HOUSE OF REPRESENTATIVES— *Monday, December 14, 1970*

The House met at 12 o'clock noon.

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

This is the day which the Lord hath made; let us rejoice and be glad in it.— Psalms 118: 24.

Almighty and everlasting God, as we bow at the altar of prayer do Thou breathe Thy spirit upon us, fill us with life anew that we may love what Thou dost love and do what Thou wouldst have us do.

While we pray for tomorrow, we also pray for today that this day may be so well lived that every yesterday may be a dream of happiness and every tomorrow be a vision of hope.

"Lord for tomorrow and its needs
We do not pray;
Keep us, our God, from stain of sin
Just for today.
Help us to labor earnestly
And duly pray;
Let us be kind in word and deed,
Father, today.

Let us in season, Lord, be grave
In season gay;
Let us be faithful to Thy grace,
Father, today.
Lord, for tomorrow and its needs
We do not pray:
Still keep us, guide us, love us, Lord,
Through each today."
Amen.

THE JOURNAL

The Journal of the proceedings of Friday, December 11, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid.

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

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill (S. 1181) of the Senate to provide for potato and tomato promotion programs with amendments in which concurrence of the House is requested.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, December 11, 1970, he did, on Monday, December 14, 1970, sign an enrolled bill of the Senate, as follows:

S. 3867. An act 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.

BOYS' CLUBS OF SCRANTON, PA., SING AT WHITE HOUSE

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

Mr. McDADE. Mr. Speaker, tomorrow night at the White House, an outstanding choral group, the Gleeboys, from Scranton, Pa., will entertain at the President's reception for Congress.

I am proud of this deserving honor which has been bestowed upon these fine young singers, all of whom are members of Scranton area boys' clubs. I know that my constituents in the 10th Congressional District join me and my colleagues in Congress in offering our warmest congratulations to the Gleeboys.

Now in their 21st year, the Gleeboys were featured at the 1967 Boys' Clubs of America convention dinner in Pittsburgh, where Bob Hope was honored, with President Nixon presiding as board chairman of the Boys' Clubs of America. Paul Lavalle directed the orchestra as the Gleeboys sang a parody of Mr. Hope's favorite song, "Thanks for the Memories."

Donald Thompson, a distinguished musician, will direct the Gleeboys, with Miss Marilyn Coar, an outstanding pianist, accompanying.

Members of the Gleeboys are: Patrick O'Brien, Myron Williams, Donald Stevens, Robert Kresge, Elmo and Irvin Reeder, Leo Timms, Dominick and Michael Palmitessa, Todd Bailey, Ronald Collins, John Zangardi, Kenneth and Ronald Hebron, John Cerniglia, Paul and Richard Forgione, Mark Weber, Jeffrey Weinerth, Michael Ludovici, Kenneth and Richard Levandoski, Edward Kloniecke, Russell Langan, Keith Howarth, Edward Devezza, Louis Sottile, Thomas Healey, Robert Airey, Robert Hein, Anthony Arcuri, Bruce Yankelitis, Donald Anticoli, William Manley, and William Menichello.

In addition to Mr. Thompson and Miss Coar, the boys will be accompanied by Warren C. Smith, executive director, Louis Del Prete and Vito Bruno, unit directors at the West Side and Central Boys' Clubs.

I know that all of us in Congress look forward to enjoying the White House concert. The President has chosen well, and I thank him.

THE HONORABLE L. MENDEL RIVERS MAKING SATISFACTORY RECOVERY FROM HEART SURGERY

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

Mr. PRICE of Illinois. Mr. Speaker, I want to take a moment to give the Members of the House some news that they all wish to hear: that our colleague, L. MENDEL RIVERS, is coming along quite well in his recovery from open-heart surgery.

Contrary to the impression that might have been gained by some newspaper stories over the weekend, Chairman RIVERS is making progress in his recovery and his condition is as well as can be expected at this point following such surgery. He had a restful night last night and is coming along quite well.

As you all know, the chairman was operated on on Friday of last week; and the operation consisted of placing an artificial valve in the heart to replace a valve that was failing.

It is too early to say when Chairman RIVERS will be back with us, but I know you will all be encouraged to hear that he is doing very well.

Those who wish to send a word of greetings to the chairman may address it to him in care of Mrs. Rivers, Parliament House, 420 South 20th Street, Birmingham, Ala. 35233.

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

Mr. PRICE of Illinois. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I know that I express the sentiments of all Members of the House this morning when I join in expressing pleasure at the announcement just made by the distinguished gentleman from Illinois (Mr. PRICE).

I have a strong feeling of friendship and respect for MENDEL RIVERS. He is in my opinion one of the great Americans of this trying period in the world's history always standing for a strong defense and a firm foreign policy. Throughout the years we have served together, the relationship between us has been very close and very, very friendly.

Again, I know I express the sentiments of all the Members of the House in saying a prayer to the good Lord, and in asking Him to treat our dear friend, MENDEL RIVERS, with kindness, and that his recovery to full health may be rapid.

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

Mr. PRICE of Illinois. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I certainly share the sentiments that have been expressed here by others. I was disturbed earlier this morning in reading a newsstory that indicated the recovery had not been as hoped, but I have since learned that MENDEL had a good night last night. I know that this is most en-

couraging from the medical point of view. All of us on both sides of the aisle wish him a rapid and full recovery because we need him in the Congress of the United States.

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

Mr. PRICE of Illinois. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I am glad the distinguished gentleman from Illinois (Mr. PRICE) has given the House this report. I personally called Birmingham last night, and also called his office this morning, and I have learned that his recovery is proceeding at a heartening pace. We all rejoice in this.

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

Mr. PRICE of Illinois. I yield to the distinguished gentleman from South Carolina.

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

I know that Congressman RIVERS and his lovely family will be happy to hear the expressions of the Members of the House today. I, too, join in the expressions of kindness and consideration that have been expressed by Members of the House to the gentleman from South Carolina Mr. RIVERS).

We all miss Congressman RIVERS' presence in this body. I guess he is about as close to me as any man in the House. We have worked together for 30 years, and representing adjoining districts, perhaps I know him more intimately than any other man in the House.

Mr. BRAY. Mr. Speaker, we were all very happy to learn that the gentleman from South Carolina, Chairman RIVERS, is making progress after his recent operation. He is greatly missed, especially by those of us on the Armed Services Committee, and we are looking forward to his speedy recovery.

Mr. PELLY. Mr. Speaker, I want to join the gentleman from Illinois (Mr. PRICE), the minority leader, and others, and express my gratification at the report that our colleague, the gentleman from South Carolina (Mr. RIVERS) is recovering in a satisfactory manner from surgery.

In my 18 years in Congress, I have always had an office close to Mr. RIVERS' office, and he is a good neighbor. I might add that he is one of the hardest working Members of Congress, regularly in his office early in the morning.

During his recovery, he will be missed around the Capital. The chairman of the Armed Services Committee is a great American who stands for a strong America and for that and for his great qualities of leadership he is needed 365 days a year.

Mr. Speaker, I join in wishing MENDEL RIVERS a speedy recovery.

Mr. HOLIFIELD. Mr. Speaker, I join with my colleagues in wishing a speedy recovery to the gentleman from South Carolina, the distinguished chairman of the Committee on Armed Services. Chairman RIVERS is needed by this great House and by this great Nation, and so we all hope that he will be back with us quickly.

From time to time Chairman RIVERS and I have had our differences, but I believe that we are close together when it comes to the defense and security of the United States. On those matters he is solid bedrock. He stands fast. He is not swayed by the moods of the day or the passions of the hour, for he knows that the security of a nation needs a more enduring base of support.

So I am pleased to join with my colleagues and say to Chairman RIVERS, as he recovers from heart surgery: Get well and hurry back to be among colleagues and friends who appreciate what you have done and can do for our Nation.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Illinois (Mr. PRICE) for bringing to the attention of the House the improved condition of the distinguished chairman of the Armed Services Committee (Mr. RIVERS).

We were all concerned when this great American underwent open-heart surgery last week and it is good news to hear that he is making a normal recovery.

I had breakfast with Mr. RIVERS only last Tuesday, but he would not let his friends know of this serious operation he was about to face. The chairman did not want his friends to worry about him and he carried this burden alone.

Mr. RIVERS has been an inspiration to me the 4 years I have served with him and I look forward to the next 2 years we will be together.

GENERAL LEAVE TO EXTEND

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter spoken of a moment ago by the gentleman from Illinois (Mr. PRICE) and also that all Members may have permission to extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE CLEAN AIR ACT

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

Mr. ANDERSON of California. Mr. Speaker, the 91st Congress is quickly drawing to a close. These past 2 years, Congress has produced commendable legislation—yet, we are in danger of losing the most commendable, the most progressive, the most urgently needed legislation.

The Clean Air Act is presently in conference.

The main points of contention revolve around the issue of whether or not Congress should set 1976 as the date auto manufacturers should start producing a nearly pollution-free automobile.

On October 8, it was announced that the conferees had agreed to the 1976 deadline. However, this provision is opposed by the administration and by the automobile industry; and, it seems, that some conferees have since switched to the administration's position.

Mr. Speaker, the need for the "clean car by 1976" is clear. We must put Detroit on notice that we will not tolerate pollution-spewing engines.

Thus, I again urge the conferees to follow Senator MUSKIE's lead and adopt the provision requiring Detroit to produce a nearly pollution-free car by 1976. We must enact this legislation, and we must enact it now.

NEXT MOVE ON PRISONERS OF WAR

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

Mr. FEIGHAN. Mr. Speaker, bearing in mind it took us 2 years to work out an exchange of prisoners with North Korea during which period 19,000 of our servicemen were killed in battle. I have warned several times on this floor that we must give the prisoner-of-war issue the highest priority. Otherwise, we will find Hanoi preoccupied with its propaganda objectives at the Paris peace talks. Such is now the case.

The President warned in his news conference last Thursday that we may have to bomb North Vietnam again because of the present rate of enemy infiltration. If so, we may have to resort to some similar action to force Hanoi to negotiate on the prisoners. I have in mind placing nonexplosive silt forming devices in the Haiphong Channel, very much like the Chinese Nationalists used in stopping Japanese rivercraft in their war on the mainland. This may hasten Hanoi to the conference table since it receives 80 percent of its warmaking supplies from Communist-bloc countries via the Haiphong Channel.

Sooner or later, by some means or another, the prisoner-of-war issue will have to be resolved. The fact of the matter is that there can be no settlement of the Vietnam conflict without an agreement of the prisoner-of-war issue. Since Hanoi is very diffident on this subject, they may have reasons of their own to prolong the war. If this be true, we should tell the world about it. We have taken the blame for developments in Vietnam over too long a period without rebutting.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

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

There was no objection.

CAMPUS VIOLENCE NOT THE SOLE RESPONSIBILITY OF THE PRESIDENT OF THE UNITED STATES

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

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

Mr. WAGGONNER. Mr. Speaker, I noted with some interest over the weekend that the President had responded to the campus violence report of the Commission headed by a former Member of this body and former Governor of Pennsylvania, Mr. Scranton. I feel as the President does that this Commission placed too much responsibility on the President of the United States for that which has been happening. I say "too much." I am not going to say that he bears no responsibility. But I do agree with the President of the United States, at least to the extent that I have seen his response reported, in that I do not understand how anyone conceivably could blame solely the President of the United States for what has been happening on our college and university campuses, because there are some others who must share some of this responsibility, and I think he properly identified some of those who must share some of the responsibility for what has happened.

THE NOMINATION OF THE HONORABLE GEORGE BUSH AS AMBASSADOR TO THE U.N.

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

Mr. MONTGOMERY. Mr. Speaker, I would like to commend President Nixon for his wisdom in nominating Congressman GEORGE BUSH to be the next Ambassador to the United Nations and I would like to commend my colleague from Texas for accepting this very challenging assignment. GEORGE and I entered the House of Representatives together 4 years ago. Since that time, I have grown to respect his ability to see that a job is done and done right the first time. I am impressed with the fact that our colleague has set as one of his priorities to obtain the respect and confidence which our country so richly deserves, from which should follow the confidence of the American people in the United Nations which has been notably absent.

GEORGE BUSH will represent us well in this most difficult task.

CONGRATULATIONS TO THE NORTH DAKOTA STATE UNIVERSITY BISON FOOTBALL TEAM

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

Mr. ANDREWS of North Dakota. Mr. Speaker, on Saturday, December 12, the North Dakota State University Bison football team whipped the Grizzlies from the University of Montana 31 to 16 in the Camellia Bowl at Sacramento, Calif. Prior to the game, NDSU was ranked the No. 3 small college team in the Nation and Montana was No. 2, and this is the second time the Bisons have beaten Montana at this bowl game.

The victory last Saturday is, indeed, a noteworthy event, but those of us familiar with the record of success compiled by Coach Ron Erhardt's gridders are not surprised by this latest accomplishment.

This fall the Bisons completed their fourth straight unbeaten regular season, and they became the first college division team in the Nation to receive a postseason bid from the National Collegiate Athletic Association for 4 consecutive years.

This is the sixth straight year the Bisons have been ranked high in the weekly polls conducted by the national wire services.

NDSU has not lost a game in their last 30 contests and this year they won an unprecedented seventh consecutive championship of the tough and highly respected North Central Conference.

Of their last 72 football games, they have lost only four.

I know my colleagues will pardon my unabashed boasting because no one in this Chamber has a college team in his District that can match this record.

All North Dakotans are proud of the Bison's achievements on the gridiron and off the field as well. They represent the entire school's continued efforts to achieve excellence in all its endeavors.

As an alumnus of NDSU, I am proud to take this opportunity to congratulate Coach Erhardt, his staff, all the members of the team and, indeed, everyone at NDSU.

APPOINTMENT OF FORMER GOV. JOHN CONNALLY AS SECRETARY OF THE TREASURY

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

Mr. BUSH. Mr. Speaker, I have known Gov. John Connally for a long time. I strongly endorse his appointment as Secretary of the Treasury.

He was a most popular Governor of Texas. All the polls, and I looked at plenty of them, show that Governor Connally is still tremendously popular in our State—popular because he did his job well—he did it with imagination and flair. He will be an articulate member of the President's Cabinet.

He is a real leader and I know that he will be an able Secretary of the Treasury. These times call for a bipartisan approach to solve the critical financial problems. Governor Connally is a Democrat but I am sure he and President Nixon and many Members of this body in both parties see eye to eye on how we can best solve the great financial problems facing us.

I offer Governor Connally my warmest congratulations.

And then there is Mrs. Connally. Let me just add that her being here is a great big plus for the Washington scene. She is charm personified.

Mr. Speaker, I would also like to make some remarks about Secretary Kennedy.

Secretary Kennedy will be sorely missed. Through my service on the Ways and Means Committee, I was one of the lucky people who got to see this able public servant in action. He is a pro in the finest sense—and through it all he remained the thoroughly decent man that he is and always has been.

LATEST FULMINATIONS OF MEMBER OF FEDERAL COMMUNICATIONS COMMISSION

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

Mr. ANDERSON of Illinois. Mr. Speaker, I have just finished reading the latest fulminations of Nicholas Johnson, a member of the Federal Communications Commission.

Mr. Speaker, it seems to me the gentleman might better continue his crusade against the Nixon administration from outside a sinecure within the Federal Government.

I think all of us believe the first amendment rights are among the most precious rights of any American, and for Mr. Johnson to continue to indulge in the kind of unfounded and specious charges he has made that this administration is attempting to impose prior restraints on the broadcasting media of our country fills me with resentment.

Anyone who watched the President's press conference last Thursday and heard him before a nationwide audience answer questions of the most searching variety, and anyone who has witnessed the efforts of the administration to make known its policies in many fields will join me in the conclusion that Mr. Johnson's innuendos and wild charges are without foundation.

VACATION ROUNDTRIP FOR GI'S IN VIETNAM SHOULD BE PAID BY THE UNITED STATES

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

Mr. SMITH of Iowa. Mr. Speaker, I am introducing today a bill that will provide for roundtrip transportation for GI's in Vietnam. I introduced this bill, and it passed the House as an amendment about 3 years ago, but it was knocked out in conference.

I think it is inexcusable that the United States of America with its great resources does not pay for a roundtrip for the GI's in Vietnam who are entitled to a Christmas vacation. Now we find that vacations will be given to those who can afford to pay for transportation, when others who will be entitled to the trip by virtue of their service, but who cannot afford to pay for a ticket, will be denied the trip and will not be able to take advantage of their Christmas vacation at home.

Mr. Speaker, this bill should pass by unanimous consent.

NOMINATION OF JOHN CONNALLY, OF TEXAS, AS SECRETARY OF THE TREASURY

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

Mr. MAHON. Mr. Speaker, the President having announced the nomination of John Connally, of Texas, former Governor of Texas, and former Secretary of the Navy, to the important position of Secretary of the Treasury, I think it appropriate to say that here is a strong man, an able man, a dedicated American, who will be able to make a major contribution to the country as Secretary of the Treasury.

The position of Secretary of the Treasury, at this time of great fiscal and economic stress and mounting budget deficits, is a job that is most challenging.

It will not be possible for the new Secretary to perform miracles, but I would hope he can help dramatize the serious fiscal situation facing the Nation and help unite the country and the Congress in support of a policy of fiscal restraint insofar as reasonably possible, consistent with our best overall national interests.

Stabilization of our national economy, including a much better grip on the wholly unacceptable inflationary situation, is probably our current No. 1 national problem.

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

Mr. MAHON. I yield to the able minority leader.

Mr. GERALD R. FORD. I join the gentleman from Texas in applauding the appointment of John Connally as the new Secretary of the Treasury. John Connally had three outstanding terms of Governor of the great State of Texas. He knows the problems from the point of view of a Chief Executive. On the other hand, John Connally was a very outstanding Secretary of the Navy, so he understands well the workings of the Federal Government as the top executive of a great Department.

I am sure that John Connally will be an equally outstanding member of the President's Cabinet as Secretary of the Treasury.

TO ASSERT THE PRIVILEGES OF THE HOUSE WITH RESPECT TO THE PRINTING AND PUBLISHING OF A REPORT OF THE COMMITTEE ON INTERNAL SECURITY

Mr. ICHORD. Mr. Speaker, I rise to a question affecting this privilege of the House, and a I submit a privileged resolution (H. Res. 1306) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1306

Whereas, the Constitution of the United States vests all legislative powers in a Congress of the United States, consisting of a Senate and House of Representatives (Article I, Section 1);

And whereas, the said Constitution authorizes the House to determine the rules of its proceedings (Article I, Section 5);

And whereas, pursuant thereto the House enacted H. Res. 7 of January 3, 1969, as amended by H. Res. 89 of February 18, 1969, thus adopting the rules of the House, including Rule X establishing the Committee on Internal Security as a standing committee of the House, to consist of nine members to be selected by the House; and by agreement to H. Res. 251 of February 18, 1969, elected to the standing Committee on Internal Security Richard H. Ichord (chairman), Claude Pepper of Florida, Edwin W. Edwards of Louisiana, Richardson Preyer of North Carolina, Louis Stokes of Ohio, John M. Ashbrook of Ohio, Richard L. Roudebush of Indiana, Albert W. Watson of South Carolina, and William J. Scherle of Iowa;

And whereas, House Rule XI, enacted as aforesaid, names and defines the powers and duties of standing committees of the House, which includes the reference of all proposed legislation, constitutional amendments, messages, petitions, memorials, and other matters relating to the subject listed under the standing committees therein named; and commits particularly the following subject to the Committee on Internal Security, in part, as follows:

"11. Committee on Internal Security.

"(a) Communist and other subversive activities affecting the internal security of the United States.

"(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

"The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable."

And whereas, acting pursuant to the powers and duties, the legislative purpose, and upon the subject committed to it by the aforesaid resolutions of the House, the committee met in session duly called and held on February 20, 1969, at which a quorum of the committee was in attendance, and considered a proposal submitted to the members of the committee by the said chairman as follows:

"I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

"In this respect, moreover, we are faced with ever-mounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration and enforcement of existing law, including proposals for constitutional amendment as well.

"I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

"In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

"The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

"I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as to the Committee may seem desirable and necessary."

And whereas, at said meeting a resolution was adopted as follows:

"*Resolved*, That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject."

And whereas, pursuant to the authority hereinbefore mentioned and resolutions of the committee for such purposes duly adopted, studies, inquiries, reports, and investigations were made and hearings conducted from time to time by the committee upon the subject committed to it;

And whereas, pursuant to the authority conferred by House Rule XI, and committee resolution of February 20, 1969, aforesaid, the chairman directed staff studies to be made with respect to the financing of revolutionary violence, including for such pur-

poses a survey to be made of colleges and universities with regard to honoraria paid to guest speakers of which the committee was advised in a memorandum delivered to its members on May 18, 1970, as follows:

"Re: Survey of colleges and universities with regard to honorariums paid to guest speakers

"I have become increasingly concerned over the past months with the financing of revolutionary groups through speaking engagements on our college and university campuses. Accordingly, I have asked the staff to prepare a list from public source material to determine the extent of speaking engagements by those persons who we know to be associated with revolutionary groups.

"Though the extent of honorariums paid to college and university speakers is not always reported in the newspapers, the limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups. In March of this year, J. Edgar Hoover, in his testimony before the House Subcommitte on Appropriations, discussed financing and furnished the names of Black Panther speakers who appeared before secondary schools, colleges and universities during the year 1969. Attached is an excerpt from Mr. Hoover's testimony for your consideration.

"I have requested the staff to prepare, in the form of a survey, a letter to be sent to selected colleges and universities in the 50 states, requesting the voluntary participation of these schools in providing to us information with regard to speakers they have had on campus, group identification and sponsorship of speaker, the amount of honorarium paid (check or cash), to whom this money was paid and the source of funds involved.

"It appears to me that this is a logical inquiry in connection with the Committee fulfilling its mandate and I would be most appreciative of your suggestions and comments with regard to this proposed survey and its implementation."

And whereas, at a session of the committee duly called and held on June 16, 1970, at which a quorum was in attendance, the aforesaid memorandum was called for discussion, and it was duly moved and agreed that an inquiry on this subject be undertaken;

And whereas, a proposed report to the House on the results of the aforesaid inquiry, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was considered at a meeting of the committee duly called and held on October 7, 1970, a quorum being in attendance, at which amendments were made to the said report and, as thus amended, the committee agreed that the report be made to the House;

And whereas, in accordance with the rules of the House and at the direction of the committee, at a session of the House on October 14, 1970, the said report was filed with the House by the chairman of the committee designated House of Representatives Report No. 91–1607, which was referred to the Union Calendar;

And whereas, thereafter the House on October 1970, agreed to recess and went into recess from thence until November 16, 1970;

And whereas, on October 13, 1970, one day before the filing of said report and recess of the House, a complaint (Civil Action No. 3028–70) was filed with the United States District Court for the District of Columbia by Lawrence Speiser, director of Washington, District of Columbia, office of the American Civil Liberties Union, in which Nat Hentoff, John Doe, and Richard Roe were named as plaintiffs in a suit against the chairman and members of the Committee on Internal Security of the House of Representatives, the chief counsel of said committee, the Superintendent of Documents and the Public Printer, in which it was alleged that the filing and publication of the report with respect to honoraria paid to the plaintiffs and the class of persons they allegedly represented had no legitimate legislative purpose, but was being carried out by the defendants with the purpose and effect of (1) deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers and (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with "blacklisting"; and the court was asked to declare the action of the defendant committee members in preparing and seeking to publish the report to be unconstitutional, and to enjoin the defendants from filing, printing, publishing, or disseminating the report and from disclosing any material or information contained in it;

And whereas, on the same day, to wit, October 13, 1970, the Honorable Gerhard A. Gesell, a judge of the United States District Court for the District of Columbia, acting upon the application of the said Lawrence Speiser for a Temporary Restraining Order, set the matter for hearing at 2 p.m. of that day and, without the service of notice on the defendant parties in interest, proceeded ex parte to enter a Temporary Restraining Order as follows:

"TEMPORARY RESTRAINING ORDER

"It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order, pending hearing and determination of plaintiff's motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which contains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage and infringement of constitutional rights before a hearing can be had on plaintiffs' motion for a preliminary injunction;

"And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

"Now, therefore, it is so ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

"It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington, D.C., is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

"It is further ordered, pursuant to Rule 65(c) that plaintiffs post a bond in the sum of one dollar ($1.00)."

