION OF PUBLIC TELEVISION STATION WXXI IN ROCHESTER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, I have long been aware of the great importance of the television and broadcast media in my district. I have had the good fortune and pleasure to appear on every one of them from time to time through the years. So I am personally acquainted with their operators and staffs, and I am well aware of their service to Rochester audiences.

Recently, the contributions to my community of Public Television Station WXXI were praised by the Genesee Valley Newspapers, a group of weekly newspapers in my district. The article detailed the many different areas in which this noncommercial TV station registers its impact on the community it serves.

Each year Channel 21, Station WXXI, conducts a week-long on-the-air auction of merchandise contributed by area merchants, manufacturers, and residents. This is a device to raise part of the necessary funds for the operation of the noncommercial television station. Not only does the entire community respond and cooperate, but personnel from all the other radio and television stations contribute their time, talents and efforts to help Channel 21 in this outstanding effort. It has been my pleasure to take part in that auction for a number of years, so I can speak from experience when I say it is a truly communitywide operation to help in the continued success of Station WXXI.

Perhaps there are other public television stations in the country which have equally enviable positions of importance in their communities. If so, I tip my hat to them for they are certainly providing a much-needed service to their viewers.

Formerly known as "educational television," these stations prefer the designation of public television for, as the article points out, they have extended their programming to fields broader than classroom subjects, encompassing entertainment, the lively arts, and even variety shows.

Therefore, I take pride in saluting Public Television Station WXXI of Rochester. I ask my colleagues to join in offering congratulations and best wishes to the management, staff, and all others involved with its outstanding operation.

I share with my colleagues in the Congress the inspiring account of this station as written by Pat Dougherty:

BENEATH THE LIGHTS, CHANNEL 21 EMERGES AS THE LIVELIEST OF ARTS

Television!

That glamorous world of glass-rimmed studios, carpeted auditoriums with deep seats, and sponsors' booths, elegantly furnished. Polished stages and polished producers, working with quiet efficiency, and cameras zooming in on frozen smiles that fail to melt even in the heat of the kleig lights!

Then . . . there's Channel 21.

Once you find the building at 410 Alexander St. (somehow you can't quite believe you have the right address), you drive your car over the curb to a parking place on a muddy lawn and enter the old stone structure that was deemed obsolete for East High students more than a decade ago.

Through the door and down the basement stairs to a dark cavern of a studio, once the girls' gymnasium. If you're lucky, you find a folding chair and watch as executives, secretaries, producers and cameramen frantically rush about, moving props and cables, pushing ladders out of the way, adjusting mikes and "testing—one, two," all oblivious to the audience in the shadows nearby.

A labyrinth of lights hangs from the ceiling and at a signal illumines a stage (one step above floor level) onto which march New York State's three senatorial candidates—Buckley, Ottinger and Goodell—for last week's political debate, first such held during the current campaign.