And whereas, copies of the aforesaid complaint having been served the following day upon the parties defendant, an appearance was entered by the Department of Justice on behalf of Representatives Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, and Scherle; Donald G. Sanders, chief counsel of the said committee; Rolland Darling (Acting Superintendent of Documents); and A. N. Spence (Public Printer), and on October 20, 1970, a motion to dismiss was filed with the court on behalf of said defendants, together with supporting affidavits and a memorandum of law, from which it will appear by reference thereto that the court was fully apprised of the facts with respect to the issuance and filing of said report hereinbefore set forth, as well as points of applicable law;

And, whereas, pursuant, to its order of October 13, 1970, the said court sat on October 23, 1970, to hear arguments on plaintiffs' motion for a preliminary injunction, and after argument entered the following order:

"ORDER

"This cause came on for hearing on the 23rd day of October, 1970 upon plaintiffs' motion for a preliminary injunction and defendants* opposition thereto and during the argument on the motion, the parties to the action through their counsel having agreed that the Court could consider this matter on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record and counsel for defendants * having deferred to the Court's request that the temporary restraining order entered in this cause be extended to the close of the Court's business on the 28th day of October, 1970 in order to afford the Court the opportunity to make findings of fact, conclusions of law and to enter the final judgment in the action, it is by the Court this 23rd day of October, 1970

"Ordered that the temporary restraining order entered herein by the Court on the 14th day of October, 1970 be and the same hereby is extended to the close of the Court's business on the 28th day of October, 1970 and it is

"Further ordered that the Clerk of Court be and he is hereby directed to record in this Court's docket an entry reflecting the agreement of the parties* to this action made through their counsel that this case has been submitted to the Court for final disposition on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record."

And whereas, the court thereafter on October 28, 1970, granted permanent injunctive relief as follows:

"ORDER

"Plaintiffs' application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

"Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed, any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the Congressional Record in full text, without special reprinting or excerpting of

*No appearance has been entered in this action in behalf of Congressmen Louis Stokes and Richardson Preyer. They are not represented in this action by counsel.

any portion or portions relating to said Report; and it is

"Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be desolved [sic] upon the service of this Order on the Public Printer; and it is further

"Adjudged and declared that said Report of the House Committee for [sic] Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the United States, and that any publication of said Report at public expense, except as herein provided, is illegal."

And whereas, on October 30, 1970, the said defendants, Representative Preyer joining, gave notice of appeal and filed an appeal from the aforesaid order with the United States Court of Appeals for the District of Columbia, together with motions for summary reversal of the district court's order or, in the alternative, for the expedited processing of this appeal, with memorandum in support of said motions, requesting that the court of appeals should consider and decide the case before Congress returned from recess on November 16, 1970;

And whereas, the court of appeals on November 5, 1970, in disregard of the urgencies of the situation and of the rights and privileges of the House, entered a per curiam order denying defendants' (appellants') motion for summary reversal or, in the alternative, for expedited processing of this appeal, as follows:

Before: Wright, McGowan and Tamm, Circuit Judges, in Chambers

"ORDER

"On consideration of appellants' motion for summary reversal of the District Court's Order enjoining the Public Printer and the Superintendent of Documents from printing or distributing a House document or, in the alternative, for expedited processing of this appeal, of the opposition filed with respect thereto and of the record on appeal herein, it is

"Ordered by the Court that appellants' motion for summary reversal or, in the alternative, for expedited processing of this appeal is denied.

"Per Curiam

"Circuit Judge Wright did not participate in the foregoing order."

And whereas, the said report of the Committee on Internal Security, the printing and distribution of which has been enjoined as aforesaid, was authorized to be filed with the House in accordance with the rules and practices of the House;

And whereas, the Constitution of the United States provides that each House shall keep a Journal of its proceedings and from time to time publish the same (Article I, Section 5);

And whereas, Rule XIII of the House, duly enacted as aforesaid, provides that reports of committees shall be delivered to the Clerk of the House for printing and reference to the proper calendar under the direction of the Speaker, and the titles or subject thereof shall be entered on the Journal and printed Record; and pursuant thereto the aforesaid report of the Committee on Internal Security has been so entered and referred;

And whereas, by the rules and practices of the House, the reports of committees are printed, published, and disseminated for the use of the House, its committees, and the public in accordance with such rules and the acts of Congress for such cases made and provided, particularly title 44, United States Code, section 101 et seq.;

And whereas, on order of the House, it is the duty of the Public Printer and the Superintendent of Documents to print, publish, and distribute the reports and other documents of the House in accordance with the order of the House and applicable acts of Congress;

And whereas, the printing, publication, and distribution of the aforesaid House report (91–1607) entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was duly authorized and submitted for printing to the Public Printer in the normal course of business;

And whereas, it is not the rule or practice of the House to print or publish the full text of the reports of its committees in the Journal of the House or the Congressional Record:

And whereas, the restraints and limitations upon the printing, publishing, and dissemination of the aforesaid report imposed by the court's aforesaid orders constitute an unwarranted and impermissible obstruction of the execution of the rules and practices of the House and of its legislative processes and procedures;

And whereas, it is essential to the due and effectual exercise and discharge of the constitutional functions and duties of the House, and the promotion of wise legislation, that no obstruction or impediments should exist to the publication of such reports of the House as the House may deem fit or necessary to be published;

And whereas, it is essential to the working of our parliamentary system and to the welfare of the Nation that the speech, debate, and proceedings in the Houses of Congress be made known to the country;

And whereas, it is expressly provided by the Constitution of the United States that for any speech or debate in either House the Senators and Representatives shall not be questioned in any other place (Article I, Section 6);

And whereas, the foregoing provision of the Constitution, thus succinctly stated, arose out of a time-honored struggle for liberty and was adopted from the English Bill of Rights of 1689 which declared in unequivocal language: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.";

And whereas, a report of a committee of the House filed with the House is speech or debate of Representatives in the House;

And whereas, by the express provisions of the Constitution, Article I, Section 6, aforesaid, the courts are enjoined against questioning, and are denied jurisdiction to question, any speech or debate in either House and may not censor, disparage, inquire into the contents of, or otherwise question, limit, or restrain, the speech or debate of Representatives in the House;

And whereas, the speech and debate of Representatives in the House is absolutely privileged, subject only to the control of the House, and is a privilege intrinsic to the right of the House to preserve the means of discharging its legislative duties;

And whereas, it is a fundamental principal of a free constitution, incorporated in the Constitution of the United States, that the legislative, executive, and judicial powers be separated (see The Federalist, Nos. XLVII and XLVIII);

And whereas, the House of Representatives is invested with the power to prevent and punish such contempts of its authority and privileges as is necessary to preserve the means of discharging its legislative duties, and that this power rests upon its right of self-preservation to enable the public powers given to it to be exerted; a power indeed which has been recognized in the precedents of that Court by which the inferior Federal courts of the District of Columbia are bound [see ANDERSON v. DUNN, 6 Wheat. 204 (1821); IN RE CHAPMAN, 166 U.S. 661 (1896); MARSHALL v. GORDON, 243 U.S. 521 (1916)]:

And whereas, the chairman of the said Committee on Internal Security has this day reported to and filed with the House a report of the said committee entitled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (House of Representatives Report No. 91–1752);

And whereas, at a meeting of the said Committee on Internal Security duly held and called on December 3, 1970, at which a quorum of the said committee was in attendance and voting, the said chairman was duly authorized and directed to file said report;

And whereas, said report was made in accordance with the rules of the House and upon the subject committed to said committee pursuant to the provisions and mandate of House Rule XI and resolutions of the committee duly adopted;

And whereas, the said report this day filed is upon the same subject matter as the prior report (No. 91–1607) of said committee, hereinbefore mentioned, and may be construed as a "restatement" of the whole or a part of the prior report, the printing and distribution of which was permanently enjoined by the hereinbefore mentioned order of the court dated October 28, 1970: Now therefore be it

Resolved, That—

(1) In accordance with the Rules of the House of Representatives and the acts of Congress made and provided, the Public Printer and the Superintendent of Documents shall forthwith print, publish, and distribute, and they are hereby ordered forthwith to print, publish, and distribute to and for the use of the House of Representatives, the Committee on Internal Security of said House, and those entitled to receive them, the usual number of copies of the report (No. 91–1732) of said Committee on Internal Security titled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities," which has this day been duly reported to the House.

(2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof; and all such persons are further advised, ordered, and enjoined to refrain from molesting, intimidating, damaging, arresting, imprisoning, or punishing any person because of his participation in, or performance of, such work.

(3) Copies of this resolution shall be forthwith furnished by the Clerk of the House to the Public Printer, Superintendent of Documents, and the clerks of the United States District Court and of the United States Court of Appeals for the District of Columbia.

Mr. ICHORD (during the reading). Mr. Speaker, on December 8 copies of this resolution were provided to all Members of the House. Therefore, I ask unanimous consent that further reading of the resolution be dispensed with and that the resolution be printed in full in the RECORD.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 406]

Adair	Foreman	Pepper
Anderson, Tenn.	Frelinghuysen	Philbin
	Fulton, Tenn.	Pike
Ashley	Gallagher	Powell
Aspinall	Giaimo	Purcell
Biaggi	Gilbert	Rivers
Blackburn	Goldwater	Roberts
Bolling	Green, Pa.	Rogers, Colo.
Brock	Gubser	Roudebush
Broomfield	Halpern	Rousselot
Burton, Utah	Harrington	Roybal
Button	Harsha	St Germain
Carey	Hébert	Sandman
Celler	Horton	Scheuer
Chisholm	Jarman	Shipley
Clark	Jones, Tenn.	Skubitz
Clay	Karth	Stanton
Cleveland	Kee	Steele
Collins, Ill.	Landrum	Steiger, Ariz.
Colmer	Langen	Stephens
Conyers	Long, La.	Teague, Tex.
Corbett	McCarthy	Tunney
Cramer	McCulloch	Udall
Daddario	McKneally	Van Deerlin
Diggs	MacGregor	Watts
Dingell	May	Weicker
Donohue	Meskill	Wolff
Dorn	Minshall	Wright
Dowdy	Moorhead	Wyatt
Dwyer	Morse	Wydler
Edwards, La.	Morton	Young
Evans, Colo.	Moss	Zwach
Fallon	Murphy, Ill.	
Farbstein	Myers	
Fish	O'Konski	
Ford, William D.	O'Neill, Mass.	
	Ottinger	

The SPEAKER. On this rollcall 329 Members have answered to their names, a quorum.

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

TO ASSERT THE PRIVILEGES OF THE HOUSE WITH RESPECT TO THE PRINTING AND PUBLISHING OF A REPORT OF THE COMMITTEE ON INTERNAL SECURITY

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

Mr. ICHORD. Mr. Speaker, I yield myself 10 minutes.

I rise to a question of privilege in a matter affecting the rights of the House collectively, the integrity of its proceedings, and the rights of the Members in their respective capacity. See House rule XI. As you know, this question comes before us as a consequence of proceedings instituted on October 13, 1970, in the U.S. District Court for the District of Columbia to enjoin the filing, printing, publishing, and dissemination of a report of the House Committee on Internal Security (No. 91–1607), titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," which I reported to the House on October 14. On October 28, 1970, a single judge of that court, the Honorable Gerhard A. Gesell, entered a final order permanently enjoining the Public Printer and the Superintendent of Documents from printing and distributing any copy of the report, or any portion, restatement, or facsimile thereof, and declared that any publication of the report at public expense would be illegal. The order contained one exception; namely, that should the report be introduced into, or be mentioned during the course of the proceedings of the House or of the Senate, the injunction shall not apply to subsequent "normal publication or distribution of the CONGRESSIONAL RECORD in full text, without special reprinting or excerpting of any portion or portions relating to said report."

Although by the terms of this order the court excepted from its restraint a printing of the report in the CONGRESSIONAL RECORD, the effect of the order was, of course, to suppress all publication of the report. It is not the rule of the House or its practice to print the full text of committee reports in the CONGRESSIONAL RECORD. Nor are committee reports published in full text in the House Journal. Committee reports are published separately as a matter of convenience of distribution and to avoid duplication of printing. House rule XIII requires that only a reference to the title and subject of committee reports be entered on the Journal and printed in the RECORD. Reports are printed, published, and disseminated to Members of the House, to specified persons and agencies, and to the public generally, pursuant to an act of Congress, title 44, U.S. Code, section 101 et seq. The order thus runs afoul not only of the speech and debate clause—article I, section 6—of the Constitution, but obstructs the execution of other constitutional commitments to the House as well, including article I, section 5, which authorizes each House to determine the rules of its proceedings, and requires each House to publish its proceedings.

Never in the constitutional history of this Nation, or of England since the Bill of Rights was wrested from the Crown in 1689, has any court of the United States, or of England, sustained any such final restraint upon the printing and dissemination of a report of a committee of the Congress, or of the British Parliament. With only one exception has any judge or court of the United States hitherto attempted to enjoin the printing and public dissemination of a report or document of a committee of Congress. In May 1956, Judge Wilkin, likewise a judge of the U.S. District Court for the District of Columbia, issued a temporary restraining order to prevent the printing and distribution of a Senate document issued by the Senate Subcommittee on Internal Security. This order was promptly struck down by a three-judge court. *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729.

In England there is not a single recorded instance where an injunction was even sought to restrain the publishing of a committee report. In an attempt to do so indirectly, on an application for the granting of a criminal information for libel against a private bookseller for printing and publishing a report of a committee of the House of Commons, the attempt was repulsed. That was the case of *Rex* v. *Wright*, 8 T.R. 292, decided in the year 1799. The justices agreed that it was impossible for a court to admit that a publication of a proceeding of either House of Parliament was libel, or that the court could inquire into a proceeding of a branch of the legislature. Subsequently in a landmark decision, *Wason* v. *Walter*, 4 Q.B. 73, decided in 1868, the court of Queen's Bench, citing Rex against Wright with approval, likewise dismissed a civil action for libel in which the defendant was charged with printing a faithful report in a public newspaper of a debate in the House of Lords which had the effect of defaming a barrister. The court held that the publication of parliamentary proceedings was privileged on the same principle as an accurate report of proceedings in a court of justice is privileged.

To justify his departure from the precedent of Methodist Federation, Judge Gesell took the position that this decision was "in effect overruled" by the recent decision of *Powell* v. *McCormack*, 395 U.S. 486 (1969). His reasoning seems to be that since the Court in Powell granted declaratory relief against legislative employees, whereas in Methodist Federation injunctive relief was denied, the Court in Powell overruled Methodist Federation. This conclusion, however, does not necessarily follow from his premise. If the ultimate question for determination in both cases was the same, there might have been some foundation for his conclusion. But the relief sought in the two cases was not only different, the claims asserted were on different subjects.

In Powell, the Court was not asked to enjoin speech nor was it asked to grant any ind of coercive—that is injunctive—relief against the House. It was asked to pronounce the rights of Powell with respect to his claim of a right to be seated. The facts were not in dispute. The House agreed that Powell met the "standing" qualifications to be seated with respect to age, citizenship, and residence as set forth in article I, section 2, of the Constitution. At issue was the question whether Powell was improperly excluded pursuant to the provisions of article I, section 5. Clause 1 of that article provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members," and clause 2 authorizes the House to "punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member." Powell was denied his seat by the House for alleged misbehavior on the basis of a vote to exclude and not to expel, although a two-thirds vote was obtained on the motion.

The Court concluded that the distinction between exclusion and expulsion was not merely one of form. Moreover, in its examination of the language, precedents, and history of the foregoing provisions, it was the Court's view that, in judging the qualifications of its Members to be seated, the House has been limited to the "standing" qualifications prescribed in section 2 of article I, Powell could not, therefore, be excluded on the basis of a constitutional commitment to the House to be the sole judge of the "qualifications" of its Members, and could not be excluded for past misbehavior pursuant to provisions which authorize only his expulsion on that ground. In so holding, the Court was indeed careful to note that it was thus by no means intruding on a constitutional commitment to the House to be the sole judge of a Member's

"standing" qualifications. See *Powell* v. *McCormack*, supra, footnote 42.

That is not the situation before us, nor was it the situation in Methodist Federation. We are dealing here with constitutional provisions having a different language, history, and precedents. In the clear terms of article I, section 6, the speech or debate of Senators and Representatives in the House "shall not be questioned in any other place." This is a direct commitment to the House, to the exclusion of the courts. Indeed, the courts are denied jurisdiction to inquire into the speech of Members in the House. In the matter before us, the fact that the report of a committee of the Congress is speech in the House is not disputed. Nor is the fact disputed that the provisions of the speech and debate clause insulates the congressional Members from suit by reason thereof, and it grants them immunity from liability for any matter contained in that speech. Nevertheless, Judge Gesell took the position that he could inquire into that speech, could make a determination that its purpose was solely the exposure and intimidation of the plaintiffs, and that he could enjoin its dissemination. To effect this purpose he was of the opinion that he could do so by enjoining the congressional employees; namely, the Public Printer and Superintendent of Documents.

In judging the validity of Judge Gesell's action, it is important to note that in Powell the Court entertained a claim against congressional employees on the ground that the action of the House in excluding Powell was unconstitutional, and that, therefore, legislative employees, that is, agents of the House participating in an unlawful activity, were not insulated by the immunity granted to their principal. In taking this position, the Court in Powell purported to act pursuant to two of its precedents; namely, *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880), and *Dombrowski* v. *Eastland*, 387 U.S. 82 (1966). In Kilbourn, the Court held the Sergeant-at-Arms liable to suit and damages for imprisoning a contumacious witness, although acting on order of the House. It did so on the ground that in subpenaing the witness under the circumstances of the case, the House had acted in excess of its constitutional authority. In Dombrowski, the Court sustained a claim against a congressional employee who had allegedly engaged in a conspiracy with the chairman of the Judiciary Committee of the Senate and with Louisiana officials to seize records in violation of fourth amendment rights. It was thus the point of those cases—Powell, Kilbourn, and Dombrowski—that congressional employees may be liable or subject to suit by reason of their participation in an unlawful act of their employer or others.

On the other hand, in Methodist Federation and in the present case, the Public Printer and the Superintendent of Documents were not participating in any unlawful act, but were engaged only in privileged and lawful activities. Article I, section 5, clause 2 of the Constitution vests in each House the authority to determine the rules of its proceedings. It was pursuant to this power that the House promulgated its rule XI which creates the standing committees of the House, including the Committee on Internal Security, setting forth its legislative function as an agent of the House and requiring it to make its report to the House on the subject committed to it. It was pursuant to this constitutional authority that the House enacted its rule XIII requiring the reference and printing of reports of committees. Article I, section 5, clause 3 of the Constitution requires the House to maintain a journal and to publish its proceedings. It is pursuant to this authority and its rulemaking power that the House, together with the Senate, enacted the provisions of title 44, United States Code, section 101 et seq., which regulates the printing and dissemination of reports to the House, to other specified persons, and to the public. Now it is perfectly obvious that these constitutional powers and duties can be exercised only with the assistance of agents who must necessarily prepare, print, and disseminate these reports. It necessarily follows that by participating in this activity, the employees are neither engaging in an unconstitutional nor an unlawful action. From this we must likewise conclude that, in restraining this constitutional activity, Judge Gesell was acting clearly in excess of his powers and jurisdiction.

Surely this is a matter which directly and adversely affects every committee of the House, and every Member of the House. If the Court may undertake to inquire into the speech of the Committee on Internal Security, to censor and enjoin that speech, then it must follow that the court may similarly inquire into, censor and enjoin the printing and publication of the speech of every committee of the Congress. It may go even further. Since the speech of a committee is essentially the collective speech of individual members, the court may a fortiori censor and enjoin the printing and publication of speech in the House of individual Members of the Congress. The result, of course, is to impair communication within the House, between the House and the public, and between Members and their constituents.

Now, Mr. Speaker, I have previously detailed the proceedings which have led to this unprecedented result, and I have fully commented upon them. See CONGRESSIONAL RECORD: October 14, at 37111 and 36680; November 17, at 37799, and December 2, 1970, at 39512. I have also communicated directly with the Members in anticipation of this meeting today, and with the purpose of resolving this serious confrontation between the judicial and legislative power. I think it evident from a review of the proceedings that the restraints which have been imposed by the court upon the publication of the committee report constitutes a material obstruction of the constitutional duties of the House, violates the freedom of speech and debate accorded to Members of the House, impairs the legislative processes of the House, and is accordingly a breach of the privileges of the House. The question is whether we shall take steps to preserve our constitutional function and assert our privileges.

It was close to 300 years ago, in the year 1689 to be precise, that the Lords Spiritual and Temporal and Commons, assembled at Westminster, lawfully, fully and freely, as they said, representing all of the estates of the people, to take into "their most serious consideration the best means—for the vindicating and asserting their ancient rights and liberties." There protesting the subversion of the laws and liberties of the Kingdom, including prosecutions in the Court of King's Bench "for matters and causes cognizable only in Parliament," and other actions of the late King James which, as they said, "are utterly and directly contrary to the known laws and statutes and freedom" of the realm; declaring among their rights and liberties that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament," and insisting "that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in anywise to be drawn hereafter into consequence or example;" they in Parliament assembled at Westminster declared and enacted these rights and liberties into the statutes of the realm. (Gul. & Mar. sess. 2, cap. 2.)

Now, Mr. Speaker, we too are assembled today, representing the people of this Nation, and by the terms of the resolution which I have offered and have communicated to the Members, shall have occasion to assert the undoubted rights and liberties of Members of this House, and to vindicate those ancient rights and privileges of the House which have indeed been incorporated into the fundamental law of this free Nation.

The parliamentary privileges with respect to speech and debate, asserted by the Parliament of England, obtained the force of law when enacted into the statutes of England in 1689, and passed into the common law of the United States. It is generally agreed that the common law of the United States has derived from the laws of England, and embraces applicable statutes of England enacted before the emigration of our ancestors. See, for example, *Commonwealth* v. *Chapman*, 13 Metc. (Mass.) 68 (1848); *Fitch* v. *Brainard*, 2 Day (Conn.) 163, 189 (1805).

Three State constitutions, adopted before the Federal Constitution, specifically protected the privilege. The Maryland Declaration of Rights of 1776 provided "that freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature." The Massachusetts Constitution of 1780 provided, "The freedom of deliberation, speech and debate, in either House of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoe'er." The New Hampshire Constitution of 1784 provided, "The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action,

complaint, or prosecution, in any other court or place whatsoever." Two State constitutions of 1776, those of South Carolina and New Jersey, protected the privilege by general provisions expressly preserving English law. See *Tenney* v. *Brandhove*, 341 U.S. 367 (1951).

At the time of the adoption of the Federal Constitution, the privileges of Members of Parliament had been firmly established and were recognized as including, "first, that they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege; second, neither a member himself, his order H. of C. 1663, July 16, wife, nor his servants—familiares sui—for any matter of their own, may be, Elsynge, 217; 1 Hats., 21; 1 Grey's Deb., 133, arrested on mesne process, in any civil suit; third, nor be detained under execution, though levied before time of privilege; fourth, nor impleaded, cited, or subpenaed in any court; fifth, nor summoned as a witness or juror; sixth, nor may their lands or goods be distrained; and seventh, nor their persons assaulted, or characters traduced." (Jefferson's Manual, sec. III, H. Doc. No. 402, 90th Congress, second sess., at p. 118.)

These privileges thus universally acknowledged as the privileges of members of Parliament, and likewise claimed by legislatures of the States, in their essential aspects have also been expressly incorporated in the fundamental law of the United States. Article I, section 6 of the Constitution expressly provides that—

> They [the Senators and Representatives] shall in all cases, except treason, felony, and breach of the peace, be privileged from arrests during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they [the Senators and Representatives] shall not be questioned in any other place.

Behind these simple phrases, as Mr. Justice Harlan said:

> Lies a history of conflict between the Commons and the Tudor and Stuart Monarchs during which successive Monarchs utilized the criminal and civil law to suppress and intimidate critical legislators. Since the Glorious Revolution in Britain, and throughout United States history, the privilege has been recognized as an important protection of the independence and integrity of the legislature. In the American governmental structure, the clause serves the additional function of reinforcing the separation of powers so deliberately established by the Founders. *U.S.* v. *Johnson*, 383 U.S. 169, at 178 (1965), citations omitted.

This provision of the Constitution had its origin in the Committee of Detail of the Federal Convention of 1787. The initial committee draft of the clause, attributed to Randolph, provided that "the delegates shall be privileged from arrests—or restraint—personal restraint during their attendance, for so long a time before and after, as may be necessary, for traveling to and from the legislature—and they shall have no other privilege whatsoever." The latter words, "and they shall have no other privilege whatsoever," were stricken in the draft of the provision reported by the committee which read as follows:

> Freedom of speech and debate in the legislature shall not be impeached or questioned in any court or place out of the legislature; and the Members of each House shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

Rutledge delivered the report of the committee of detail in the convention on August 6. On August 10 the provision was agreed to with no one to the contrary.

Then on August 20, Pinckney submitted to the convention the following proposition for reference to the committee of detail:

> Each House shall be the Judge of its own privileges, and shall have authority to punish by imprisonment every person violating the same; or who, in the place where the Legislature may be sitting and during the time of its Session, shall threaten any of its members for any thing said or done in the House, or who shall assault any of them therefor—or who shall assault or arrest any witness or other person ordered to attend either of the Houses in his way going or returning; or who shall rescue any person arrested by their order.

The committee of detail, however, did not report on this proposition, and at the meeting of the convention on September 4, Pinckney moved a clause declaring "that each House should be judge of the privilege of its own Members." Morris seconded the motion. Madison's notes of what then transpired follows:

> Mr. Randolph & Mr. Madison expressed doubts as to the propriety of giving such a power, & wished for a postponement.
>
> Mr. Govr. Morris thought it so plain a case that no postponement could be necessary.
>
> Mr. Wilson thought the power involved, and the express insertion of it needless. It might beget doubts as to the power of other public bodies, as Courts &c. Every Court is the judge of its own privileges.
>
> Mr. Madison distinguished between the power of Judging of privileges previously & duly established, and the effect of the motion which would give a discretion to each House as to the extent of its own privileges. He suggested that it would be better to make provision for ascertaining by *law*, the privileges of each House, than to allow each House to decide for itself. He suggested also the necessity of considering what privileges ought to be allowed to the Executive.

Pinckney's proposal did not come to a vote, and the only provision upon the subject which was referred to the committee on style was that previously reported by the committee of detail on August 6. The committee on style altered the language of the provision in several particulars and reported it in the language now embraced in the provisions of article I, section 6, of the Constitution. See "The Records of the Federal Convention of 1787," edited by Max Farrand, volume 2, Yale University Press, 1911; and "The Growth of the Constitution in the Federal Convention of 1787," William M. Meigs, J. P. Lippincott Co., 1900, pages 100–102.

The full extent of the privileges accorded to Members of Parliament and to Members of Congress, and the manner of proceeding upon them, have never been fully defined. The underlying reason for the failure or refusal was perhaps correctly stated by Sir William Blackstone, who said:

> Privilege of parliament was principally established, in order to protect its members not only from being molested by their fellow subjects, but also more especially from being oppressed by the power of the Crown. If, therefore, all the privileges of parliament were once to be set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and under pretence thereof to harass any refractory member and violate the freedom of parliament. The dignity and independence of the two Houses are therefore in great measure preserved by keeping their privileges indefinite. (1 Comm. 164.)

Thus, a resolution introduced in the House of Representatives by Mr. Beaumont of Pennsylvania in 1837 to instruct the Committee on the Judiciary to inquire into the expediency of bringing in a bill defining the offense of contempt of the House, was not, after debate, agreed to. See Hinds', "Precedents of the House of Representatives," volume 2, section 1598.

Nevertheless, the failure to specify all privileges cannot, and has not, been construed as a denial of the existence of privileges other than those specifically set forth in the Constitution. It is evident that the failure of the Federal convention to accept Pinckney's broad proposition—that each House should be the judge of its own privileges—was neither a rejection of all privilege nor a limitation of privilege to those which are specified.

Moreover, the power of a legislative body to punish for breach of its privileges has long been recognized. This has been the fact with respect to the parliamentary practices in England, in the State governments prior to the formation of the Constitution, and in Congress following adoption of the Constitution. As was said in *Marshall* v. *Gordon*, 243 U.S. 521, 533 (1917):

> Undoubtedly what went before the adoption of the Constitution may be resorted to for the purpose of throwing light on its provisions. Certain is it that authority was possessed by the House of Commons in England to punish for contempt directly, that is, without the intervention of courts, and that such power included a variety of acts and many forms of punishment including the right to fix a prolonged term of imprisonment.

The propriety of the practice has been manifested by explicit provisions contained in some of the State constitutions enacted prior to the adoption of the Constitution of the United States. This is illustrated in the Maryland Constitution of 1776 which contained the following article:

> That the House of Delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the House of

Delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from the House, or by rescuing any person committed by the House: and the Senate may exercise the same power, in similar cases.

Over the years, following the adoption of the Federal Constitution, similar powers have been claimed and asserted by the House of Representatives. They are set forth in Hinds', supra, volume 2, chapter LI, and I need not relate them in detail. See also, annotations to House rule IX, and section III of Jefferson's Manual, House docket No. 402, supra, respectively at pages 320 and 118.

The existence of a power in the House to take cognizance of contempts of its constitutional rights and privileges and to punish for contempt first came under review in *Anderson* v. *Dunn*, 6 Wheat. 204 (1821). The issue arose by reason of an action of trespass instituted in the Circuit Court for the District of Columbia against the Sergeant-at-Arms of the House for an alleged assault and battery and false imprisonment committed upon the plaintiff in the execution of a warrant of the House to deliver the plaintiff to the bar of the House to answer a charge of contempt arising out of an alleged attempt by the plaintiff to bribe a Member of the House. The plaintiff was found guilty of a contempt for violation of the privileges of the House, was reprimanded, and then discharged from the custody of the Sergeant-at-Arms. There was no dispute on the facts of this case, and the sole question upon the pleadings was whether the House had authority to issue a warrant of arrest under the circumstances, or whether it was illegal on its face. The judgment against the plaintiff was affirmed by a unanimous court.

Justice Johnson, who delivered its opinion, agreed that if a power to inflict punishment for contempt of either House exists, it must be a power derived from implication. Holding that such a power exists, the court said:

> But if there is one maxim which necessarily rides over all others, in the practical application of government, it is, that the public functionaries must be left at liberty to exercise the powers which the people have entrusted to them. The interest and dignity of those who created them, require the exertion of the powers indispensable to the attainment of the end of the creation. Nor is a casual conflict with the rights of particular individuals any reason to be urged against the exercise of such powers.

This power, said the court, asserted on the plea of necessity, is incidental to the grant of legislative power, and is similar to the inherent power of courts to fine and imprison for contempts as an incident of the grant of judicial power. To deny the existence of this power, said the court:

> Obviously leads to the total annihilation of the power of the house of representatives to guard itself from contempts and leaves it exposed to every indignity and interruption, that rudeness, caprice, or even conspiracy, may meditate against it.

Resting the exercise of the power to punish for contempt on the principle of self-preservation, the court then addressed itself to the question of the extent of the punishment which may be inflicted in the exercise of this power. It said the answer to the question was the least possible power adequate to the end proposed, that is, the power of imprisonment, the duration of which may not exceed the existence of the power that imprisons. Hence, said the court, imprisonment must terminate with the adjournment of the House.

Subsequent decisions have affirmed the principle established in Anderson against Dunn. Following Anderson came Chapman's case, an individual who refused to testify in a Senate proceeding and was indicted under section 102 of the revised statutes making such refusal criminal. Having been arrested under the indictment, he applied for habeas corpus. The writ was denied and its denial upheld. *In Re Chapman*, 166 U.S. 661 (1897). A novel argument was advanced in this case. Conceding that a power to try and punish for contempt was an inherent constitutional power, Chapman argued that the power was exclusively cognizable by the Senate, and that the delegation by the Senate of its authority to subject him to prosecution in the courts under the statute was a wrongful delegation and also subjected him to double jeopardy. Agreeing with him that each House of Congress possessed the essential and inherent power to punish for contempt and could not divest itself of that power, the court rejected his argument that this was a delegation of that power and that the defendant was subjected to double jeopardy.

In the next case, that of Hallet Kilbourn, a contumacious witness, imprisoned in 1876 on order of the House for 45 days in the common jail in the District of Columbia for refusal to produce certain books and papers, the court did not have occasion to pass on the extent of the power of a House of Congress to punish for contempt. Although there was some discussion on the point, it was unnecessary to reach that issue in view of the fact that the court found that the House was not acting within its authority in requiring Kilbourn's testimony. *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880).

The next and, to date, the last case on this subject is *Marshall* v. *Gordon*, 243 U.S. 421 (1917). In reversing the action of the House in this case, the court had occasion clearly to define the extent of the implied power possessed by the House in the protection of its privileges through processes of contempt. The principles laid out in this case have never been questioned. Marshall, a U.S. attorney in New York, was charged on the floor of the House with misconduct in office. The House by resolution directed the Judiciary Committee to make inquiry and report concerning his liability to impeachment. While the inquiry was in progress through a subcommittee, Marshall wrote a letter to its chairman which he gave to the press, charging the subcommittee with endeavoring to frustrate the action of a grand jury probing a House Member's conduct. The House adopted a report characterizing the letter as defamatory and insulting, tending to bring the House into public contempt and ridicule, and directed its Sergeant-at-Arms to bring Marshall before the House to answer for contempt of its authority. The House issued a formal warrant for Marshall's arrest, and upon its execution by the Sergeant-at-Arms, Marshall applied for a discharge on habeas corpus. The refusal of the lower court to grant the writ was reversed by the Supreme Court on the ground that the action of Marshall in writing an insulting letter did not amount to an interference with, or obstruction of, the exercise of legislative power.

A unanimous court pointed out that a distinction must be made between the exercise of legislative power to make criminal certain acts—such as libel—according to the orderly process of law, that is by the enactment of penal statutes, and those acts which constitute a contempt and can be dealt with by the implied power of a legislative body. Without undertaking to mention inclusively the subjects embraced in the implied power of each House to punish for contempts of the body, the court said it is clear that from the very nature of the power, since it rests upon the right of self-preservation, the power embraces only "the right to prevent and punish acts which in and of themselves inherently obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed." Said the court:

> The legislative history of the exertion of the implied power to deal with contempt by the Senate or House of Representatives when viewed comprehensively from the beginning points to the distinction upon which the power rests and sustains the limitations inhering in it which we have stated. The principal instances are mentioned in the margin and they all except two or three deal with either physical obstruction of the legislative body in the discharge of its duties, or physical assault upon its members for action taken or words spoken in the body, or obstruction of its officers in the performance of their official duties, or the prevention of members from attending so that their duties might be performed, or finally with contumacy in refusing to obey orders to produce documents or give testimony which there was a right to compel.

Surely there is no fact more basic to the exercise of the legislative function than that of speech and the public dissemination of such speech. This is evident, moreover, in their specific inclusion in the Constitution as privileged activities: Article I, section 6, clause 1, accords and expressly protects that privilege of speech; article I, section 5, clause 3, requires the House to publish its proceedings. Equally clear must be the fact that the enjoining of the printing and distribution of a committee report to the House inherently obstructs the exercise of that privilege of speech and that duty to publish. We must therefore conclude, upon the principles of the decided cases, that this act of obstruction is an act embraced within the implied power of the House to prevent and punish.

The action of Judge Gesell was clearly in excess of his authority and power. Even the dissenting member of the committee who points out that the decision

is now on appeal concedes that many members, including several who share his philosophy on these matters, as he puts it, believes that the decision will be reversed in the Court of Appeals. He says that would obviously solve the committee's problem, but he believes that in view of the fact a district judge has found the report oversteps the boundaries of permissible governmental conduct, the House should take no action until the question is resolved in the courts. Pending disposition of the matter in the courts, he suggests that the House take no action either on the first report or upon the second.

In reply to this, I say to the Members of the House that the quality or content of the report was not an issue cognizable by the court. The court had no business entering into an examination of its contents. This is a matter of speech in the House. From the inception of our constitutional history the courts have been denied authority to question that speech. This is a privilege in the power of the House and is a positive restraint upon the proceedings of the inferior courts. Whatever is spoken in the House is subject only to the control of the House or by the electorate and we are judged every 2 years by the electorate. The privilege of speech and debate is a privilege to the Members of the House. We cannot waive that privilege. These are doctrines that have long been settled by the judgment of our ancestors, and by the rules of the Congress since its inception. See Jefferson's Manual, House Document 402, supra, at page 130. Are we to abandon our birthright? Are we to appear to acquiesce in the dissolution of our constitutional prerogatives by submitting to the further pleasure of the court on this vital issue? Is this our duty?

Let me say that we of the committee entertain no illusions as to the earth-shaking importance of either our first or second report. In the conduct of the survey, the results of which we reported, the committee proceeded with great care and discretion seeking only the voluntary cooperation of college and university administrators, refraining so far as possible from compulsory intrusion into the college and university system. At the outset the committee recognized that in thus undertaking this inquiry into a limited aspect of the financing of revolutionary violence, there were certain unavoidable circumstances which would undoubtedly diminish the committee's survey and subsequent analysis of information received. We, nevertheless, concluded that the report would have some utility in providing the committee and the House, and indeed the public, with relevant information on a limited, but important, aspect of the subject of revolutionary violence. The inquiry was clearly a matter of public concern, and this even Judge Gesell concedes.

In making this report, we were, moreover, clearly in the exercise of our own rights of speech in commenting upon matters of public concern. In publishing this report, the House is also fulfilling a constitutional duty. It is required by the terms of article I, section 5, that the House publish its proceedings. The provision was expressly included in the Constitution by the Committee of Detail because, as Ellsworth said:

> The people will call for it if it should be improperly omitted.

Wilson said:

> The people have a right to know what their agents are doing or have done, and it should not be in the option of the legislature to conceal their proceedings.

See "Drafting the Federal Constitution," a rearrangement of Madison's notes, and so forth, Arthur Taylor Prescott, Louisiana State University Press, 1941, at page 429. These rights were denied by Judge Gesell.

Hence the issue before us today is not the quality or content of the first or second report, but a graver and more fundamental issue beside which the content of the reports must appear wholly insignificant. At stake is the most basic and fundamental principle of liberty and of our Constitution, the separation of powers. While courts concededly have the power to construe the Constitution, we cannot concede that they can under the guise of construction arrogate to themselves powers which they do not possess, or that they possess a jurisdiction to invade the powers of a coordinate branch. This is particularly true where, as in the instance of the speech and debate clause, this separation of power in an exceptionally delicate area is clearly defined, and by which the courts are expressly denied a jurisdiction to intrude. For any speech or debate in either House, the Senators and Representatives "shall not be questioned in any other place." This I emphasize. What then should be our course in the face of the present act of judicial encroachment upon the legislative authority?

To answer this question, we must, of course, look to the nature, structure, and spirit of our institutions. Drawing upon Montesquieu, the founders were clearly of the opinion there can be no liberty where the legislative and executive powers are united in the same person, or if the power of judging be not separated from the legislative and executive. However, they did not construe this principle as meaning that these departments ought to have no partial agency in, or control of, the acts of each other. The Federalist, No. 47. It was their view that the degree of separation which the maxim requires as essential to a free government can never in practice be duly maintained unless these departments be so far connected and blended as to give each a constitutional control of the others. The Federalist, No. 48. For this purpose many of the controls with which we are familiar have been expressly incorporated in the Constitution.

It is evident that, in the nature of our constitutional system, one department cannot be conclusively bound in all cases and in all matters by the judgment of any coordinate branch. Said Madison in Federalist No. 48:

> It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly an overruling influence over the others, in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others. What this security ought to be is the great problem to be solved.

While the judicial branch was certainly entrusted generally as the arbiter of questions arising under the Constitution, it is likewise clear that in matters fundamental to the existence and function of a coordinate branch, it was not intended that a coordinate branch be concluded in all instances by the judgment of the court. We do not view the language of Federalist No. 78 as taking the position that any construction by the courts of the power of the legislative branch is conclusive upon the latter where such a construction cannot be "collected from any particular provisions in the Constitution." This is particularly true with respect to provisions of the Constitution which expressly commit to the legislative body the function of judging of its own particular powers and privileges, as is the case in the instance of the privilege conferred by the speech and debate clause here involved. This proposition must be asserted on natural principles of self-preservation. It is indeed a position supported and acknowledged in Anderson against Dunn, supra, and Marshall against Gordon. It is a position supported in the express power of impeachment of judges. Federalist, No. 79. It is a position supported in the debates of the Committee of Detail, which drafted article I, section 6.

In the present case we are involved in a confrontation with the judicial branch. We have paid to it a due respect in entering our appearance in the district court following the inception of the action. We have asserted our privileges and to put the court on notice. It is a point of importance that we have likewise taken an appeal to the Court of Appeals. We asked for an expedited review of the action of Judge Gesell. This was denied us. We were not accorded the respect which was in turn due to the House in the very nature of the case. Is the House meanwhile required to suffer the continued obstruction of its proceedings and business? Must it await the continued leisure, and perhaps indifference, of the appellate branch? One may only speculate as to when our appeal will be final and favorably disposed of. Matters of this kind have frequently beeen in the courts for years awaiting final result. As a matter of fact, in view of what has happened, it may well be that the participation of Members of Congress in the appeal should not be continued.

It was asked by the author of Federalist No. 51:

> To what expediency, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution?

It is apparent that there has been no wholly satisfactory answer to this question. While it was hoped that the interior structure of the Government be so contrived that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places, it was evident, he said, that each department should have "a will of its own."

Ultimately there must be cases, as the case before us, in which we must exercise this will of our own. How otherwise is the House to preserve itself? Where a court clearly disregards the precedents of its own branch, takes action which clearly obstructs and prevents the exercise of privileges essential to the discharge of legislative duty and authority; and when in the system of appellate review we are not accorded prompt relief, are we not obliged, and indeed justified, in taking such measures as may be discreet and necessary to exert that authority which is essential to the preservation of our constitutional function? A disregard of this transparently invalid injunction of Judge Gesell is no disrespect for the judicial process, see *Walker* v. *City* of *Birmingham*, 388 U.S. 307, (1967), majority and dissenting opinions. Indeed if we are to assert our constitutional duty in the premises, we are under an obligation to resist this encroachment immediately and in clear and unmistakable terms.

Under the circumstances, I did not believe it was necessary or desirable for the House to assert its authority against the judiciary on the first report. That is in the court on appeal. The judgment may be ultimately reversed if the appeal is continued or the appeal can be dropped and let matters stand where they are. However, so that the business of the House shall not be obstructed on the report, I have today filed a second report on the same subject matter. The resolution before us will order the printing of this report, including provisions that will protect the Public Printer and the Superintendent of Documents from any interference with the work, or from any action to punish or damage them as a consequence of the performance of the work. By the terms of this resolution the House will assert, demand, and insist upon its constitutional privileges, and will give the judiciary and its agents due notice of the power to be exerted and of the likely consequence of what may follow a breach of the privileges of the House.

This is not a resolution to hold either the court, or its agents, or any other person, in contempt. It is a declaration of the intent of the House, of its assertion of privilege, and an admonition that consequences may follow a breach of the privilege. This is similar to an order to a witness that his answer is required. The order is not itself a citation of contempt. See *Quinn* v. *U.S.*, 349 U.S. 155 (1955). Should this order be violated, it will then be a matter for the House to determine what course it should take.

Mr. Speaker, I think this is the most reasonable and discreet course that we may pursue. It is indeed, as the court suggested in Anderson against Dunn, an assertion of the least possible power adequate to the end proposed. It is in conformity with the obvious necessities in which we have been placed.

May I briefly explain the parliamentary situation. As I understand the parliamentary situation, the individual in the well has been recognized for 1 hour. As the mover of the privileged resolution it is my intention to control the time. However, I do wish to yield liberally to those who oppose this resolution. I want it understood that my yielding will be only for purposes of debate, because I do intend to control the previous question.

The history of the matter before us today has been fully explained to the Members by mail, by speeches, and by insertions in the RECORD.

On December 2 a special order was held by me, with prior invitation extended to all Members to participate in the discussion. And on December 8 copies of this resolution and the report which the resolution orders printed were furnished to each and every Member of the House. So each and every Member of the House has had ample notification of what this resolution contains.

Mr. Speaker, there have been a lot of misinformed articles, in my opinion, written about this controversy on both sides of the question. Those on the left have said that the report goes too far. Those on the right have said that the report does not go far enough. Much of this was obviously written without a reading of the report and without any consideration of the origin or the purpose of the report.

I do not believe there is any doubt about the jurisdiction of the committee over the subject of inquiry. A cursory reading of the mandate of the House Committee on Internal Security reveals that to be true. The purpose of the report has been grossly misrepresented.

The report deals with the financing of speakers of certain revolutionary organizations. Let me briefly review the history of the report.

Earlier this year, in the spring of this year, William Kunstler stated in an interview that most of the money to finance the movement comes from speaking honoraria. This was nothing new to the committee. The committee has received a great deal of information to the effect that William Kunstler, the attorney for the so-called Chicago Seven, was not making an idle statement.

After that statement was made by Kunstler the committee ordered a voluntary survey of 179 institutions of learning throughout the Nation. In that voluntary survey it was made clear to the colleges and the universities that no answer was required, no participation was required. Insofar as the names that are mentioned in the report are concerned, they were gathered from the information furnished by schools and colleges throughout the Nation voluntarily.

Now, the distinguished gentleman from Ohio (Mr. STOKES) a member of the committee, for whom I have the highest respect—and I am sure that the gentleman from Ohio will agree that I have always treated him with the utmost courtesy, I have given him every opportunity to present his arguments and to present his views—has filed a dissenting report. I think he has very competently set forth his side of the argument. There is, however, one error which I think should not go uncorrected, that is in the very first sentence of the dissenting views which states as follows:

> As my colleagues know, the original report on this subject has been enjoined from publication and distribution by anyone other than Members of Congress.

I submit that an examination of the order of Judge Gesell will reveal that only the Government Printer and the document clerk were enjoined from printing and distributing this report.

Let me be quite frank to say, Members of the House, that I have never considered this particular report to be of earth-shaking proportions, but the decision of Judge Gesell, ladies and gentlemen of the House, is of earth-shaking proportions. For the first time in the history of the English and American judicial systems, to my knowledge, a national judge has suppressed the printing of a committee report right in the face of article I, section 6, the so-called speech and debate clause of the Constitution of the United States.

Mr. Speaker, this resolution is necessary for two reasons. First, the new report could be considered a restatement of the original report. In fact (Mr. STOKES) in his dissenting views seems to say that it is just that, a restatement of the original report. Second, Mr. Speaker, this resolution is necessary, I believe, because the House has the duty to assert, protect, and defend its constitutional privileges not only for this Congress but for subsequent Congresses. Especially is this necessary in view of the fact the court of appeals in a request by the lawyers of the committee rejected very cavalierly, I would say, a request for an expedited hearing even though this matter does involve a question of separation of powers, when only a few days previously the court had granted a request for an expedited hearing in the case of the Black Panthers when they were trying to get a court order to use the facilities at Howard University. For this reason I think that this resolution is especially timely.

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

Mr. ICHORD. I do not yield. I will yield to the gentleman shortly after I finish my remarks.

The SPEAKER pro tempore (Mr. ROONEY of New York). The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 5 additional minutes.

Mr. ICHORD. Mr. Speaker, I say to the Members of this House that it would seem to be grossly unfair and in a matter involving a conflict of power that one of the coequal powers and the aggressor power, in fact, would have the sole right to determine extent of the powers of the two coordinate bodies.

This is a case, Mr. Speaker, where the House must exercise a will of its own.

In closing, Mr. Speaker, I reiterate that the speech and debate clause is clear and explicit. Members of the House and Senate for their speech and debate shall not be questioned in any other place—and any other place includes the courts of this land.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. ICHORD. I will yield to the gentleman in just 1 minute.

This includes the courts as well as any other place. This has been the interpretation from the very beginning of the American and the English judicial system. The reasons for the interpretation I think are quite obvious: Members of the House and Senate must be free from harassment, they must be free to speak their minds.

In conclusion, Mr. Speaker, I say this to those Members who would vote against the resolution: Today it is a judge of one philosophy suppressing the committee report of one committee; tomorrow it may well be the judge of an opposite philosophy suppressing the report of another committee.

I urge the adoption of the resolution.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 3 additional minutes, and I yield to the distinguished gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I agree with the gentleman completely that the House must protect its privileges and its rights under the Constitution, so I will vote for the resolution.

My questions are two: No. 1, is this the correct procedure? Have there been precedents that the gentleman could cite for the use of such a procedure in respect to the judiciary to protect the constitutional rights of the House?

And, second, when the judicial proceeding has not finished through final action of appeal, is it timely for this resolution at this time?

Those are technical questions.

Mr. ICHORD. Mr. Speaker, I would say to the gentleman from Pennsylvania I doubt that there is any precedent as to this procedure, because this is the first time, as I stated, in debate, that this has ever occurred, a final order of a court restricting the printing of a congressional document. I think this is highly appropriate in this instance to obtain a printing of the report.

In answer to the second question of the gentleman from Pennsylvania, this procedure is timely because Judge Gesell held in his order that any restatement of this committee report is also enjoined.

This second report could be construed as a restatement of the original report. For that reason it is necessary to order the Public Printer in no uncertain terms to print the report and to enjoin all persons from interfering with the printing of the report.

Mr. FULTON of Pennsylvania. Mr. Speaker, I thank the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. STOKES) for the purpose of debate.

Mr. STOKES. Mr. Speaker, first, I thank the distinguished chairman of my committee, the gentleman from Missouri (Mr. ICHORD), for having very fairly yielded this time to me.

In response to his earlier remarks on the floor, I am very happy to say to this body that during my 2 years' tenure on this committee that the chairman of this committee has at all times been extremely fair and considerate in every respect to my particular committee assignment. For that reason I do wish to acknowledge at this time not only his fairness on this occasion, but on all occasions during my association with him.

Mr. Speaker, it is my intention at the close of debate on this matter to move to lay the resolution on the table. I do so for the reason that I concur with the distinguished chairman of this committee when he stated to this body a few moments ago that there is nothing in this report of earth-shaking consequence. There being nothing of earth-shaking consequence in the report, it seems to me that what we ought to do is to resort to the orderly judicial process in which we are now engaged with reference to this first report.

It is for that reason that I see no need for this body to go on record, and cause the kind of confrontation which may be caused by the Congress of the United States enjoining the courts from enjoining them, which is in substance the effect of this particular resolution.

Let me very briefly make reference to this prior court action which was an action for a declaratory injunction and injunctive relief.

That report contains 1,168 names which had been checked against committee resources regarding 12 organizations.

The committee isolated 65 names from the 1,168.

It is significant that in the conclusion of the report, which the Superintendent of Documents and the Public Printer were enjoined from printing—the committee report says, and I quote:

> The committee believes further, more costly probing of this matter would only add greater detail to the findings—not greater enlightenment. This report therefore concludes the committee's inquiry into the question of honoraria paid campus speakers.

The court, in making its determination in that original case relative to that report, found that no legislative purpose was set forth in that report nor were any legislative recommendations of any kind contained in that report.

There are certain basic issues that I think are presented in that report. First, there being the issue of free speech and assembly.

It was not suggested in that report. It was not suggested in that report that the speeches presented any clear or immediate danger but that the speakers were "Pied Pipers of pernicious propaganda."

It was also found by the court that the blacklisting, which the judge termed it, was compiled because these speakers were sometimes associated with organizations that were distasteful to the committee; further, that the listing of speakers was apparently done with the hope of bringing social and economic pressures against these institutions in order to ostracize the speakers and stultify further compus discussion.

The court discusses fully in that decision the speech and debate clause and its relevance to the Public Printer of this House. It discusses the separation-of-powers doctrine and the political question of justiciability. But then it said that where exposure and invasion of private rights are the result of a legislative inquiry, that the inquiry must be justified by a genuine, specific legislative need. The court cited in this case Watkins against United States, a Supreme Court decision, and I quote from that decision. It says:

> No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible.

The specific findings of the Court were that—

> If a report has no relationship to any existing or future legislative purpose and is issued solely for the sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where the publication will inhibit free speech and assembly, publication and distribution in official form at Government expense may be enjoined.

I concur with this kind of judicial reasoning. As a member of this committee and knowing that the old report did not and the new report, filed with you today, does not contain any legislative purpose in it, nor does it contain a single legislative recommendation of any kind.

Mr. Speaker, at this point I ask unanimous consent to insert the Court's opinion in the RECORD at the conclusion of my remarks.

The SPEAKER pro tempore (Mr. ROONEY of New York). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Let me make this reference to the new report just filed with you, which the distinguished chairman of our committee said to you is a restatement of the prior report. There have been no hearings whatsoever conducted by our committee on this particular survey and report, not a single day's hearings.

The authority for the report is supposedly set forth at page 2 of the foreword as follows:

> That Attorney William Kunstler told newsmen after a speaking appearance at the University of Cincinnati in the spring of 1970, "We raise most of the money for our movement through speaking engagements."

The next reason set forth for taking this survey was that similar claims made by others in the Chicago conspiracy trial as well as spokesmen for the Black Panthers. The query I pose to you is where and who made such statements? Our committee conducted no hearings relative to such statements.

Then, of course, the third reason, which we set forth therein, is testimony in March of this year by J. Edgar Hoover before the House Subcommittee on Appropriations—again testimony taken from another committee which has never been before our committee.

On the purpose of the report, if you look at page 2 of the foreword, our distinguished chairman says this to you:

> Since our committee does have the authority to ascertain for the Congress the source of financing of revolutionary organizations and movements in the United States, I ordered the committee research staff to conduct a preliminary survey of public source material regarding campus speaking appearances by radical extremists.

And further, at page 3, it says:

> It was . . . resolved that a canvass would be made of a proportion of American colleges . . . to ascertain whether honoraria might be a substantial source of revenue for the "revolutionary movement."

Now, taking that statement and looking at what the committee's findings are, beginning at page 11 of the report, and at page 15 here, the committee had undertaken this survey for a specific purpose and they say that its findings and conclusions are:

> The committee did not at this stage endeavor to ascertain whether honoraria paid as indicated herein to the speakers inured to the benefit of any organizations with which they may be associated, or that the individuals were speaking in behalf of such organizations.

It seems to me there is only one conclusion to be drawn from that, and that is that the purpose for which the report was undertaken was a failure, and consequently the printing of such a report serves no useful purpose to this Congress.

Mr. ICHORD. Mr. Speaker, will the gentleman yield at that point?

Mr. STOKES. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I want to clearly admit to the gentleman in the well that the first report contained very few statements going to the legislative jurisdiction, and that is true of nearly all committee reports of this House.

It is true, in view of what happened in Judge Gesell's court, that the committee did make an effort to make it very clear that the committee did have jurisdiction in this field.

I want to admit, frankly, that those statements are included in the report and very clearly show legislative jurisdiction. I think those statements do so.

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

Mr. STOKES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, is there a legislative intent involved in this study?

Mr. ICHORD. Is the gentleman from Michigan inferring that a committee of the Congress, the Committee on Internal Security, under its mandate does not have the right even to inquire into the financing of revolutionary activities in the Nation?

Mr. CONYERS. I think that kind of answer tells me about what we are getting at.

Mr. Speaker, I want to commend the gentleman in the well. Apparently, there was not even a legislative intent.

Mr. ICHORD. Let me say, as the gentelman has been furnished a copy of the report for 6 days now, has the gentleman read the report? I think if the gentleman will read the report, he will see that there is legislative jurisdiction.

Mr. CONYERS. If the distinguished chairman will really confront this question here, the question is whether there is a legislative intent that was sought. It is not the question of whether all Members read the report or not. I suppose from the distinguished chairman's answer to the question, the answer is "No." And, if there is one, I would like to know what it is.

Mr. ICHORD. I would say to the gentleman from Michigan that there is an obvious legislative intent in this report, and I would direct the attention of the gentleman to the report itself, where the legislative intent is very clearly set out.

I would say to the gentleman from Michigan that the committee would have had the authority to use compulsory process to obtain this information. However, the committee did not choose to use compulsory process. We chose to present a voluntary survey, and the names that are shown in this report were information gathered from that survey.

Surely the gentleman from Michigan is not contending that the committee does not have the authority to inquire into the financing of revolutionaries throughout the United States.

Mr. STOKES. Mr. Speaker, will the gentleman yield to me on that point?

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

Mr. STOKES. Will the chairman agree that when our committee considered the second report, in executive session that I questioned the fact that this particular paragraph, which sets forth legislative questions, had now been inserted. At the time of questioning I said to the chairman and to the committee that this was obviously an attempt to set forth in this report some kind of legislative intent. Did not the chairman at that point agree that such was the fact?

Mr. Speaker, at this point I include the entire opinion which I have previously referred to:

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

NAT HENTOFF, ET AL., PLAINTIFFS, *v.* RICHARD H. ICHORD, ET AL., DEFENDANTS

MEMORANDUM OPINION

This is a class action for declaratory judgment and injunctive relief. Plaintiffs seek to enjoin the official publication and distribution of a Report of the Committee on Internal Security of the House of Representatives. The matter is before the Court on affidavits and briefs after full argument. The parties have stipulated that the record before the Court is complete and that the case is in posture for final disposition.

Defendants in this action are the members of the House Committee on Internal Security, its Chief Counsel, the Public Printer and the Superintendent of Documents. The Report in question is entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," consisting of 25 pages. A copy of the Report as filed with the House of Representatives following the commencement of this action is in evidence. The Public Printer is presently subject to a Temporary Restraining Order issued by this Court, restraining any printing or distribution of the Report which the Chairman of the Committee has released to the press.

A foreword to the Report prepared by the Committee's Chairman states its origin:

"Early this year, I became concerned—as did many of my colleagues—with frequent news accounts of inflammatory speeches which were being made to large audiences on college and university campuses by the radical rhetoricians of the New Left promoting violence and encouraging the destruction of our system of government. At times, reference was made in these reports to the fact that the speakers who preached such a message of hate for America and its institutions often received substantial appearance fees.

"A question which persistently confronts our committee is the one of how and where revolutionary movements in the United States obtain the financing for their activities."

The Report presents the results of a survey conducted by the Committee's staff without use of any formal process. The Committee staff by correspondence obtained information from a number of institutions of higher learning, listing speakers who had appeared on their campuses and in some cases the honoraria paid them.

A list of 1168 names thus obtained, as supplemented by newspaper data was then checked against Committee sources in an effort to determine whether or not any of the speakers had been associated with one or more of 12 organizations.[1] In this fashion the Committee isolated the names of 65 individuals. The Report, after describing the procedures summarized above, listed the names of each of the individuals so chosen, their alleged associations or affiliations, and the honoraria paid them individually where that had been ascertained. The Report raised the inference, without any positive evidence or any effort to obtain such evidence, that the sums paid for the speeches might have been made available, in whole or in part, to the organizations. The Report concludes as follows:

"The committee believes that further, more costly, probing of this matter would only add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

No legislation is mentioned or recommended.

When the complaint was filed, the Report was due to be released at noon on the following day. Plaintiffs sought to prevent filing, printing or any republication by a temporary restraining order. On October 13, 1970, the Court enjoined printing and distribution but refused to interfere with the filing of the Report with the House of Representatives or to enjoin any member of the Committee from discussing or disseminating the Report on or off the floor of the House.

Plaintiffs contend that the publication through the Public Printer and wide dissemination of the Report is still contemplated. This is not in dispute. The Printer has been directed initially to print 6,000 copies. Plaintiffs urge that this contemplated publication and distribution will infringe the rights of the 65 listed individuals under the First Amendment, and that it is being undertaken by the Committee without any proper legislative purpose. Plaintiffs ask that the Court enjoin the members of Congress, their agents and representatives and the Public Printer from any publication and distribution of this Report, limiting its disclosure to insertion in the *Congressional*

Footnotes at end of article.

Record and such discussion as follows in the normal process of any debate on the floor of the House.

By motion to dismiss, the Department of Justice, which appears on behalf of all defendants,[2] raises a series of objections which place in focus the difficult constitutional issues presented by this action. Defendants assert that the publication and distribution of the Report is protected both by the Speech or Debate Clause of the Constitution and by the doctrine of separation of powers. Further, defendants claim that the Report was prepared for a proper legislative purpose, but that in any event the Court is wholly without power to prohibit the printing and distribution of any report on any subject prepared by any committee of Congress for any purpose where the information contained in the report has been gathered by the committee without use of process or other legal compulsion. Thus the issues as framed relate to whether the Court has any authority to entertain the complaint in any of its aspects and, if so, the extent of relief which is appropriate under the Constitution.

Before turning to a review of the authorities, it is important to emphasize that this litigation unquestionably presents an immediate issue of free speech and assembly. The Report is exclusively concerned with speakers on college campuses who appeared there by invitation or otherwise and discussed issues of current importance in our society. It is not suggested in the Report that the speeches in any instance presented any clear or immediate danger, but simply that the speakers are "Pied Pipers of pernicious propaganda." The are listed in the so-called "blacklist" merely because they spoke and are believed to have been at some time associated with an oragnization distasteful to the Committee.

The Committee listed speakers in the report apparently with the hope and expectation that college officials, alumni and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion. The Report states:

"If, in a sampling of 3½% of the institutions of higher education, funds in this volume [$108,967.85] are derived by such persons, the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded.

* * * * *

"The committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the radical revolutionary movement . . ."

Thus, whether or not the Report was prepared pursuant to a proper legislative purpose, a matter which will be considered below, there can be no question as to its impact upon the right of free speech and assembly. This is an area that our form of government, our Constitution and decisions of the Supreme Court emphasize is entitled to the closest scrutiny and the broadest possible protection. *See, e.g., Bates* v. *City of Little Rock*, 361 U.S. 516 (1960); *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624 (1943); *Abrams* v. *United States*, 250 U.S. 616 (1919) (Holmes, J., and Brandeis, J., dissenting). Recent history is full of instances where disregard for these basic freedoms has done damage to individuals and corroded our institutions. *See, e.g., Barenblatt* v. *United States*, 360 U.S. 109, 147–59 (1959) (Black, J. dissenting); Appendices 4 and 5 to Jurisdictional Statement filed in the Supreme Court in the case of *Stamler* v. *Willis* (filed herein as Plaintiffs' Exhibit 1). Plaintiffs clearly demonstrate that they are faced with irreparable injury if publication of the "blacklist" under the auspices of the Congress is allowed, and accordingly defendants must demonstrate a constitutionally protected justification for publication.

First it is suggested that the publication of this Report is protected by the Speech or Debate Clause of the Constitution. Article I, Section 6, Clause 1, of the Constitution reads in pertinent part:

"The Senators and Representatives . . . for any Speech or Debate in either House . . . shall not be questioned in any other Place."

In considering the application of this Clause to the issues here presented, it should be noted that no injunction is sought to prevent any members of the Committee or other members of the House or Senate from discussing the Report, its contents or its import on the floor of Congress. Nor is any injunction sought which will prohibit placing the Report in the *Congressional Record* for the information of all members of Congress. Plaintiffs concede and the Court so holds that under the Speech or Debate Clause there is no power in the Court to enter prohibitions of this type. The question presented is a narrower one, namely, whether the Speech or Debate Clause has been or should be interpreted to have a broader application than these privileges which it clearly grants.

The scope of the protection afforded by the Speech or Debate Clause has been considered by the Supreme Court on five occasions: *Kilbourn* v. *Thompson*, 103 U.S. 168 (1881); *Tenney* v. *Brandhove*, 341 U.S. 367 (1951); *United States* v. *Johnson*, 393 U.S. 169 (1966); *Dombrowski* v. *Eastland*, 387 U.S. 82 (1967); and *Powell* v. *McCormack*, 395 U.S. 486 (1969). These cases establish that the courts lack jurisdiction to entertain an action seeking any remedy against a member of Congress for any statement made or action taken in the sphere of legitimate legislative activity. As stated in *Powell*:

"The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. . . . Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves. 395 U.S. at 505."

The Supreme Court in *Powell* left open the question whether an action could be maintained against Congressmen to compel the seating of a member of the House, the restoration of seniority privileges, and the award of back pay. 395 U.S. at 506, f. 26. Plaintiffs contend that the discussion in *Powell*, together with such decisions as *McGovern* v. *Martz*, 182 F. Supp. 343 (D.D.C. 1960), and *Long* v. *Ansell*, 63 U.S. App. D.C. 68, 69 F. 2d 386 (1934), indicates that this Court may restrain Congressmen from publishing, filing, or distributing, except by insertion in the *Congressional Record*, a report that impinges upon First Amendment rights.

The Court is of a contrary view. Members of Congress have the same right to speak as anyone else. Their legislative activities are not limited to speech or debate on the floor of Congress. Information in this Report involves matters of public concern, and the Court will take no action which limits the use that individual Congressmen choose to make of the Report or its contents on or off the floor of Congress. No injunction is appropriate against any Congressman named defendant. This leaves for disposition the question of what relief, if any, should be granted as to the Public Printer, the Superintendent of Documents[3] and employees or representatives of the Committee.

It is claimed that the protection afforded individual Congressmen by the Speech or Debate Clause is equally applicable to the Public Printer, and any members of the Committee staff when acting at the express direction of the Committee or of Congress. Reliance is placed primarily on *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729 (D.D.C. 1956), where both the Public Printer and the Superintendent of Documents were among the defendants in an action seeking to enjoin publication and distribution by a Senate Subcommittee on Internal Security of a document which named the plaintiff as a communist-front organization. A three-judge court dismissed the complaint against all defendants, apparently relying, among other things, on the Speech or Debate Clause. While the plaintiff's claim was founded on an alleged libel in the report and not, as here, on an abridgment of First Amendment freedoms, the language of the court was broad:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement. 141 F. Supp. at 731."

In its application to members of Congress, this language is consistent with this Court's decision that no injunction should issue against the members of the Committee. Insofar as the court in *Methodist Federation* read the Speech or Debate Clause or the separation of powers doctrine to afford complete protection to anyone other than Congressmen, however, the decision has been in effect overruled by *Powell*, where the Supreme Court stated: "That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision." 395 U.S. at 504. *See also, Dombrowski* v. *Eastland*, 387 U.S. 82, 85 (1967); *Stamler* v. *Willis*, 415 F. 2d 1365, 1368 (7th Cir. 1969).

This case is, of course, somewhat distinguishable from *Powell* on the grounds that the report of a Committee of Congress is involved rather than congressional action affecting qualification for office. Defendants argue that the printing of a committee report by the Public Printer is a ministerial function necessary to allow Congressmen to bring their views before the Congress and the public, and hence a function insulated from judicial power. Nothing in the Constitution or the cases suggests, however, that a committee report is a necessary adjunct to speech or debate in Congress. Article I, Section 5, of the Constitution provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same . . .," a mandate fulfilled by the printing of the *Congressional Record*. As previously indicated, publication of the Report in the *Congressional Record* cannot be enjoined. Additional printing of a committee report for wide public distribution and sale, however, stands on a wholly different footing. While it is printed and distributed to members of Congress pursuant to statute, 44 U.S.C. §§ 701 et seq., nothing in the Constitution compels its publication, and its further printing and public distribution is not necessary to give effect to the freedom of Congressmen to speak and debate on or off the floor. The Speech or Debate Clause does not necessarily bar an action to enjoin the Public Printer from printing a committee report for public distribution.

Defendants also argue that this Court lacks jurisdiction because the issue presented involves a "political question," and hence is

Footnotes at end of article.

not justiciable. This question of justiciability cannot of course, be determined by simple rules or principles. While courts have in a long series of cases found the separation of powers doctrine no bar to judicial review of congressional investigations,[4] defendants suggest that the issue in all these cases was the validity of formal congressional process. Accordingly, the Deputy Assistant Attorney General contended at oral argument that these decisions support the proposition that a Committee of Congress can print in a report anything it pleases, without interference from the judiciary, so long as the information is not gathered by compulsory process. This argument ignores the fact that the use of information, fully as much as the process by which it is gathered, may infringe constitutionally protected freedoms. *Cf. Menard* v. *Mitchell*, No. 22,530 (D.C. Cir. June 19, 1970). The decision to print and widely distribute the Committee Report involved here is no more a "political question" than the decision by the House of Representatives to exclude one of its members reviewed in *Powell*.

Apart from the total privilege afforded by the Speech or Debate Clause, the authority of a congressional committee to publish and distribute a report at public expense is not unlimited but is subject to judicial review in the light of the circumstances presented. In *Watkins* v. *United States*, 354 U.S. 178 (1957), the Supreme Court considered at length the relationship between congressional investigations and the Bill of Rights. Noting that congressional concern with alleged threats of subversion had brought about a new phase of legislative inquiry involving broad-scale intrusions into the lives of private citizens, it declared that First Amendment rights "may be invoked against infringement of the protected freedoms by law or by lawmaking." Unwilling to assume, as defendants do here, that "every congressional investigation is justified by a public need that overbalances any private rights affected," the Court emphasized that where exposure and invasion of private rights are the result of a legislative inquiry, the inquiry must be justified by a genuine, specific legislative need.

"No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible. 354 U.S. at 187."

Thus the issues here presented necessitate consideration of the legislative purpose underlying the Report, if any be shown. Judicial inquiry into the matter of legislative purpose must be undertaken with caution and great deference to the regularity of actions by a coordinate branch of government. No precise guidelines have been laid down by prior decisions concerned with this troublesome question. Congress to be sure has wide powers to investigate and report in aid of legislation, but where its activities encroach upon constitutionally protected liberties, a subordinating interest of the State must be affirmatively shown. See *Barenblatt* v. *United States*, 360 U.S. 109, 127 (1959).

Each situation must be analyzed on its own special facts. Here the Report not only fails to indicate any legitimate legislative purpose, but on its face contradicts any assertion of such a purpose. While counsel suggests that the Report could have been intended to stimulate legislation concerning the financing of "subversive" organizations, the Committee made no attempt to ascertain whether any honoraria were being channeled to such organizations, and acknowledged that no further inquiry into the matters covered by the Report was contemplated. No proposed or contemplated legislation is mentioned. Nor could the listing of names of speakers possibly be relevant to an inquiry concerning finances, and yet the list comprises the heart of this Report. The appeal is to college administrators, alumni and parents, not to members of Congress. The conclusion is inescapable that the Report neither serves nor was intended to serve any purpose but the one explicitly indicated in the Report: to inhibit further speech on college campuses by those listed individuals and others whose political persuasion is not in accord with that of members of the Committee.

If a report has no relationship to any existing or future proper legislative purpose and is issued solely for sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where publication will inhibit free speech and assembly, publication and distribution in official form at government expense may be enjoined. This is such a report.

The Court recognizes that an injunction against public printing and distribution of the Report, except through the *Congressional Record*, will not prevent distribution and discussion of the so-called "blacklist." There are limits to judicial power just as there are limits to congressional committee action under our tripartite form of government.

The Court is impelled to exercise its discretion in favor of an injunction, limited though it may be, for several reasons. These are times of stress when our most cherished institutions are threatened by extremists of many different persuasions. It is in these circumstances that the right of free speech and assembly must be jealously safeguarded by all branches of government to the end that the interchange of ideas and discussion, not violence, shall fashion the future of this democracy. There are undoubtedly individuals who would destroy our institutions and form of government. If any of them are listed in this Report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained. It is alien to any legitimate congressional function, as well as contrary to our most established traditions, for any Committee of the Congress to disseminate lists designed to suppress speech. Members of the Committee may speak their minds, and their words will carry added weight because of the great prestige of their high office. They cannot, however, by the mere process of filing a report devoid of legislative purpose, transform these views into official action by the Congress and have them published and widely distributed at public expense.

The Court notes the increasing tendency of the legislative branch to investigate for exposure's sake, and expresses the hope that members of Congress will by rule and attitude limit congressional inquiry to those matters amenable to constitutional legislative action. The Congress, the Judiciary, and the Executive branch properly seek remedies against violent conduct, but the marketplace of ideas cannot be closed and all branches of Government must in the last analysis depend on the common sense of citizens. This is the essence of democracy and it is in times of stress that the fundamental requirement of free speech and nonviolent assembly must be assiduously preserved wherever possible.

The action is dismissed as to all Congressmen named defendants and the Committee's Chief Counsel. The Public Printer and the Superintendent of Documents are permanently enjoined from printing or distributing the Report. The motion latterly made by plaintiffs to show cause why certain defendants should not be held in contempt of the Temporary Restraining Order is denied.

The foregoing constitutes the Court's Findings of Fact and Conclusions of Law. The Court's Order is filed herewith.

GERHARD A. GESELL,
U.S. District Judge.

OCTOBER 28, 1970.

FOOTNOTES

[1] The 12 organizations listed in an appendix to the Report are: Nation of Islam; Communist Party; National Committee to Abolish HUAC; National Mobilization Committee to End the War in Vietnam; Socialist Workers Party; [Persons] Cited for Contempt in Connection with the "Chicago Seven" Conspiracy Trial; Black Panther Party; Students for a Democratic Society; Student Non-Violent Coordinating Committee; New Mobilization Committee to End the War in Vietnam; Spring Mobilization Committee to End the War in Vietnam; and Youth International Party (Yippies).

[2] Congressmen Preyer and Stokes are not represented by counsel in this action.

[3] The Superintendent of Documents is a subordinate of the Public Printer. While the Public Printer is appointed by the President, 44 U.S.C. § 301, he is a legislative employee. Duncan v. Blattenberger, 141 F. Supp. 513, 515 (D.D.C. 1956).

[4] *See, e.g.*, Watkins v. United States, 354 U.S. 178 (1957); Barenblatt v. United States, 360 U.S. 109 (1959); United States v. Rumely, 345 U.S. 41 (1953); Stamler v. Willis, 415 F. 2d 1365 (7th Cir. 1969). In Davis v. Ichord, No. 23,426 (D.C. Cir. Aug. 20, 1970), the Court of Appeals rejected the separation-of-powers argument in an action seeking to enjoin the maintenance and use by this same Committee of an alleged "political blacklist." Dismissal of that case was upheld only on the basis that the threatened injury alleged by plaintiffs had by the time the case was decided become so improbable that the controversy was no longer "live."

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

NAT HENTOFF, ET AL., PLAINTIFFS

v.

RICHARD H. ICHORD, ET AL., DEFENDANTS

ORDER

Plaintiffs' application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed, any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the *Congressional Record* in full text, without special reprinting or excerpting of any portion or portions relating to said Report; and it is

Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be resolved upon the service of this Order on the Public Printer; and it is further

Adjudged and declared that said Report of the House Committee for Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the

United States, and that any publication of said Report at public expense, except as herein provided, is illegal.

GERHARD A. GESELL,
U.S. District Judge.

OCTOBER 28, 1970.

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

Mr. ICHORD. Mr. Speaker, I yield myself 3 minutes for the purpose of answering the question of the gentleman from Ohio.

I would say to the gentleman from Ohio that these statements were put in the report to explicitly show the jurisdiction of the committee. I believe that this is necessary in view of Judge Gesell's decision to the effect that he was enjoining the Government Printer from printing a report because there was no showing of legislative purpose.

Let us refer to the report. Let us read the statements to which the gentleman from Michigan and the gentleman from Ohio are referring.

I direct the attention of the House to page 6 of the report, at the bottom of the page:

> The national government has a deep and intimate interest in the unimpaired and free functioning of our academic institutions.

We know, I would say to the gentleman from Ohio, what is happening in the country.

I would direct the attention of Members to page 4 of the committee report, the third paragraph.

Mr. STOKES. Mr. Speaker, will the chairman yield at that point?

Mr. ICHORD. I do not yield at this time.

> In recent testimony before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, a representative of the Treasury Department . . . testified that for a scant 15-month period (January, 1969 to April, 1970) this country suffered a total of 4,330 bombings, an additional 1,475 attempted bombings, and a reported 35,129 threatened bombings.

As the gentleman in the well knows, many of these speakers are advocating the use of violence. They are advocating the destruction of this society and all of its institutions.

Is the gentleman in the well contending that the House of Representatives, the Congress, does not have a deep and abiding interest in what goes on at these institutions throughout the country?

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

Mr. ICHORD. I will yield shortly.

I would also point out to the gentleman from Michigan and the gentleman from Ohio that the report contains information of the widespread destruction of ROTC facilities that are located on campuses throughout the Nation.

The SPEAKER. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 3 additional minutes.

The report shows that there have been better than 300 bombings, thefts, and vandalism of ROTC facilities. Certainly we have an interest in those ROTC facilities. I do not think there is any doubt about the jurisdiction of this committee to inquire in this field for several reasons.

Mr. STOKES. Will the gentleman yield?

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

Mr. STOKES. I think that the chairman would admit to this body that the section which the chairman has just made reference to and which represents 14 pages of this report is a committee report taken from the Committee on Armed Services report of an investigation made by the Defense Department for the Armed Services Committee and which now appears as though it were a report of this committee. It is not and has not ever been considered by this committee.

There is no direct relationship whatsoever between the vandalism section of this report and the speakers who are set forth in this report for the reason that our records will not be able to detail for you the content of any speech ever made by any person who now appears in this report. I am sure that the distinguished chairman of this committee would admit these are the facts.

Mr. ICHORD. I would say to the gentleman from Ohio that the chairman of the House Committee on Internal Security is also a member of the House Committee on Armed Services.

Mr. STOKES. The gentleman from Ohio is not.

Mr. ICHORD. I wish to answer the question of the gentleman further. This information that is contained in the report was testified to by members of the Defense Department. I submit that the information is accurate as to the number of such incidents on our college campuses and that the extent of the damage is correct.

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

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

Mr. PUCINSKI. It seems to me the colloquy now going on between the chairman of the committee and the gentleman in the well is very interesting, but it leaves the issue pending. I submit the gentleman in the well and my colleague may be in the wrong church but in the right pew. The issue here is whether or not this court, as a branch of one coequal branch of the Government, has the right to place limitations upon another section of a coequal branch of the Government; namely, the House of Representatives. That question has been tested many times.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 3 additional minutes for the purpose of answering the questions of the gentleman from Illinois.

I yield to the gentleman from Illinois.

Mr. PUCINSKI. It seems to me that the question we ought to be resolving here is whether or not the court has the right to interfere with the publication of the report by the House of Representatives. There are reports that come by here every day that I am not satisfied with and which many Members are not satisfied with, yet we accept them. Are we saying that every time somebody is not satisfied with the procedures or the details of a report prepared by a committee of the Congress that they should go into court and enjoin that committee from issuing the report?

Furthermore, I would like to ask the gentleman from Missouri if it is not true then that this resolution now pending before us in no way interferes with the court?

The gentleman in the well said that we should not be interfering with the conduct of the courts. That is not what we are saying here.

As I understand the resolution pending before us today, we instruct not the court but the Government Printer to carry out his duties in relationship to the House of Representatives.

Mr. ICHORD. I would say also to the gentleman from Illinois that the resolution does contain language enjoining all persons from interfering with the printing of the report. In other words, the resolution directs the printer to print the report. On the last page of the resolution—

Mr. PUCINSKI. That is correct.

Mr. ICHORD. The last page of the resolution reads as follows:

> (2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any Act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof.

This, however, is not a direct confrontation with the court. If the court should, after the House passes this resolution, if it does, do so it could bring about a direct confrontation, but that would be at the instance of the court.

I agree with the gentleman from Illinois—I disagree very strongly with the gentleman from Ohio who seems to be saying that a Member of the House of Representatives does not have the duty to interpret the Constitution of the United States. I say that every Member of this House has the duty to uphold and defend and interpret the Constitution of these United States.

Article I, section 6, the speech and debate clause, is clear and explicit:

> No Member of the House shall be questioned in any other place——

The SPEAKER pro tempore (Mr. ROONEY of New York). The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 2 additional minutes.

The SPEAKER pro tempore. At this point the gentleman from Missouri has 16 minutes remaining.

Mr. ICHORD. This is a case where the House must work its own will.

I say to Members of this House that if a Member of the Congress abuses the speech and debate clause of the Constitution, that is for this House to correct or, most certainly, for the constituents to correct. We face the constituencies every 2 years. It is certainly not for a nonelected Federal judge to correct.

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

Mr. ICHORD. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Can the gentleman from Missouri tell us why the circuit court refused to expedite the hearing on your appeal of Judge Gesell's decision?

Mr. ICHORD. I could not answer that question, I will say to the gentleman from New Hampshire. I have no information on that.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, an attempt was made to expedite a court decision before the proposal which comes from the gentleman's committee today—the resolution that the gentleman now has pending before the House was presented today, was it not?

Mr. ICHORD. I would say to the gentleman from New Hampshire that our attorneys requested the court of appeals to expedite the appeal. They refused to do so, although this judge expedited an appeal on the part of the Black Panthers to use the facilities of Howard University.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, this request to expedite the appeal was made several weeks prior to this day was it not? There was plenty of time for this appeal to have been heard and a judicial review completed prior to the gentleman from Missouri bringing this resolution to the floor of the House was there not?

Mr. ICHORD. The court was requested to expedite the hearings but the court, very cavalierly, refused to do so.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Ohio (Mr. ASHBROOK).

Mr. ICHORD. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Speaker, I thank our distinguished chairman for yielding this time to me just to make one or two observations concerning the important matter that we are now discussing.

I certainly appreciate the position of those who are opposed to this particular proposition and I think both in the debate here today and in the discussions we have had in committee it has been conducted on a very high plane.

Mr. Speaker and ladies and gentlemen of the House, there is one simple question that you are voting on today, and that one question is this: whether or not you are going to uphold your oath of office when you became a Member of this body to support and defend the Constitution. You are not voting on the value of this report at all. I hope you read it regardless of what decision may be made on this resolution—I hope you have read this report. The chairman of the committee said it is not "earth shaking." The gentleman from Ohio expressed similar sentiments. I would agree somewhat with that assessment, but I will tell you further it is enlightening. I think all of us would profit from reading this particular report and find out what some people are saying on the various college campuses. Perhaps it would help us to better understand the motivation for some of the irresponsible acts by some people.

Do you think it is not important to let educators and for us to know and for parents to know, as well as others, what one William Kunstler, one of the convicted conspiracy seven out in Chicago, is telling our college students. Incidentally, he said this shortly before a bank out in Isla Vista, Calif., the Bank of America, was burned by a mob on February 27, 1970.

Kunstler told a crowd at a nearby University of California, Santa Barbara, and I quote:

> Every time I speak I mention the fact that I think people ought to be in the streets and someone says that's a fine thing for a lawyer to say, or it's not very legal to raise your fist in the air, but I say this to those critics, that the natural course in every civilization has been from routine protests to resistance and ultimately if resistance does not succeed, to revolution.

That is what William Kunstler, as well as other revolutionaries is saying on many college campuses and they are receiving honorariums ranging to $2,000, from either student or institutional funds.

Now, bear in mind this—if we pass this resolution it will not silence William Kunstler. It will not silence Herbert Aptheker—the theoretician for the Communist Party, who is also a popular campus speaker. All of these people can continue speaking just as they are right now but I think this Congress and the American people are entitled to know what is being said by them on the college campuses and from what sources their financing is derived.

Let me say this—this is no effort to silence anyone. They will continue to speak just as they are right now. And may I say to my friends again I believe that this report although it is not earth-shaking it indeed is enlightening. It should be read by all parents and concerned Americans.

Let me say in conclusion, my friends, that the question of what value you place on this report is left to you individually. If you say it is not worth the paper it is printed on, then that is for your consideration and your determination. Others of us believe that it is very important. But I submit that the immediate question is what value you place on the oath of office taken when you were sworn in. The question is whether you are going to support your oath of office when you became a Member of this body or whether you are going to abdicate that responsibility to the voice of a Federal judge. That is the simple question.

Mr. ICHORD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MIKVA), for purposes of debate only.

Mr. MIKVA. Mr. Speaker, I will try to deal very conservatively with the Chairman's liberal yielding.

First of all, let me say as one who also has some misgivings about the decision of Judge Gesell in the earlier case, I do not think that the question before us is a review of that decision. That decision is being reviewed in the proper channels by the court of appeals and ultimately, if necessary, by the Supreme Court. What is being sought here, ladies and gentlemen of the House, is for us to enjoin the court—and I call your attention to page 18—from interfering in any way with a report that is not even before the court.

Ladies and gentlemen of the House, that is exactly the kind of confrontation which for 200 years statesmen have tried to avoid. This report that the committee seeks to distribute at this point is not under any legal restraint whatsoever. The decision as to the earlier report, which was restrained as far as public printing is concerned, is under appeal. The question we have to resolve today is whether our zeal to confront the judiciary on a possible overstepping of their authority is so great that we are willing to bring about the confrontation, which has to lead to exactly the kind of disaster that our statesmen in the past have tried to avoid.

If they enjoin us, then we send our Clerk over to joust their Marshals; and since the chairman of the committee was in the Navy, we will get the Navy on our side; and presumably Judge Gesell, who was in the Army, will have the Army on his side; and if we have not moved over to a two-bit anarchy by those actions, I do not know what we are. It is that kind of restraint that you are being asked to exercise today by voting "yea" on the motion to be offered by the gentleman from Ohio to lay the matter on the table.

Maybe ultimate confrontation is unavoidable; but let us not reach for it. Let us not look for the kind of situation where neither the legislative branch nor the judiciary can come out whole. I urge you to vote for the motion to lay on the table.

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

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. ICHORD. I do not understand the contention of the gentleman from Illinois to the effect that this would directly enjoin the courts. As a matter of fact, I would point out to the gentleman from Illinois that the American Civil Liberties Union appeared in court just a few days ago, after this report was reported a second time by the committee, and appeared before Judge Gesell——

Mr. MIKVA. Who refused to grant their motion.

Mr. ICHORD (continuing).—Who refused to grant the motion.

Mr. MIKVA. So, therefore, your own report is not under any restraint; is that correct?

Mr. ICHORD. I say to the gentleman that there will be no confrontation unless the courts choose to proceed with the injunction against the——

Mr. MIKVA. Will the chairman agree that we are enjoining the court?

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Missouri has 1 minute remaining.

Mr. PREYER of North Carolina. Mr. Speaker, the publication of this list of college speaker's honoraria is not in itself a matter of great significance, but Judge Gesell's decision has made it so.

Judge Gesell's decision seems to me to be clearly in error in that it violates the "speech and debate" clause of the Con-

stitution. Under this clause the courts are denied jurisdiction to question Members' speech or debate—"they shall not be questioned in any other place." It is not up to Judge Gesell to determine whether the "speech and debate" immunity has been abused by the committee; whether there is abuse, and corrections for such abuse, is a matter for the House membership or our constituents to determine, not the courts.

Nor would I rest content to let the appeal court correct Judge Gesell's decision. The principle involved is an important one. Congress should not appear to acquiesce in Judge Gesell's enjoining of the Public Printer, Congress' agent, in any way. The House has a duty to protest any judicial encroachment on the freedom of speech expressly granted to Members of the House by the speech and debate clause. We have the right—and duty—to put our best foot forward, to present the issue in cleancut fashion to the court, to put the courts on notice that we consider it of major importance, and avoid any appearance of acquiescing in any way in the eroding away of this right. This principle, of course, applies to all committees of Congress, not just the House Internal Security Committee.

We must distinguish between the wisdom of the committee's action and its legitimate power to take the action. I personally did not think the committee's action was wise in sending out the original letter to colleges requesting the information on speakers' honoraria, and so voted against this action in the committee. I did believe it important to alert the Congress and the colleges themselves to the possible use of the campus forum to raise money for radical groups, but thought it could be done by other means. But I am confident the committee had the power to take the action, and I can see no violation of the rights of free speech. The action fell within the mandate of the committee, and the facts sought were relevant to the mandate.

The basic quarrel of Judge Gesell and of some of the critics of this action is with the mandate of the committee—a question already resolved in this session of Congress by the action of Congress in setting up the committee. That mandate runs to a very sensitive area. It deals with basic principles: how to reconcile political power with personal freedom, the sovereignty of the individual with national sovereignty, the rights of free speech and assembly with the right of a nation to protect itself against revolutionary violence. In this particular instance, should the individuals and groups listed in the report have the absolute right of free speech while the committee cannot say how much they received in honoraria? Cannot a committee, like an individual, comment on the activity of such groups, and what are the proper limits of such comment? How far do the rights of assembly and free speech run when they are used to advocate revolutionary violence?

These are sensitive questions, but because they are difficult is no reason for the committee to back away from them. Our time has spawned a whole series of moral problems in which the right to security conflicts with the right to liberty and challenges us to creative solutions that give as much as possible of both but must on occasion risk our security or curb our freedom.

Mr. EDWARDS of California. Mr. Speaker, I rise to oppose passage of the privileged resolution urged upon you by my colleague from Missouri. I do so for a number of reasons. Let us look at what is happening here. A Federal judge has found that publication of this report serves no valid legislative purpose and interferes with the exercise of the first amendment freedom of those persons named in it. The judge recognized that the speech and debate clause of our Constitution prevented him from enjoining the Congressmen themselves from distributing this report, but he ruled that the speech and debate clause did not ban the court from giving the persons named in the list any relief at all, and issued an injunction against the Public Printer and the Superintendent of Documents.

This case then presents a question of law requiring an interpretation of the Constitution—a task which our system of government has placed on the courts. In this case, the courts, including in all likelihood the Supreme Court will be asked to decide whether Judge Gesell was right or wrong in his interpretation of both the first amendment and the speech and debate clause.

In the meantime, however, an injunction has been issued by a Federal district court. It is axiomatic that an injunction must be obeyed as long as it exists if it is ultimately found to have been erroneously granted. That is why I am particularly troubled by the resotion offered by my colleague from Missouri.

We have been told that no one wished a confrontation with the courts. Yet that is precisely what the passage of this resolution seeks to provoke. The order issued by Judge Gesell bars the publication of the report or any "restatement" of it. Examination of both the revised report and the language of the proposed resolution itself makes it perfectly clear that the revised report is in fact a restatement of the first report. As such, the Public Printer is presently prohibited by the court from printing the report. By this resolution, the House of Representatives would be commanding him to ignore the court's order and publish the report anyway.

This lawless course, encouraging, no, ordering, an official of the United States to disobey a court order is just no way for the Congress of the United States to behave. Moreover, the language in the resolution enjoining anyone from interfering with the printing of the revised report cannot stop the Federal courts from determining that publication of the report violates the constitutional rights of those named in it. The resolution thus, in addition to being a call for lawless action, is purely ceremonial and would make the House of Representatives look more than a little silly and more than a little hysterical at the prospect of any outside scrutiny of its conduct.

All of which brings me to the heart of the matter. What has the Committee on Internal Security done which we are asked to endorse with this resolution? The first report purported to be a study of the financing of radical groups through the honorariums paid certain campus speakers. Yet the report expressly disclaimed not only any evidence that these speakers had helped to fund radical groups but also any even minimal effort by the committee and its staff to find such a link. The sole stated purpose was to provide the people who invite campus speakers with a list of names of persons disapproved by the House Committee on Internal Security.

The revised report is no better. No new evidence on funding appears and although it adds a vast collection of charts and statistics on campus violences it shows no evidence of any link between the speakers and the violence. In one respect the revised report is even worse than the original version. It stops short of charging any speaker with violating any laws. Yet it asserts its dissatisfaction with the content of the speeches. These additions show that the report is aimed at the unpopular speech which is protected by the first amendment.

The intent behind publication is, therefore, even clearer in the second report than it was in the first. It says to the world that these 57 people have expressed opinions distasteful to the House Committee on Internal Security, but that because the Constitution prohibits the Congress from denying them a forum, the committee urges others not faced with this constitutional restriction to do the job for it. This cannot be considered a proper function of the Congress or of its committees.

The sad truth, however, is that we in the Congress have not taken the necessary steps to prevent our own committees from engaging in this kind of "blacklisting" of those whose views are distasteful or repugnant but constitutionally protected. The court has thus been forced to step into the vacuum which we have created. Whatever confrontation has occurred has been one born out of our own passive acceptance of this Committees methods and objectives.

I thus urge you, my colleagues, to refuse to join in this effort to put the Congress of the United States in the position of both endorsing this "blacklisting" and encouraging lawless disregard of a court injunction. It is the responsibility of the courts to resolve the difficult questions of constitutional interpretation which this case has raised. At the same time, it is the responsibility of the Members of this House to reexamine the mandate given this committee, so as to put an end, once and for all, to this kind of political "blacklisting."

Mr. KOCH. Mr. Speaker, I am opposed to the resolution introduced by the gentleman from Missouri (Mr. ICHORD), chairman of the House Internal Security Committee. As so often happens in debates flowing from the actions of this committee, there are those who seek to discredit the opponents of the committee as being un-American or oblivious to the dangers from which the committee allegedly seeks to protect us.

The gentleman from Missouri, in supporting his resolution, expressly refers to the guarantee of free speech given to each Member in the debate that takes place in this Congress. I speak in opposition to this resolution by referring to another guarantee of free speech that is provided by the Constitution's first amendment given to the people of this country by the Founding Fathers to defend the public from those Congresses that would seek to abridge their freedom to speak.

I too am opposed to the bombings which have taken place in this country by the nihilists who believe in violence. The very building in which my Federal office in New York City is located has been bombed twice and has been the subject of innumerable bomb threats. I believe that those engaged in these illegal acts should be apprehended and punished under the law.

I personally disagree with the statements and sentiments made by some of the people listed by Mr. ICHORD as revolutionary. But, I believe that their sentiments, even of the most extreme kind, if not coupled with illegal acts, are protected by the first amendment. Why else the first amendment?

What is very troublesome to me, and I would think troublesome to the chairman, is the fact that a number of individuals listed in the committee's first report have been removed in its second report. Does the chairman believe that the correction, if we can call it that, will ever catch up with the original libel? It is apparently the intention of the chairman to inhibit the people listed in his report from speaking on the campuses of this country. My position is that if academic freedom is to be preserved, the universities must be given the decision as to who speaks on their campuses; this is not Congress decision, and the universities should not be inhibited by the actions of the House Internal Security Committee. If I have mistaken the chairman's intentions, let him say so—but surely, he must know that his actions will have that effect.

The chairman of the Internal Security Committee protests that he is concerned about the preservation of our Republic. And yet, by submitting a resolution for the printing of the second report, he both defies and undermines our judicial system. Judge Gesell's October decision in restraining the printing of the first report has been appealed to the Court of Appeals for the District of Columbia. The decision of whether or not Judge Gesell's order was correct is a judicial one which belongs to an appellate court, not this House. Mr. ICHORD does not want to wait for the exercise of the judicial procedure, and so with his second report, since the issue is the same, he proposes a resolution circumventing the court's authority. Let us not place ourselves in the same position as the revolutionaries who cannot wait for the due process of the law to take place.

Once again I want to reiterate—and I am sorry that the tenor of this debate requires my doing so—that I believe fully in the democratic process and do not condone the destruction of property even when it is allegedly in support of an ultimately good goal. But freedom of speech is our dearest possession in this country and whenever attempts are made to limit that freedom we must rush to its defense. That imperative applies no matter whose freedom of speech is under attack.

When the House Un-American Activities Committee changed its name to the House Internal Security Committee, it, like the leopard, kept its spots.

Mr. RYAN. Mr. Speaker, the chairman of the House Committee on Internal Security has called up a privileged resolution to authorize the printing of a report entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities." The committee proposes, should this resolution be passed, to have the House assert "the will of Congress that further obstruction will not be suffered." I quote from the chairman's letter to the Members of the House of December 8, 1970.

In brief, the majority of the House Committee on Internal Security do not like the decision handed down on October 28, 1970, by Judge Gerhard A. Gesell of the U.S. District Court for the District of Columbia. In that decision, Judge Gesell issued a permanent injunction restraining the Public Printer and the Superintendent of Documents from printing, publishing, and disseminating the predecessor of the report at issue here today. Judge Gesell found that the previous report was "without any proper legislative purpose and infringes on the rights of the individuals named therein as protected by the first amendment to the Constitution of the United States."

The report at issue today by virtue of the resolution before us is virtually identical to its enjoined predecessor. In fact, the chairman of the committee frankly conceded in debate that the report entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities"—the subject of the resolution—is a restatement of the previous report, which was entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." In addition, the final Whereas clause of the resolution states that:

> The report is upon the same subject matter as the prior report . . . and may be construed as a "restatement" of the whole or a part of the prior report.

Thus the committee would have us, by passage of this resolution, directly confront Judge Gesell's decision. Without arguing the merits of that decision, it can very clearly be stated that there is a simple means whereby to establish whether it should be overridden: appeal through the judicial process. In fact, the case has been appealed. The decision may well be reversed, but that is a consequence to be determined in the courts.

Instead of seeking a confrontation with the judicial branch—a result passage of this resolution might well produce—the legislative branch should exhaust its legal remedies. At the least, a respect for the courts—a respect which I would think every Member would wish to engender—should preclude passage of this resolution. What is more, to pass a resolution which in effect seeks to enjoin the judiciary from interfering with the Public Printer and the Superintendent of Documents will only bring on the kind of collision which Congressmen and courts have sought to avoid throughout the Nation's history.

The chairman has argued that the court's action is in violation of the speech and debate clause of the Constitution—article 1, section 6. It should be pointed out that the court did not attempt to enjoin any Member of Congress, and it specifically stated that, if the report were introduced or mentioned during the course of proceedings of the House or of the Senate, the injunction should not apply to subsequent normal publication or distribution of the CONGRESSIONAL RECORD in full text.

There is a serious constitutional question as to whether or not the speech and debate clause applies to this situation, and that issue should be settled in the courts.

Let us look at this latest creature of the House Committee on Internal Security—the report which is the subject of the resolution before us.

Ostensibly, the committee undertook to determine the financial support derived by certain organizations by virtue of honoraria paid speakers on college campuses. Thus, the chairman's memorandum to the other committee members, of May 18, 1970, which is the basis for the undertaking of the survey, stated:

> (T)he limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups . . .

In light of this alleged purpose of the report, it is little less than ludicrous that the report ultimately states:

> The Committee did not at this stage endeavor to ascertain whether honoraria paid as indicated herein to the speakers inured to the benefit of any organizations with which they may be associated, or that the individuals were speaking in behalf of such organizations.

In brief, as our distinguished colleague from Ohio (Mr. STOKES) states in his penetrating dissent embodied in the proposed report:

> This is a very amazing statement in light of the specifically avowed purpose of the report.

Furthermore, this report is bereft of even the basic cause-effect logic which one would reasonably expect. Figures about destruction of ROTC and armed services property—cadged from the report of another committee—are provided, and by some semantic leap, we are supposed to associate the speakers listed in the report with these statistics. Innuendo is substituted for facts.

What is the real purpose of this proposed report? Very simply, it is another episode in the history of this committee, and its predecessor—the House Un-American Activities Committee—to smear. It is a blacklist, which even includes people whose "offense" has been to oppose the war in Vietnam.

Ours is a nation which possesses "a profound national commitment to the

principle that debate on public issues should be uninhibited, robust, and wide-open"—*New York Times Co.* v. *Sullivan*, 376 U.S. 255 (1964). The proposed report is, in reality, a refutation of that commitment. It is an attempt to silence those who speak out by subjecting them to guilt by association and to innuendo.

More than 50 years ago, Mr. Justice Holmes uttered a thought whose profundity has withstood the test of time and experience. In *Abrams* v. *United States*, 250 U.S. 616 (1919), that eminent Jurist wrote:

> But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can safely be carried out. That at any rate is the theory of our Constitution.

Sadly, there are some in this country who would deny the citizenry the right to use their own innate intelligence. Rather, they would assault the first amendment, and in so doing, hope to stifle those with whom they disagree.

Again, I would quote from one of the greatest of legal and political scholars, the late Prof. Alexander Meiklejohn, who wrote, in his book "Political Freedom":

> (C)onflicting views may be expressed, must be expressed, not because they are valid, but because they are relevant. If they are responsibly entertained by anyone, we, the voters, need to hear them. When a question of policy is "before the house," free men choose to meet it not with their eyes shut, but with their eyes open. To be afraid of ideas, any idea, is to be unfit for self-government. Any such suppression of ideas about the common good, the First Amendment condemns with its absolute disapproval. The freedom of ideas shall not be abridged.

Some would have this be the land of the eyeless—the land of men who act with "their eyes shut." Thus, some condemn the educational process of exposing college youth to speakers of different beliefs and ideologies.

Certainly, I need not endorse any man's ideas; but certainly I have faith enough in my own reasoning abilities—and the intelligence of our college students—to not shrink from rhetoric.

Let me quote from another eminent Jurist, Mr. Justice Frankfurter, who, writing in *Kovacs* v. *Cooper*, 336 U.S. 77 (1949), said:

> And without freedom of expression, thought becomes checked and atrophied.

Yet some would check that freedom.

Another distinguished scholar, Prof. Charles L. Black, Jr., Luce professor of Law at Yale University Law School, has written in his notable, and noteworthy book, "The People and the Court," at page 221:

> The suppression of free speech seems quite evidently rational to all but a small fraction of humanity. The framers of the First Amendment were not foolish enough to be unaware of this. They committed our nation to take a chance on a higher rationality.

I too would "take a chance on a higher rationality." It is the most precious chance which we, as Americans, are privileged to take, for the cherishing of the first amendment is what, above all, signals the greatness of America.

To this end, I have introduced House Resolution 1281, in which the gentleman from California (Mr. BURTON), Mrs. CHISHOLM, Mr. CONYERS, Mr. ECKHARDT, Mr. FRASER, Mr. KASTENMEIER, Mr. LOWENSTEIN, and Mr. MIKVA have joined me. House Resolution 1281 provides:

> Resolved, that it is the sense of the House of Representatives that no committee, subcommittee, or joint committee of the House of Representatives shall impair or abridge the right of free speech in the United States, as guaranteed by the first amendment to the Constitution of the United States, by issuing, compiling, or in any way promulgating any list, statement, or any other report which condemns, categorizes, or otherwise classifies or segregates any person or group of persons on the basis of any opinion expressed by such person or group of persons unless the consent of such person or group of persons, expressly given, is first obtained.

The first amendment embodies our most cherished freedom—the right of free speech. This resolution—an end run around the judicial process—does a disservice to that freedom.

GENERAL LEAVE TO EXTEND

Mr. ICHORD. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I ask unanimous consent that all Members of the House may be permitted to revise and extend their remarks on the subject of the resolution.

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

There was no objection.

Mr. ICHORD. Mr. Speaker, I cannot understand the arguments of the gentleman from Illinois and the gentleman from Ohio as well as the gentleman from Michigan. Apparently they are saying to this body that revolutionary speakers, many of whom are appearing on college campuses today, have the absolute right of freedom of speech, while a committee of Congress does not even have the right to comment upon how much they receive for exercising that freedom of speech.

Mr. Speaker, surely the members of this body will not acquiesce in those views. I urge adoption of the resolution, and on that motion, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Missouri moves the previous question on the resolution.

PREFERENTIAL MOTION OFFERED BY MR. STOKES

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

The Clerk read as follows:

> Mr. STOKES moves to lay the resolution on the table.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ICHORD. This is a preferential motion to lay the previous question on the table. What would be the parliamentary situation if the previous question is laid on the table? This is not the adoption of the resolution, but a motion with respect to the previous question.

The SPEAKER. If the motion to lay the resolution on the table is not agreed to, then the question would be on ordering the previous question. Then the next vote would be on the adoption of the resolution.

The question is on the motion offered by the gentleman from Ohio (Mr. STOKES) to lay the resolution on the table.

The question was taken, and the Speaker announced that the noes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WATSON. Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?

The SPEAKER. If the motion to table is agreed to, then the resolution is tabled.

Mr. WATSON. Then that ends it. All right.

The SPEAKER. Does that answer the gentleman's inquiry?

Mr. WATSON. Mr. Speaker, may I make a further inquiry?

Mr. Speaker, the motion was to table a motion on the previous question, so we might have this situation. The motion was not to table the resolution. So the net effect is this: If the motion to table prevails, then this is the end of the debate, and there can be no further consideration.

The SPEAKER. The motion to table is on the resolution.

Mr. WATSON. The motion to table, may I respectfully say one further point as a parliamentary inquiry, was made on the motion by the chairman of the committee on the previous question, not on the resolution. What is the effect of it?

The SPEAKER. The Chair will state the motion to lay on the table has a higher privilege than the motion for the previous question, and this motion to lay on the table is on the resolution.

Mr. WATSON. Then that is the end of it.

The SPEAKER. 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 55, nays 301, not voting 77, as follows:

[Roll No. 407]

YEAS—55

Annunzio	Eckhardt	Leggett
Biester	Edwards, Calif.	Lowenstein
Bingham	Eilberg	McCloskey
Brademas	Findley	Matsunaga
Brasco	Fraser	Mikva
Brown, Calif.	Harrington	Mink
Burton, Calif.	Hawkins	Morse
Celler	Hechler, W. Va.	Nedzi
Cohelan	Helstoski	Nix
Conyers	Holifield	Obey
Corman	Howard	O'Hara
Coughlin	Kastenmeier	Patten
Culver	Koch	Podell

Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rostenkowski
Ryan
Scheuer
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Yates

NAYS—301

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Henderson
Hicks
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Watson
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—77

Ashley
Aspinall
Biaggi
Blackburn
Blatnik
Bolling
Brock
Broomfield
Burke, Fla.
Burton, Utah
Button
Carey
Chisholm
Clay
Collins, Ill.
Colmer
Corbett
Daddario
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Feighan
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Green, Pa.
Gubser
Halpern
Hébert
Heckler, Mass.
Horton
Jones, Tenn.
Karth
Kee
Landrum
Long, La.
McCarthy
McCulloch
McKneally
May
Meskill
Monagan
Moorhead
Morton
Mosher
Moss
Myers
O'Konski
Ottinger
Powell
Purcell
Rivers
Roberts
Rogers, Colo.
Roudebush
Rousselot
Roybal
St Germain
Sandman
Stanton
Steiger, Ariz.
Stuckey
Teague, Tex.
Tunney
Van Deerlin
Watts
Weicker
Wolff
Wyatt

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ashley for, with Mr. Hébert against.

Mr. Green of Pennsylvania for, with Mr. Long of Louisiana against.

Mrs. Chisholm for, with Mr. Edwards of Louisiana against.

Mr. Powell for, with Mr. Teague of Texas against.

Mr. McCarthy for, with Mr. Jones of Tennessee against.

Mr. Clay for, with Mr. Donohue against.

Mr. Diggs for, with Mr. Fulton of Tennessee against.

Mr. Farbstein for, with Mr. Rivers against.

Mr. Gilbert for, with Mr. Landrum against.

Mr. Roybal for, with Mr. Watts against.

Mr. Ottinger for, with Mr. Purcell against.

Mr. William D. Ford for, with Mr. Roberts against.

Mr. Wolff for, with Mr. Stuckey against.

Mr. Collins of Illinois for, with Mr. Colmer against.

Until further notice:

Mr. Biaggi with Mr. Horton.

Mr. Moorhead with Mr. Corbett.

Mr. Giaimo with Mrs. Dwyer.

Mr. Evans of Colorado with Mr. Stanton.

Mr. Dingell with Mr. Steiger of Arizona.

Mr. Dowdy with Mr. Blackburn.

Mr. Moss with Mr. Wyatt.

Mr. Blatnik with Mr. Mosher.

Mr. Karth with Mr. Broomfield.

Mr. Van Deerlin with Mrs. Heckler of Massachusetts.

Mr. Kee with Mr. Gubser.

Mr. Carey with Mr. Halpern.

Mr. Feighan with Mr. Myers.

Mr. Gallagher with Mr. Frelinghuysen.

Mr. St Germain with Mr. Burke of Florida.

Mr. Monagan with Mr. Sandman.

Mr. Tunney with Mr. Rousselot.

Mr. Daddario with Mr. Burton of Utah.

Mr. O'Konski with Mr. Button.

Mr. McCulloch with Mr. Meskill.

Mrs. May with Mr. McKneally.

Mr. Roudebush with Mr. Weicker.

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

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. ICHORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 54, not voting 77, as follows:

[Roll No. 408]

YEAS—302

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Henderson
Hicks
Hogan
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes

Sisk	Taft	Whitehurst
Skubitz	Talcott	Whitten
Slack	Taylor	Widnall
Smith, Calif.	Teague, Calif.	Wiggins
Smith, Iowa	Thompson, Ga.	Williams
Smith, N.Y.	Thomson, Wis.	Wilson, Bob
Snyder	Tiernan	Winn
Springer	Udall	Wold
Stafford	Ullman	Wright
Staggers	Vander Jagt	Wydler
Steed	Vigorito	Wylie
Steiger, Wis.	Waggonner	Wyman
Stephens	Wampler	Yatron
Stratton	Ware	Young
Stubblefield	Watson	Zablocki
Sullivan	Whalley	Zion
Symington	White	Zwach

NAYS—54

Annunzio	Fraser	O'Hara
Ashley	Harrington	Podell
Biester	Hawkins	Railsback
Bingham	Hechler, W. Va.	Rees
Brademas	Helstoski	Reid, N.Y.
Brasco	Holifield	Reuss
Brown, Calif.	Kastenmeier	Riegle
Burton, Calif.	Koch	Robison
Celler	Leggett	Rodino
Cohelan	Lowenstein	Rosenthal
Conyers	McCloskey	Ryan
Corman	Matsunaga	Scheuer
Coughlin	Mikva	Stokes
Culver	Mink	Thompson, N.J.
Eckhardt	Morse	Vanik
Edwards, Calif.	Nedzi	Waldie
Eilberg	Nix	Whalen
Findley	Obey	Yates

NOT VOTING—77

Aspinall	Frelinghuysen	O'Konski
Biaggi	Fulton, Tenn.	Ottinger
Blackburn	Gallagher	Powell
Blatnik	Giaimo	Purcell
Bolling	Gilbert	Reifel
Brock	Green, Pa.	Rivers
Broomfield	Gubser	Roberts
Burke, Fla.	Hagan	Rogers, Colo.
Burton, Utah	Halpern	Roudebush
Button	Hébert	Rousselot
Carey	Horton	Roybal
Chisholm	Jones, Tenn.	St Germain
Clay	Karth	Stanton
Collins, Ill.	Kee	Steele
Colmer	Landrum	Steiger, Ariz.
Daddario	Langen	Stuckey
Diggs	Long, La.	Teague, Tex.
Dingell	McCarthy	Tunney
Donohue	McCulloch	Van Deerlin
Dowdy	McKneally	Watts
Dwyer	May	Weicker
Edwards, La.	Meskill	Wilson, Charles H.
Evans, Colo.	Moorhead	Wolff
Farbstein	Morton	Wyatt
Feighan	Mosher	
Ford, William D.	Moss	
	Myers	

So the resolution was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Hébert for, with Mr. Green of Pennsylvania against.

Mr. Long of Louisiana for, with Mrs. Chisholm against.

Mr. Edwards of Louisiana for, with Mr. Powell against.

Mr. Teague of Texas for, with Mr. McCarthy against.

Mr. Jones of Tennessee for, with Mr. Clay against.

Mr. Donohue for, with Mr. Diggs against.

Mr. Fulton of Tennessee for, with Mr. Farbstein against.

Mr. Rivers for, with Mr. Gilbert against.

Mr. Landrum for, with Mr. Roybal against.

Mr. Watts for, with Mr. Ottinger against.

Mr. Aspinall for, wth Mr. William D. Ford against.

Mr. Purcell for, with Mr. Wolff against.

Mr. Roberts for, with Mr. Collins against.

Until further notice:

Mr. Stuckey with Mr. Brock.

Mr. Colmer with Mrs. May.

Mr. Biaggi with Mr. Burton of Utah.

Mr. Van Deerlin with Mr. McKneally.

Mr. Charles H. Wilson with Mr. Button.

Mr. Karth with Mr. Meskill.

Mr. Blatnik with Mr. Morton.

Mr. Carey with Mr. Roudebush.

Mr. Moorhead with Mr. Reifel.

Mr. Dingell with Mr. Weicker.

Mr. Rogers of Colorado with Mr. Blackburn.

Mr. St Germain with Mr. Langen.

Mr. Hagan with Mr. Broomfield.

Mr. Moss with Mr. Burke of Florida.

Mr. Kee with Mr. Mosher.

Mr. Dowdy with Mr. Myers.

Mr. Evans of Colorado with Mr. Rousselot.

Mr. Daddario with Mr. Stanton.

Mr. Feighan with Mr. Wyatt.

Mr. Gallagher with Mrs. Dwyer.

Mr. Giaimo with Mr. Frelinghuysen.

Mr. Tunney with Mr. Halpern.

Mr. Horton with Mr. McCulloch.

Mr. Steele with Mr. O'Konski.

Mr. Gubser with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMILLAN), chairman of the Committee on the District of Columbia.

PROTESTANT EPISCOPAL CHURCH VESTRY ACT

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 2336) relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of the General Assembly of the State of Maryland, passed in the year 1798, entitled "An act for the establishment of vestries for each parish in the State," ("The Vestry Act," chapter 24 of the Maryland Acts of 1798) as amended by the Legislative Assembly of the District of Columbia in 1872 and 1873, and by the Congress of the United States in 1874, 1919, and 1947, be repealed, except for paragraphs 9, 28 (without the proviso clause), 29, and 32 of chapter 24, which authorize the corporate structure of the church, its ownership of property and right to sue and be sued, which are hereby retained. Nothing in this Act shall be deemed in any way to impair or otherwise adversely affect the title to property as presently held or hereinafter acquired. Hereafter the government and operations of the Protestant Episcopal Church in the District of Columbia shall be in accordance with the constitution and canons of said church.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. McMILLAN. Mr. Speaker, the purpose of the bill is to do away with a law that was passed in 1798 in connection with the Episcopal Church in the State of Maryland and the city of Washington. We would like to have this bill passed for the purpose of giving these people an opportunity to bring the laws up to date and to coincide the law of the District of Columbia with legislation passed by the State of Maryland.

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

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

Mr. GROSS. How can the Congress clarify the laws of the State of Maryland?

Mr. McMILLAN. Part of the area of the District of Columbia, including Georgetown, was covered by laws passed 200 years ago, and the bill would make that law coincide with new legislation passed by the State Legislature of Maryland.

I would like to yield to the gentleman from Maryland (Mr. GUDE), the author of the bill.

Mr. GUDE. Mr. Speaker, the Vestry Act which was adopted in Maryland in 1798 was enacted before the District of Columbia land was ceded from Maryland. When the cession was completed an identical Vestry Act was ratified by Congress for the Episcopal Church in the District of Columbia.

In 1969 the Maryland Legislature changed the Vestry Act regulating the church in Maryland. However, the Maryland Legislature can, of course, no longer control the Episcopal Church in the District of Columbia. This legislation was introduced to make it possible for the Episcopal Church, through its vestries, to conform the regulations governing their church in the District of Columbia, to the new regulations that now govern that section of the Washington diocese in Maryland. The Episcopal diocese here in the Washington metropolitan area constitutes those churches in the District of Columbia and four suburban Maryland counties. Therefore, this is an act which would make it possible for the vestries of those churches in the District of Columbia to conform their regulations to those which now governs the churches in Maryland.

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

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

Mr. GROSS. This measure will permanently remove any jurisdiction that the District may have over the vestry of the Protestant Episcopal Church; is that correct?

Mr. McMILLAN. The gentleman from Iowa is correct.

Mr. GROSS. It will do this permanently?

Mr. McMILLAN. The gentleman is correct.

Mr. GROSS. And there is no implied support for the Episcopal Church in this legislation?

Mr. McMILLAN. The gentleman is correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the third reading of the bill.

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

EXEMPTING THEATER MOTION PICTURE PROJECTIONISTS FROM PROSECUTION UNDER THE DISTRICT OF COLUMBIA OBSCENITY LAW

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 2745) to amend the law relating to obscenity in the District of Columbia to exempt certain motion picture projectionists in theaters from prosecution under the law, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 872(d) of the Act of March 3, 1901 (D.C. Code, sec. 22–2001(d)), is amended by adding at the end the following new sentence: "No person shall be subject to prosecution under this section for operating a motion picture projector in a theater to present or exhibit a motion picture described in subsection (a)(1)(B) or subsection (b)(1)(B) unless such person has a financial interest in the motion picture or in the theater in which it is shown."

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of H.R. 2745 is to amend the law relating to obscenity in the District of Columbia (81 Stat. 738; D.C. Code, sec. 22–2001(d)), so as to exempt motion picture projectionists in theaters in the District of Columbia, from prosecution under that act for exhibiting motion pictures, when the projectionist has no financial interest either in the motion picture itself or in the theater in which it is exhibted.

NEED FOR LEGISLATION

This proposed legislation introduced by my colleague, Mr. BROYHILL of Virginia, was requested on behalf of the professional motion picture projectionists in the District of Columbia by the Moving Picture Machine Operators' Union.

Your committee is advised that by reason of the increase in the number and boldness of sex-type films being exhibited in the District of Columbia, the motion picture projectionists in the local theaters are being exposed to an ever-growing risk of arrest and prosecution for violation of the District of Columbia law relating to obscenity, which makes it a felony for a person knowingly to present an obscene motion picture or to exhibit to a minor a motion picture show which depicts nudity, sexual conduct, or sadomasochistic abuse and which is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

Projectionists in other jurisdictions are being arrested and prosecuted for projecting allegedly obscene films. In 1969, for example, the manager and the projectionist of a theater in Brooklyn, N.Y., were arrested and charged with showing "adults only" films to youths. The manager had supervision of the box-office and the door, and thus was responsible for determining who was being admitted. But the projectionist was in the projection booth, completely out of view of the theater entrance, and thus had no way of knowing who was being admitted.

Also, in California there were two instances in which projectionists were arrested and charged under the State's obscenity laws, after the Governor had signed a new law exempting them from such arrest and prosecution, but prior to the effective date thereof. Thus, in these instances the projectionists suffer the stigma of arrest, fingerprinting, being photographed for criminal records, standing trial, and possibly being convicted, in addition to the character damage incident to the entire procedure.

As for the local situation, only last month two films being exhibited at a District of Columbia theater were seized by the police on the grounds that they depicted hard-core pornography. Altogether, your committee is advised, there are about 30 cases now pending in the District of Columbia Court of General Sessions involving films, books, or photographs that allegedly violate the District of Columbia statute on obscenity. With film producers growing ever more bold in their filming of sex acts, not only natural but perverse and unnatural, it is inevitable that such arrests and prosecutions under this law must increase. And it appears not unlikely that some theater projectionists may become involved in these cases, as has already occurred in other jurisdictions.

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

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, H.R. 2745 seeks to correct an inequity in the District of Columbia crime bill enacted in 1967. This bill will exempt only the innocent projectionist. It does not exempt the theater owners who show a pornographic film and they may still be prosecuted if the law is violated.

Projectionists are merely mechanics operating machines for an hourly wage. They have no voice in the management of the theater, no voice in the selection of the films shown, nor do they have any financial interest in the theater or the films shown. Projectionists are too busy with the mechanics of their job to view the film for obscene content. One projectionist is now doing the work that previously required two. They are not qualified as a judge of obscenity and should not be arrested for what their employer elects to show.

The operator's union is only a hiring hall for projectionists. The contract between the union and the theater is to furnish qualified projectionists. The individual is assigned to the job by the business representative when requested by the theater manager. I have been informed by the Moving Picture Machine Operators Protective Union of Washington, D.C., that projectionists do not want to show obscene films and often do not know what film is to be shown until they report to the theater. If he refuses to project the film given him, he is in violation of the labor-management contract and the labor laws.

Conditions are worsening. Filmmakers have become bolder in their filming of sex acts, not only of natural but unnatural and perverse acts. This has prompted an accelerated schedule of raids by the morals squad, Metropolitan Police Department. The prospect of the arrest and prosecution of projectionists has become increasingly more imminent. No innocent person should have to bear the stigma of a criminal record because current laws do not exempt him. Three raids have recently been made on local theaters in Washington, D.C. The films were confiscated, the manager and projectionist arrested in the raid of the Stanton Art Theater on March 7, 1968. On March 8, 1969, the charges against the projectionist were dropped on condition that the projectionist cooperate fully in the prosecution of the manager. On November 19, 1970, the Mark II Theater was raided and the film confiscated. On November 21, 1970, the Mark II was raided and a second film confiscated. The morals squad indicates that they will reserve the right to arrest projectionists at any time until the law is changed to exempt them. That change, H.R. 2745, is needed now to protect the innocent from arrest. Currently there are approximately 260 projectionists who work under the jurisdiction of the Operators Union of Washington, D.C.

Many of the individual States have realized the unfairness of arresting the projectionists. The States which have already enacted protective laws are: California, Colorado, Connecticut, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, and Washington. Similar bills are pending in the District of Columbia, Florida, Illinois, Michigan, Missouri, Nebraska, New York, North Dakota, Oklahoma, and Texas.

The District of Columbia government has recommended enactment of H.R. 2745. It is urgently needed now to protect innocent men in Washington, D.C., from unfair arrest and prosecution as is provided in the many States that have already enacted similar legislation. I urge passage of this bill.

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

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

Mr. NELSEN. Mr. Speaker, it has come to my attention that in the area of law enforcement, quite often really the promoters of this type of movie in theaters or clubs are unavailable, and there is no way to reach them. The police department finds it impossible to enforce the intent of some of our laws.

Mr. Speaker, I hope when this committee goes to conference, we will be sure to investigate every possible means, so the police department will have the weapons it needs and the tools it needs for enforcement, so we do not permit

the types of obscene movies that now seem to be sweeping the country to proliferate. I am sure the chairman of the committee would agree if we do find some changes are necessary, we will make those changes in legislation in conference when and if this legislation is passed.

Mr. McMILLAN. Mr. Speaker, I thank the gentleman from Minnesota.

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

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

Mr. MAYNE. Mr. Speaker, I would like to ask the chairman of the committee if it is not doing considerable violence to the actual facts for him to say these projectionists have no means of knowing what is in the film. That taxes my imagination.

Mr. McMILLAN. I could not speak to what they know as to the type of film they are showing, but I know they are merely mechanics or technical engineers in the movie business.

Mr. MAYNE. Would not the chairman agree with me that if the fact is that the projectionists do not know what is in the film, they would then be able to avail themsevles of that defense in a court of law and, therefore, would not need the protection of this bill?

Mr. McMILLAN. That is what he is trying to do, stay out of court.

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

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Even if these projectionists had the opportunity to review the films, they would not be qualified to determine what is permitted to be shown under the law today, as it is being interpreted. I do not believe that these projectionists, who are hired solely for one purpose, and who are being paid by the hour, should be required to sit in judgment as to whether the films they are showing are permitted under the law. There is nothing in the union contract which requires these projectionists to sit in judgment and decide whether they show only the films they may personally approve of.

Mr. MAYNE. Mr. Speaker, will the gentleman yield further?

Mr. McMILLAN. I yield to the gentleman from Iowa?

Mr. MAYNE. I should like to say to the gentleman from Virginia (Mr. BROYHILL) that there are projectionists in other parts of the country who are refusing to show these pornographic films, who are taking it upon themselves to try to stop the spread of pornography across this country, and who are entitled to our commendation and support. They should not be undercut by this bill which in effect encourages the showing of pornographic films by exempting those who project them.

I believe this bill in effect pulls the rug out from under every upright, law-abiding motion picture projectionist, who has tried to do something about stopping the spread of smut in this country by refusing to show such vicious films.

I speak as emphatically as I know how against this unwisely permissive legislation.

Mr. KYL. Mr. Speaker, I move to strike the requisite number of words.

I should like to ask the chairman of the committee if he can tell us how many prosecutions there have been under this act, of anyone associated with the showing of a motion picture?

Mr. McMILLAN. I do not have that information available.

Mr. BROYHILL of Virginia. If the gentleman will yield to me, Mr. Speaker, there have been three raids by the morals squad and confiscation of motion picture films being shown in the District of Columbia theaters within the past few weeks. There have been no convictions as yet, and there have been no arrests as yet insofar as the projectionists are concerned, but the morals squad has said they may arrest projectionists in the future unless we do something to change the law to protect them.

In several other States, there have been actual arrests of projectionists in theaters in the past year or two, regardless of the fact that they could not have exercised any control whatever over the nature of the films being exhibited. We are proposing this legislation merely to prevent this sort of injustice in the Nation's Capital, as has been done in a number of States.

Mr. KYL. If the gentleman would respond further, have there been any formal charges filed; and, if so, against whom?

Mr. BROYHILL of Virginia. Not against projectionists as such in the District of Columbia.

Mr. KYL. Have they been filed against the owner of theater or a manager?

Mr. BROYHILL of Virginia. I cannot answer that question.

Mr. KYL. Can the gentleman respond to this question: How does the Department determine that the motion picture which is being shown is in violation of the code?

Mr. BROYHILL of Virginia. Mr. Speaker, if I could answer that question I would have a halo around my head. I do not believe that one Member of this body can make an authoritative interpretation of the law today in that regard. That is the thrust of the problem here insofar as the projectionists are concerned. We do not know what meets the approval of the courts today and what does not meet their approval.

Mr. KYL. At the beginning of the colloquy the chairman said there was an obvious inequity because it was possible under this law to charge, or arrest, or take some action against the projectionists. I wonder if there is any inequity if in fact nobody makes such charges, or nobody tries to prosecute the cases. Perhaps what we had better be doing here, rather than concerning ourselves with the projectionists, is discussing whether or not the law we have is a viable law, whether we need a law of this nature, and if so, what kind of law we should adopt.

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

Mr. KYL. I yield to my colleague from Iowa.

Mr. GROSS. A projectionist could be a willing or unwilling accessory to a violation of the law as to the showing of obscene pictures. He could be a willing accessory but this bill would make him immune to arrest.

Mr. KYL. I would assume that the gentleman is correct.

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

Mr. KYL. I yield to the gentleman from Texas.

Mr. KAZEN. Does the gentleman understand that this bill gives immunity only to the projectionists?

Mr. KYL. That was my understanding from the explanation of the bill.

Mr. KAZEN. What happens to the ticket takers and the cashiers and the other employees? Why should they not be in the same position?

Mr. KYL. I would be glad to yield to someone who has more understanding of this matter than I to answer the question.

Mr. JACOBS. Will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. JACOBS. I would like to add to the question the piano player downstairs.

Mr. KAZEN. Will the gentleman yield further?

Mr. KYL. I yield to the gentleman.

Mr. KAZEN. The only purpose of my question is to find out just exactly how many people are involved in the operation and whether or not one is involved more than another and the degree to which they are involved and what the reasoning is behind giving immunity to one person and not to another.

Mr. KYL. I am assuming from the discussion we have had, that the kind of places the police are concerning themselves with are a clandestine operation which the police must raid, and quite obviously, under most circumstances the projectionist would probably be the only one on the premises or in any position to answer.

Mr. KAZEN. You mean this bill is not applied to the owner?

Mr. KYL. I do not know what preventions have been attempted.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. BROYHILL of Virginia. The reason why ticket takers and ticket sellers are not included is because they have not been subjected to arrest anywhere, as far as I am aware, and hence we have not had any complaints as far as that particular position is concerned. The District of Columbia morals squad does take the position, however, that the projectionist could be considered liable to arrest under the 1967 act. I do not feel, and neither does the committee, that the projectionists are any more involved in the showing of these films than is the ticket taker, the ticket seller, or the customer himself. In fact, they are not as much involved as is the customer, because he knows generally what he is seeing.

Mr. KAZEN. If the gentleman will yield further, I think we are laying a very bad precedent here.

Mr. MAYNE. Mr. Speaker, I move to strike the requisite number of words. I rise in opposition to the bill H.R. 2745.

Mr. Speaker, I would like to say to my colleagues that one reason why projectionists have been included as subjects for arrest under existing law is that some of them have received special bonuses for showing this type of film. I do not think the Members of this House should, considering the shocking permissiveness toward pornography which is already tolerated in the District of Columbia at this time, go on record today as making it even easier to spread pornography throughout the District. I think we ought to draw the line and let the people of America know that we intend to do something about pornography here and now by voting down attempts to exempt pornographers of any description.

It is certainly not my intention to condemn all projectionists, because, as I said when the chairman was so kind as to yield to me, there are many decent honorable projectionists in this country who are trying to protect the youth of America by refusing to show such trash, even at the risk of losing their jobs. They are going to be undermined and it will be harder for them to have an influence in their unions and in the motion picture industry generally if this unwise exemption passes. It is going to be said, "Look. We have the projectionists exempted. So it must be all right to show these films." Now, this is a bad step in the direction of further corrupting the morals of the youth of the District of Columbia. I simply cannot understand how the distinguished chairman could come here sponsoring this step toward permissiveness toward pornography. I think all Members in the Chamber should take our stand here and now that we are not going to exempt anyone from the laws of pornography and are not going to make it easier for anyone to get out from under their present responsibility under existing law. As I said before, if projectionists are truly ignorant of the type of film being shown, then they will be able to show that as a defense under the existing law, but they should not be arbitrarily freed from all responsibility by this blanket exemption. That would be an invitation to further exploitation of every vicious tendency by encouraging the showing of pornographic films in this city.

Mr. Speaker, this bill would completely exempt motion picture projectionists as a class from prosecution under District of Columbia obscenity laws which make it a felony for a person to knowingly present an obscene motion picture or to exhibit to a minor a motion picture show which depicts nudity, sexual conduct, or sado-masochistic abuse and which is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors, the only limitation from this class exemption being that the projectionist has no financial interest either in the motion picture itself or in the theater in which it is exhibited.

I would respectfully suggest to the Committee on the District of Columbia, that rather than attempting to create this loophole in our obscenity laws, the committee should have been looking to the strenthening of these laws, and the strengthening of our law enforcement agencies' ability to cope with the offenders. I certainly take no pride in the vistas of pornographic or near-pornographic book stores and adult motion picture theaters which greet visitors to our Nation's Capital City on almost every hand, particularly near the city's two bus terminals. I have no desire to place my stamp of approval on any legislative proposal which might tend to make this beautiful city even more wide open to pornography than it is at the present time.

The present obscenity law is not unfair, as the backers of the proposed amendments claim. Probably no one in a motion picture theater—from manager on down to ticket taker, ticket seller, usher, and janitor—is as soon aware of the nature of a film as the projectionist who places that film upon the machine, runs it to correct splicing errors and repair breaks before presenting it to the public, and at least intermittently views the film during the public showing to maintain framing, focus, and light control. To claim ignorance of the film's content on the part of such a projectionist per se, and absolve the projectionists as a class from prosecution under the obscenity statutes, is a complete misreading of the facts.

If a projectionist somehow is really ignorant of the content of the film he is showing, which is truly difficult to imagine, he may plead this as a possible defense under the present law. But certainly such ignorance would be the exception, not the general rule justifying the blanket exemption provided in the proposed bill.

The committee report claims that the projectionists should be exempted because they cannot control the content of the motion pictures shown. Nonsense. Just as the American consumer can control—if he really wants to do so—the content of magazines, books, motion pictures, and so forth, placed on the market, by boycotting or withholding his purchase of such materials, so could the motion picture projectionists—especially when so thoroughly organized under trade unionism as they are here in the District of Columbia—very effectively prevent the projection of obscene motion pictures or films coming within the statute by refusing to display such pictures and by refusing employment from those who persist in exhibiting such trash.

There are responsible citizens in the motion picture industry—picturemakers, distributors, exhibitors, and their employees including projectionists—who have drawn the line and refused to do anything that would contribute to the pornographic traffic seeking to pervade every corner of America. This bill would help pull the rug out from under such upright citizens. I say no, and urge my colleagues to strengthen these men and women and those who would join them in this seemingly uphill fight, by voting to defeat the present bill.

Mr. CARTER. Mr. Speaker, would the distinguished gentleman from Iowa yield to me?

Mr. MAYNE. I am happy to yield to the gentleman from Kentucky.

Mr. CARTER. I would ask the distinguished gentleman if this is pernicious permissiveness toward pornography?

Mr. MAYNE. Well, I would accept the gentleman's definition, in recognition of his superlative command of the language.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I think it is indeed unfortunate that the gentleman from Iowa has sought to imply, if, indeed, he did not so state, that our committee or any Member supporting this legislation condones pornography any more than does the gentleman himself. I defy any Member of this House to interpret what is pornography and, therefore, illegal here in the Nation's Capital today.

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

Mr. BROYHILL of Virginia. I yield to the distinguished chairman of the committee.

Mr. McMILLAN. I will state to the gentleman that the committee has passed some rather restrictive laws against pornography in the District of Columbia, some of which have been stricken down by the courts, and as the gentleman knows the President vetoed the last bill we had affecting this type of showing in the District of Columbia, but, in my opinion, these people involved in showing these bad movies should be subject to such restriction. As thinking Members of the House, we do not want to do anything to increase the showing of this type picture.

Mr. BROYHILL of Virginia. I thank the gentleman from South Carolina.

Mr. Speaker, I pointed out earlier the fact that there are 260 projectionists in the District of Columbia who belong to this union. They do not all work at the same theater all the time. The union hall is called upon to supply these projectionists. They are family men. They need the job. They need the wages. They go to these theaters as employees, and they have no way of knowing what type film is going to be shown or whether that type film would be permissible under the law. We are proposing that these family men should be protected against having a criminal record or from being charged and prosecuted when, in fact, they have no control whatsoever over the type of films shown. And I say again for the record that I am no more in favor of pornography than is the gentleman from Iowa (Mr. MAYNE).

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

Mr. BROYHILL of Virginia. I yield to the gentleman from North Carolina.

Mr. JONAS. I do not find anything in the language in the bill that restricts it just to the 260 union projectionists in

the District of Columbia. It is wide open. The exemption would apply to everybody ad infinitum, unless he owns a financial interest in the theater.

Mr. BROYHILL of Virginia. It is correct that the projectionist must have no financial interest in the film being shown in order to be exempt.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, a person would be exempt who is hired specifically for the purpose of showing one of these films, even though he willingly and knowingly participated in the projection of the film?

Mr. BROYHILL of Virginia. As I pointed out, he has no way of knowing the nature of the film, nor any control over whether it should be shown or not, because he is required, under the labor-management contract, to project the film provided by the management.

Mr. JONAS. The gentleman does not know whether that is so or not. The gentleman is referring to union members. This does not restrict itself to union members. It takes care of everyone from now on into the future who does not have a financial interest in the theater.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

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

Mr. O'NEAL of Georgia. What do you do if the only ones who do have a financial interest live in New York or Chicago? Who do you prosecute?

Mr. BROYHILL of Virginia. This does not affect the city of New York or Chicago, but only Washington, D.C.

Mr. O'NEAL of Georgia. But if the only ones who have a financial interest in it are nonresidents, what do you do?

Mr. BROYHILL of Virginia. The legislation does not address itself to that point.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

The bill was rejected.

A motion to reconsider was laid on the table.

REGULATING PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, at this time I yield to the gentleman from Washington (Mr. ADAMS), for the presentation of the next bill.

Mr. ADAMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1626) to regulate the practice of psychology in the District of Coumbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

S. 1626

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

SECTION 1. This Act may be cited as the "Practice of Psychology Act."

SEC. 2. The practice of psychology in the District of Columbia is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation and control in the public interest to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

SEC. 3. As used in this Act—

(A) "Commissioner" means the Commissioner of the District of Columbia.

(B) "Person" includes an association, partnership, or corporation, as well as natural persons.

(C) "Accredited college or university" means any college or university which, in the Commissioner's determination, offers either an acceptable full-time resident graduate program of study in psychology leading to the doctoral degree, or a comparable program. In making his determination concerning domestic educational institutions, the Commissioner shall accredit those institutions included in the listings of approved academic institutions published by the United States Office of Education; in determining what foreign educational institutions shall be accredited the Commissioner may take into account the published lists of recognized accrediting agencies and professional associations.

(D) "The practice of psychology" means the rendering of or offering to render to the public for a fee, monetary or otherwise, any service involving the application of established methods and principles of the science and profession of psychology. These principles and methods are concerned with understanding, predicting, and changing behavior, and include, but are not restricted to, the use of counseling and psychotherapy with groups or individuals having adjustment problems in the areas of work, family, school, and personal relationship; measuring testing, and assessing aptitudes, skills, public opinion attitudes, emotions, personality, and intelligence; teaching, doing research, or lecturing in psychology.

(E) "Psychotherapy" means the use of learning or other psychological behavioral modification methods in a professional relationship to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual.

SEC. 4. All persons licensed or certified under this Act shall assist their clients in obtaining professional help for all relevant aspects of the clients' problems that fall outside of the boundaries of the psychologist's competence. All persons so licensed or certified shall make provisions for the diagnosis and treatment of relevant medical problems by an appropriate and qualified medical practitioner, and shall, in instances where a medical problem is involved, collaborate effectively with such a medical practitioner. No person licensed or certified under this Act shall administer or prescribe drugs, or perform surgery or any manual or mechanical treatment whatsoever.

SEC. 5. It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license or certificate pursuant to this Act: *Provided, however,* That the following categories of persons need not obtain a license:

(A) A person bearing the title of "psychologist" in the employ of any governmental agency, academic institution, or research laboratory: *Provided,* That the services performed by such an employee, which services shall not include psychotherapy, are a part of his office or position and are provided only within the confines of the organization or are offered to like organizations.

(B) Persons providing services, exclusive of psychotherapy, to the public through governmental organizations, such as clinics, who are compensated by their employer rather than their clients. Persons coming under the exemptions established by subsections (A) and (B) may offer lecture services to the public for a fee but may not offer other psychological services to the public for a fee without having obtained a license.

(C) A student intern, or resident in psychology, pursuing a course of study or research with an accredited college, university, or training center: *Provided,* That such activities are supervised as part of his course of study, and he is designated by such title as "psychology intern," "psychology trainee," or other title clearly indicating trainee status.

(D) A person not licensed as a psychologist under the provisions of this Act employed by a licensed psychologist to assist in the performance of psychological and other services, other than psychotherapy, if such person works under the supervision of the licensed psychologist who assumes full responsibility for his acts, and if such person is not in any manner held out to the public as a psychologist.

(E) Qualified members of other established businesses or professions, recognized by the Commissioner, doing work of a psychological nature consistent with their training and with any code of ethics provided by their respective businesses or professions: *Provided,* That they do not hold themselves out to the public by title or description incorporating the words "psychological," "psychologist," or "psychology," unless licensed under this Act.

(F) A psychologist who is not licensed or certified under the provisions of this Act, but (1) who is licensed or certified under the laws of a State or territory of the United States or of a foreign country or province whose standards in the opinion of the Commissioner were substantially equivalent, at the date of his certification or licensure, to the requirements of this Act; or (2) who meets the requirements of subsections (A) and (B) of section 7; and who is employed or invited by a licensed psychologist who is a resident of or maintains a place of work in the District of Columbia to offer professional services in said District for a total of not more than sixty days in any calendar year without holding a license issued under the Act. Upon arrival in the District of Columbia, such an unlicensed psychologist shall report to the Commissioner with respect to the nature and duration of his professional activities in the District as well as the name of the person who has requested him to render services. A psychologist claiming exemption under the provisions of this section who offers professional services in the District of Columbia for more than twenty days in any calendar year shall file with the Commissioner evidence of his right to such exemption. Upon proof of that right to the satisfaction of the Commissioner, the Commissioner shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration.

SEC. 6. (A) The Commissioner shall be responsible for reviewing the application of persons seeking licensure or certification for the practice of psychology in the District of Columbia, for the granting and renewal of such licenses and certificates, for the preparation and administration of oral and written examinations, and for other matters related to the purposes of this Act.

(B) The Commissioner may appoint a Board of Psychologist Examiners. Each member of this Board shall be a citizen of the United States, licensed under the provisions of this Act, who shall either be a resident of the District of Columbia or have worked in the District of Columbia for at least two

years preceding appointment to the Board. The initial appointees shall be psychologists eligible for licensure under the provisions of this Act. Subsequent appointees shall be persons licensed under the provisions of this Act.

(C) The Commissioner shall maintain: (1) a record of licenses and certificates granted and refused and of licenses and certificates revoked or suspended which record shall be available to the public; and (2) a complete record of all hearings conducted pursuant to section 13(B) in connection with the denial, suspension, or revocation of a license. A transcript of an entry in a record of hearing, properly certified, shall be prima facie evidence of the facts therein stated.

SEC. 7. The Commissioner shall grant a license to practice psychology to each applicant who submits satisfactory proof that—

(A) he is of good moral character;

(B) he holds either (1) a doctoral degree in psychology from an accredited college or university and has completed two years of postgraduate experience acceptable to the Commissioner, such two years not to include terms of internship, or (2) a doctoral degree from an accredited college or university in a field determined by the Commissioner to be related to psychology and has completed two years of postgraduate experience: *Provided*, That his experience and training are considered by the Commissioner to be comparable to the requirements set forth in (B) (1) of this subsection:

(C) he has passed an examination, written or oral or both, the scope and form of which shall be determined by the Commissioner: *Provided*, That at any given examination session all examinations shall be uniform; and

(D) his application has been accompanied by the fees required by the Commissioner.

SEC. 8. Within one year from and after the effective date of this Act, a license shall be issued without examination to any applicant who is of good moral character, who either maintains a residence or office, or participates in psychological activities as determined by the Commissioner, within the District of Columbia, who has submitted an application for license accompanied by the required fee, and who holds—

(A) a doctoral degree in psychology from an accredited college or university or other doctoral degree acceptable to the Commissioner, and has completed at least two years of postgraduate experience not including terms of internship; or

(B) a master's degree in psychology from an accredited college or university, and has engaged in psychological practice acceptable to the Commissioner for at least seven years after the attainment of his highest degree.

SEC. 9. The Commissioner may, in his discretion, grant a license without examination: (1) to any person who at the time of application is licensed or certified under the laws of a State or territory of the United States, or of a foreign country or province with standards which in the opinion of the Commissioner, were substantially equivalent at the date of such certification or licensure to the requirements of this Act, or (2) to any person who has been certified by a national examining board: *Provided*, That the Commissioner determines that the examination given by the national examining board was as effective for the testing of professional competence as that required in the District of Columbia.

SEC. 10. (a) The District of Columbia Council is authorized to make regulations to carry out the purposes of this Act but may delegate the responsibility to any Board of Psychologist Examiners which may be appointed.

(b) The Commissioner is authorized to fix, increase, or decrease from time to time fees to be charged in such amounts as may be reasonably necessary to defray the approximate cost of administering the provisions of this Act.

SEC. 11. Every person licensed or certified to practice psychology who desires to continue the practice of psychology shall annually pay the required fee for which there will be issued a renewal of licensure or certificate. The Commissioner shall provide a written reminder of the renewal date to every person licensed or registered under this Act, which reminder shall be mailed at least one month in advance of such date. A license or certificate not properly renewed as herein provided shall lapse. The Commissioner shall have the right to reinstate a lapsed license or certificate upon payment of the renewal fee plus a penalty fee. A psychologist who wishes to place his license upon an inactive status may do so by submitting notice thereof to the Commissioner. Such a psychologist may reactivate his license by payment of the renewal fee herein required unless his license has been inactive for a period exceeding five years, in which case he will be required to furnish the Commissioner evidence of his competence to continue or resume the practice of psychology.

SEC. 12. The Commissioner may refuse, revoke, or suspend licensure or certification if the person applying or the person licensed or certified be—

(A) convicted of a crime involving moral turpitude;

(B) found to be using any drug or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public;

(C) convicted of a violation of this Act as provided in section 14;

(D) determined to be a mental incompetent by a court with proper jurisdiction; or

(E) found to have committed a violation of any provision of this Act or of standards for the ethical practice of psychology to be established in regulations issued by the Government of the District of Columbia.

SEC. 13. (a) Proceedings leading toward the suspension or revocation of a license or certificate shall be begun by petition, setting forth good cause therefor, filed with the Commissioner and served on the respondent. The Commissioner may determine whether a license or certificate shall be suspended or revoked, and if it is to be suspended the duration of such suspension and the conditions under which such suspension shall terminate. Revocation of a license shall not preclude the issuance of a new license or registration after the passage of at least five years.

(B) Before the revoking, suspending, or refusing to issue a license or certificate for any cause under the provisions of this Act, the Commissioner shall give the person whose right to practice psychology is challenged an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. After such hearing, should the Commissioner decide to refuse, revoke, or suspend licensure or certification, he shall set forth in writing his reasons for so doing, and shall include detailed findings of fact.

(C) Any person aggrieved by a decision of the Commissioner under subsection (B) of this section may, within thirty days after receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals. Such review shall be subject to appeal to the United States Court of Appeals for the District of Columbia Circuit.

(D) In hearings conducted pursuant to subsection (B) of this section, the attendance and testimony of witnesses may be compelled by subpena. Any person refusing to respond to such a subpena shall be guilty of contempt of court.

SEC. 14. Any person who shall practice psychology, as defined in this Act, without having a valid, unexpired, unrevoked, and unsuspended license or certificate of registration issued as provided in this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $500, or confined in jail for not more than six months, or both. Prosecutions shall be in the name of the District of Columbia by the Corporation Counsel or one of his assistants.

SEC. 15. The unlawful practice of psychology, as defined in this Act, may be enjoined by the United States District Court for the District of Columbia on petition by the Corporation Counsel for the District of Columbia, upon a finding that the person sought to be enjoined has committed a violation of the provisions of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall join him from so practicing unless and until he has been duly licensed. The remedy by injunction herein given may be imposed in addition to, or in lieu of, criminal prosecution and punishment as provided in section 14 of this Act.

SEC. 16. It shall be the duty of the Commissioner of the District of Columbia to enforce the provisions of this Act.

SEC. 17. In legal proceedings, no psychologist shall disclose any information he has acquired from a person consulting him in his professional capacity without the consent of such person, except only in legal actions (1) in which a psychologist is being sued by a former client or his legal representative, such as an action against a psychologist for malpractice, (2) where the validity of a will or deed of a client is placed in issue, and (3) where the mental capacity of defendant in a criminal action has been placed in issue.

SEC. 18. There is hereby authorized to be appropriated out of the revenue of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

SEC. 19. If any section of this Act, or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

SEC. 20. This Act shall become effective ninety days after the date of its enactment.

With the following committee amendment:

Page 13, strike out lines 14 through 22 and insert in lieu thereof the following:

SEC. 17. Section 14–307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

The committee amendment was agreed to.

Mr. ADAMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill, which has come over from the other body, and which has passed through the District of Columbia Committee, is supported by the District of Columbia government, and by the various professional societies that are involved. It is a bill to regulate the practice of psychology in the District of Columbia. It declares that the public health, safety, welfare, and interest are involved in regulating the practice of psychology, and it establishes a fee system for those who would practice. The expenses of cerification will be paid from

those fees, so no national tax money is involved.

The reason for the regulation of the practice of psychology is that at the present time in the District of Columbia anyone, regardless of degree, training, or any other capacity who wants to hold himself out to the general public as being a psychologist, can do so.

As the Members know, a psychologist is a person dealing with human behavior, both with its changes and with the various desciplines that are involved in the study of human behavior.

The bill will exempt those who are employed by the U.S. Government, and those employed by the various universities here who are not engaged in the regular practice of psychology.

The bill is particularly directed toward quackery; that is, untrained individuals who are holding themselves out to be psychologists, and that they have some type of medical benefit to offer to the community when in fact there is no control over whether they actually have any abilities in the field, or have had any training in the field. This can cause great injury to the people if they go to someone who holds himself out to be a psychologist, and he is in fact a quack, because psychologists deal with very fundamental human emotions.

There was no dissent to this bill in the committee. It has been reported out unanimously.

Mr. Speaker, I hope that the House will pass this bill so that we will regulate psychology in the District.

I would close by simply saying that this has been done in approximately 40 additional States. I have a list of these States available for the Members if anyone wishes to know about a particular State.

Now, I will yield to my friend, the gentleman from California (Mr. SISK).

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: Page 14, after line 10, insert the following:

"SEC. 20. Section 5 of the Act of May 28, 1924 (D. C. Code, sec. 2–505), is amended by inserting after 'discharge of its duties' the following: 'and for the regulation of the practice of optometry in the District of Columbia, including the regulation of unprofessional conduct for optometrists in the District of Columbia'."

Page 14, line 11, strike out "20" and insert in lieu thereof "21".

Mr. SISK. Mr. Speaker, I offer this amendment in an attempt to update the law in connection with the Board of Optometry which was created back in 1924. For 50 years there has been no real updating or beefing up of the regulations on the practice of optometry in the District of Columbia.

Most of the States of the Union have in recent years updated their practice. This particular one-sentence amendment actually endows the present body or board with the authority to regulate at least in connection with unprofessional conduct.

May I conclude by saying that as many of my colleagues know, in the last Congress I was on the District of Columbia Committee and I was interested in a much more comprehensive bill in this area. In many of our States and certainly in my own State of California it is a highly professional practice. Many of you are aware that optometrists fit about 80 percent of all glasses for the American public. In California, we have very strict laws in connection with the regulation, education and training, and qualifications of optometrists. And the same thing is true in many other States.

The original bill which I proposed and which some of you coauthored ran into trouble because of the corporate practice and advertising in connection with medicine provisions.

The amendment I offer today does not touch either one of these controversial matters. Not that I prefer it that way, but I recognize that some legislation is needed to better regulate this profession. Therefore, I want the legislative record to be clear that we are not attempting here to deal with a matter of corporate practice or these matters of advertising.

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

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

Mr. BROYHILL of Virginia. The gentleman has answered a question that I had in mind and that is that this amendment does not touch upon those things that were so controversial a few years ago when we had extensive hearings on the proposed bill to license and regulate the practice of optometry.

Mr. SISK. The gentleman is exactly right.

Mr. BROYHILL of Virginia. The gentleman has clarified that it would not involve corporate practice nor would it involve advertising and also mention something about the practice of medicine.

Some of the things that the medical profession was concerned about was that the bill at that time would permit optometrists to get into the practice of medicine, and at the same time do something in regulating the practice of medicine by ophthalmologists.

Is not the intention of this amendment or it is not the intention of the gentleman who has offered the amendment that this new regulation will permit optometrists to get into the practice of medicine in any way—or would it in any way touch on ophthalmologists and the medical profession or whatever they are doing in the practice of ophthalmology?

Mr. SISK. The gentleman is exactly right. This does not deal with that. As the gentleman knows, of course, we did attempt to deal with that question in the old bill but this amendment does not in any way attempt to do that.

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

Mr. SISK. I yield to the distinguished chairman of the committee.

Mr. McMILLAN. Mr. Speaker, I would like to state to the gentleman I do not believe there is any objection on our side to this amendment.

Mr. SISK. I thank the gentleman.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. SISK).

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. FUQUA. 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. 19885), to provide additional revenue for the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. NELSEN) and myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

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. 19885, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. FUQUA) will be recognized for one-half hour and the gentleman from Minnesota (Mr. NELSEN) will be recognized for one-half hour.

The Chair recognizes the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FUQUA. Mr. Chairman, the bill we have before us today is a rather comprehensive piece of legislation, most of it dealing with the financial matters of the District of Columbia. Our committee heard testimony from the Mayor, the Deputy Mayor, the Chairman of the City Council, and other parties interested in the financial situation of the District of Columbia and, in ways, the needs and also contingencies against the treasury of the District of Columbia.

We deliberated for some time, and the subcommittee held many days of hearings in markup, trying to assemble what we have as a bill before us today. I might point out that it has provisions in it that are not connected with the actual revenue or tax matters of the District, but they do affect the revenues of the District.

I also want to point out that at the proper time it is my intention to offer an

amendment to strike out title V and title VIII of the bill. Title V relates to the District of Columbia Department of Corrections and the transfer of the Lorton Reformatory to the U.S. Government. We feel that while this proposal has passed the House once before, there are other and additional considerations that should be taken into account relating to this legislation. We are recommending that it be considered in a separate bill in the next Congress.

The other title my amendment would strike out, title VIII, relates to the withholding of the Federal payment until such time as there is compliance with the Federal Highway Act of 1968 and 1970. We will ask that this title likewise be deleted in view of certain considerations that are being made in conference now between the House and the Senate on the 1970 Highway Act. We believe that those conferees will resolve their differences and that this particular title would not be of any constructive benefit to the bill. So at the proper time I shall offer amendments to delete those two titles from the bill.

We looked very hard at the District government. The population of the District of Columbia has declined somewhat during the past decade—from 763,956 in 1960 to 756,510 in 1970.) Yet, the financial requests of the District government have continued to increase every year, in fact the annual budget has doubled in 5 years, and for 1971 the District requested $821 million. The Congress is called upon to increase the Federal payment each year to make up the deficit since District revenues are inadequate to meet the proposed budget. We looked at sources available for tax revenues, ways that we could provide for the District to pay more of its own way, and I might point out, Mr. Chairman, that it was a very difficult situation, an almost impossible task, to find additional revenues that could be made available to the District of Columbia without severely hampering the economic situation in the District.

The fallacy of the District's request for more moneys than their anticipated revenues will yield is that it would require of the Federal Government an increase in Federal payment toward the District's expenses every time the District secures revenue increases from its own sources. This makes little or no sense to a majority of your committee, and completely disregards the District's fiscal hiatus due to the District's uncontrolled mushrooming expansion that is not justified by a declining city population.

We know that the District of Columbia is a pocket within a rather large economic area, and what happens in the surrounding area affects the District of Columbia, and what happens in the District of Columbia affects the surrounding area, and the affairs are woven very closely together, so it is important to consider how what happens in the area will affect the District of Columbia and how what happens in the District will affect the surrounding area.

We tried to find additional tax revenues. Unfortunately, it was a most difficult thing. In addition, Mr. Chairman, we have in this Congress passed an authorization establishing a little Hoover Commission. We are hopeful this Commission will review thoroughly the operations of the District of Columbia, and we hope it will be possible to have more efficiency generated within the District.

We recognize that the District of Columbia is not only a city, but also has some of the functions of a State, and while the costs of the District of Columbia may be higher than those of other cities of comparable size, it is our feeling they do exceed that which is necessary. We hope the Commission can have an opportunity to review the matter and make appropriate recommendations.

I am happy to say that the gentleman from Minnesota (Mr. NELSEN) and I have been appointed by the Speaker to represent the House on the Commission. While I cannot speak for the other Members, I can say it will be my hope that we can look very thoroughly into the operations of the District Government and hopefully come up with recommendations for more efficient operation of the Government.

Mr. Chairman, there will be some amendments offered at a later point. We have provided some tax increases and have tried to close the loopholes that exist in the present revenue-producing laws, and we have some other items we feel will help the District of Columbia to be economically viable.

In summary, H.R. 19885 provides as follows:

TITLE I—REVENUE

Section 101 increases authorized annual Federal payment to the District from $105 to $120 million.

Section 102, District of Columbia budget requests for appropriations shall be examined and reviewed by Federal Office of Management and Budget.

Section 103, District of Columbia borrowing authority extended for 2 years—from 1970 to 1972.

Section 104 permits heavy, self-unloading trucks—up to 65,000 pounds—upon payment of fees specified, estimated to produce $300,000 in revenue for highway department.

TITLE II—MISCELLANEOUS TAX MATTERS

Section 201 provides 2 percent tax on rental linens; continues 2-percent rate on all laundry; removes 4 percent sales tax on rental lines. Estimated $200,000 revenue.

Section 202 repeals real property tax exemption on housing owned by nonprofit charitable organizations if such property is aided by Federal rent supplement or interest subsidy.

Section 203 transfers to American Institute of Architects the tax exemption of the District of Columbia property already exempted by Congress to local chapter.

Section 204, to clarify the intent of Congress in the 1969 Revenue Act to conform District of Columbia capital gains and loss and depreciation provisions with Federal provisions.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

Section 301 authorizes $6.2 million appropriation for District of Columbia medical and dental schools—Georgetown and George Washington—to permit HEW grants of not over $5,000 per medical student, and $3,000 per dental student, for fiscal years 1970 and 1971.

TITLE IV—LAND-GRANT COLLEGE FUNDS TO THE DISTRICT OF COLUMBIA

Section 401 provides they shall be shared equally by Federal City College and the Washington Technical Institute.

Section 402 exempts higher education institutions in the District from interest ceiling for borrowing moneys.

TITLE V—LORTON

To be deleted.

TITLE VI—MISCELLANEOUS

Section 601, Old Georgetown Market, deletes limit of $150,000 authorized for preservation of the market.

Section 602, exempts District of Columbia motor carriers that are regulated by ICC, from District of Columbia minimum wage provisions.

Section 603, limits future District of Columbia minimum wage orders to no more than 10 percent higher than Federal fair labor standards rates.

Section 604, provides for study by Secretary of Interior of Potomac River pollution, resources, and water, sewer and sanitation services.

Section 605, authorizes District of Columbia government to enter into leases for space, up to 20 years.

TITLE VII—DAIRY PRODUCTS

Permits sale in District of Columbia of milk and dairy products where inspection and certification are by HEW and meets HEW standards obviating duplicate District of Columbia inspection. Estimated to save the District over $200,000 annually.

TITLE VIII—HIGHWAY AMENDMENT

To be deleted.

TITLE IX—GENERAL PROVISIONS

LEGAL SERVICES FOR THE BOARD OF EDUCATION

Members of the Board of Education of the District of Columbia requested your committee to authorize the Board to employ legal counsel to represent it within and outside the public school system.

Your committee carefully considered the Board's request and is thoroughly convinced that the Board of Education needs more satisfactory legal services than it receives. Your committee believes, however, that a precedent of authorizing District of Columbia agencies to have their own legal counsel to represent them should not be established. The Corporation Counsel's Office should continue to represent all agencies of the District of Columbia. Your committee feels strongly, however, that two Assistant Corporation Counsels, preferably at general service grade 15, and a secretary, should be assigned by the Corporation Counsel to the Board of Education.

Therefore, your committee wishes to transmit to the Commissioner its recommendations in this regard. It also wishes to urge the House Appropriations Committee to increase appropriations for the Corporation Counsel's Office to provide for these three positions. This arrangement recognizes that the Corporation Counsel is the attorney for the District of Columbia and is solely re-

sponsible for prosecuting and defending all suits brought by or against the District of Columbia.

LEGISLATIVE AND GOVERNMENTAL AFFAIRS COUNSEL FOR THE BOARD OF EDUCATION

The Board of Education also requested your committee to authorize it to appoint and employ a legislative and governmental affairs counsel to be covered into the competitive service and paid at an annual rate of not less than the minimum rate for GS–15 of the general schedule under section 5332 of title 5, United States Code.

Your committee concurs with the Board of Education regarding the need for this position to enable it to better serve the education needs of the community. It should also serve the needs of the Congress and its committees to secure more expeditious handling of its requests for information.

Thus your committee wishes also to transmit its recommendations to the District of Columbia Commissioner to approve the above position as requested by the Board of Education. It is the committee's understanding that the Board of Education will request the Appropriations Committees of Congress for the funding of this position in the fiscal year 1972 budget. In the meantime, the Board has made arrangements to fund the position from Federal grants.

Your committee urges the Appropriations Committees to fund this position.

These matters were discussed in committee and it was decided to include language in the committee report expressing the committee's support that the positions be approved by the District of Columbia Commissioner and that the Appropriations Committee approve funds for the position in the fiscal year 1972 budget.

Unfortunately, when the committee report was prepared, language intended to be included in the report was inadvertently left out. I recognize and I know the committee recognizes the need for these positions and, therefore, urge the Appropriations Committee to approve the positions as suggested.

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

Mr. FUQUA. I yield to the Chairman of the Committee, the gentleman from South Carolina (Mr. McMILLAN).

PURPOSE OF THE BILL

Mr. McMILLAN. Mr. Chairman, the purpose of H.R. 19885 is to provide some additional revenue to the District of Columbia, as well as other much needed and justified legislation that hopefully may be enacted before the adjournment of the 91st Congress.

Again the Congress is faced with and asked to bail the District government out of its fiscal distress.

For the seventh consecutive year the District has come to Congress with an out-of-balance budget. The District's estimates of expenditures as submitted for fiscal year 1971 totaled $821 million, or $206 million more than its anticipated revenues. Consequently, the Appropriations Committee was required to slash $182 million from the budget and disallow over $20 million of proposed reserves when appropriating for fiscal year 1971.

Now your Committee and the Congress are asked to pick up the tab for the rest of, or most of, or some of, the disallowed budget requests, and thus finance another recordbreaking budget by the District.

Regretfully, the government of the District of Columbia continues an accelerated rate of spending, all out of proportion, in the judgment of a majority of the House District Committee members, to the city's declining population, its needs, or its ability to finance such expenditures. Few if any economies or efficiencies have been achieved in the expansion of the city government departments, agencies, and programs. Yet no other city in the Nation is annually treated so generously with hundreds of millions of Federal grants, in addition to the generous Federal payment.

The House District Committee is of the opinion that it has met all the established needs of the Nation's Capital by enacting the necessary legislation.

During the past 7 years your committee has reported and the Congress has approved five revenue acts for the District.

In these 7 years, the Congress has:

Increased the Federal payment authorization from $32 million to $105 million.

Raised various District tax rates to provide an estimated $62.4 million of additional annual revenues to the District of Columbia general fund.

Increased certain motor vehicle registration and other fees, in the Revenue Act of 1969, so as to provide an additional $6 million annually to the highway fund.

Increased the District's borrowing authority to the general fund, for capital improvements, from $75 million to $392.3 million.

Increased the District's borrowing authority for highway construction from $50.25 million to $85.25 million.

Authorized an additional $50 million of earmarked borrowing authority as the District's one-third share of the $431 million initial cost of constructing a subway and rapid rail transit system.

Authorized $50 million for construction of the Federal City College and the Washington Technical Institute—$10 million of this was an outright grant, and $40 million another additional borrowing authorization.

Authorized $40 million in Federal project grants for modernization of hospital plants and construction of health facilities, and also $40.5 million in Federal loans—at 2.5 percent interest repayable in 50 years—for institutions not having the required matching funds.

Qualified the Federal City College as a land-grant college, thereby authorizing it to receive a capital grant of $7.2 million as an endowment.

Authorized an additional $166,500,000 of borrowing authority—to be added to the $50 million authorized by the 1965 Act—thus increasing to $216.5 million as the District of Columbia's share of the regional subway and rapid transit system, the Federal contribution to which will be $1.147 million.

Provided an additional $25 million, annually to the District's revenues, through increases in the personal income tax, when enacting the police, firemen, and teachers' salary bill.

The mean average household income for 1969, as reported by the District of Columbia government, was $10,500.

During the 10 years' construction of the subway now underway, it is estimated that 12,000 to 15,000 workers will be employed with an estimated $1 billion payroll.

Congress has provided generously to the District in so many instances, through countless measures. As shown hereafter in this report, these Federal revenues, supplementing the District's own revenues, should suffice to provide an efficient and sufficient government to the people of Washington. If their government insists on living beyond its means, it must lift itself by its own bootstraps, or survive as it can do well within its available revenues.

PROVISIONS OF THE OMNIBUS BILL REVENUE FOR THE DISTRICT

The bill provides an estimated $700,000 to $900,000 in special taxes, fees, or savings to the District government.

It provides, through increased borrowing authority to the District an estimated $783 million loan authority—$550 million to the general fund for 1971 and 1972; $72 million to the sanitary and sewage works fund; $110 million to the highway fund; and $51 million to the water fund.

Finally, it increases the Federal payment or contribution annually authorized, to the District by $15 million, to an alltime high of $120 million per year.

Your committee earlier in this Congress approved and the Congress enacted legislation giving the District an additional $8 million Federal payment toward salary increases for police and firemen, plus another $5 million Federal payment toward the new court system and the drug problem, as well as $9 million saving to the District by transferring the operation of the local zoo from the District to the Federal Government.

Admittedly, this legislation does not provide the District government with all the moneys it requested because a majority of your committee do not believe that the Congress should burden the taxpayers of the whole country with any larger share of the District's expenditures than they are now contributing.

Admittedly, the District government has confessed it has reached the "bottom of the barrel" in its own search for sources of local revenue which produced the unbelievable picture of the District requesting your committee, and the Congress, to authorize a $30 million increase in the Federal payment to the District, while the District itself would only assume to raise $1.5 million by a fuel tax increase. At the same time, the District of Columbia Council refused to raise $8.7 million by increasing the local real estate taxes, as recommended by the District Commissioner as a necessary part of his revenue needs.

The District government is unable or unwilling to finance its own increased budget in the amount of a $100 million

increase each year, and its own anticipated revenues will yield only an additional $50 million. The District would be perfectly happy to continue its merry spending, its enlarged programs, its ever-increasing personnel, mostly at the expense of the American taxpayers.

If the Congress would force the District's fiscal demands upon the citizens throughout the country by appropriating further Federal funds to pail out the District's programs, then it would be equally equitable to strap the same taxpayers with the indebtedness of any and all other U.S. cities in financial doldrums or decline.

I include the following:

DECEMBER 1, 1970.

Memo to: John L. McMillan, Member of Congress, chairman, House District Committee.

From: Paul Yates Little, consultant.

Subject: Contemporary report on the Department of Corrections (Lorton), District of Columbia.

This is a brief report on the present conditions as they exist at the Lorton Complex, the Department of Corrections of the District of Columbia.

The last report of the investigations and study of this Department was submitted on February 23, 1970.

1. The chain of command has not improved and is still ineffective. Any link in the chain of command feels free to go over any other link in the command to discuss their problems.

2. Correctional officers, both white and black, are still being frequently assaulted by inmates. It appears that the discipline of prisoners is more lenient now than during the period of our last study. Recenty, a prisoner attacked and broke the jaw of a correctional officer. This prisoner was not taken into custody under orders of the Superintendent but was allowed to "cool off" and a few hours later to voluntarily report for confinement. The correctional officer was severely injured and hospitalized. The assaulting inmate was not punished or prosecuted. Disrespect is almost total by all inmates, at all time, toward all officers; although the officers are called four letter words, they must say "thank you" to the prisoner, and call him "Sir".

3. The correctional officers are still being advised not to strictly enforce any laws or regulations. John O. Boone (the Superintendent), according to the correctional officers, is more permissive, lenient, and minimum security minded, than the Director, Kenneth L. Hardy.

4. Escapes from the institution are more multitudinous than ever. Six prisoners recently escaped from the city jail during a ball game; four prisoners escaped during a party at Lorton; and one or two prisoners escape every few weeks. Very few of these escapes are ever reported in the newspapers and are kept secret, but the copies of the escape reports are in the possession of this Subcommiteee.

5. The use of narcotics by inmates is still widespread, and there appears no effective effort by the administration to control it.

6. The practice of homosexuality and lesbianism is widespread and no efforts are being made to control it. Too, known sex deviates are not segregated.

7. There appears, yet, not to be any inventory by the supervisory personnel of eating utensils within the institution. These utensils are still being manufactured into weapons by the prisoners.

8. The prisoners do not perform even menial tasks, and they do not have a work program that is enforced.

9. Press releases from the Department of Corrections tell of the prisoners at Lorton attending Federal City College and commend them for excellent academic efforts. There are reasons to believe that very few of these prisoners actually attend a class at Federal City College. Most of them merely report "present", then, leave out the back door and attend to their personal affairs—such as crime, and return in time to catch the free bus back to the Lorton Complex. This condition is not only documented, but witnesses are ready to testify as to its accuracy.

10. The Lorton Complex is as filthy and ill-kept as ever before.

11. The Superintendent, named John O. Boone, has managed to earn the enmity of most of the correctional officers by failing to support them in cases involving discipline of inmates. No prisoner has ever been punished or prosecuted for disrespect, assault or seriously injuring any correctional officer. Instances of this kind occur frequently.

12. The various institutions within the Lorton Complex maintain schools for prisoners. These, too, are poorly attended, maintained and taught.

13. The hiring practices still require no minimum education, with a starting age of 18 years and no character or security investigation of these applicants' backgrounds. The turn-over in personnel is constant.

14. The promotions of paid personnel are still made without any enforced criteria. Some of the promotions are apparently made on the whims of the personnel officer and the applicant's immediate supervisor. The escalation and de-escalation of favored candidates' eligibility on the Civil Service registry are manipulated by giving credit for the slightest of excuses.

15. There is no criteria for placing inmates in the "Half-way Houses". These "Half-way Houses" are listed in recent press releases by the Department of Corrections in the most glowing terms. Confidential sources within the administration of the Department of Corrections state that these are "dens of thieves". These houses are the basis of daytime crime in the District of Columbia, a sort of "Dracula in reverse", in that the thieves must return to their units by sundown and are not allowed to legally leave until sunrise. A confidential source suggests that this question be pressed: "How many prisoners in the "Half-way Houses" are apprehended each year and either returned to Lorton Complex, released on bond, or resentenced for crime?" This source states that the figure is beyond belief.

16. The Department has yet to improve its out-dated bookkeeping methods of various funds kept within the Department, and they still use "self-audits". When an audit is made of a fund by the keeper of the fund, it is poor adverse interest to do so.

17. Personnel are still being hired under contracts which avoid Civil Service requirements.

18. The morale of the paid personnel is even lower than it was prior to John O. Boone being made superintendent in February, 1970. They feel they are taking their lives into their own hands when they report for work and the prisoners are better armed than the guards.

19. A full inspection or shakedown of the institution is made seldom. Contraband continues to flow freely in and about the prisoners.

20. The training of correctional officers is practically no training at all, as it is so extremely limited.

21. Visitors are still allowed physical contact with the prisoners. Connubial acts are committed, and money changes hands between visitor and prisoner in large sums. Under Boone, the Superintendent of the Department of Corrections, visiting hours are now seven nights a week, with only one guard overseeing the twenty or more visitors and prisoners at any one time. Boone, when questioned about this by one of the guards stated, "They're gonna slip it in and out anyway, so why worry about it."

22. First offenders are still mingling with hardened recidivist criminals.

23. Prisoners are allowed to be alone in enclosed cubicals with female visitors for long periods of time.

24. The administrators of the various units of the Department of Corrections are unbelievably incompetent and only with alleged training.

25. The prisoner population in the Lorton Complex is below capacity.

26. On or about November 6, 1970, Salvatore Angelona, in charge of Arts and Crafts at Lorton, was stopped and his car searched, and he was later fired for narcotics traffic.

Samuel Rosser was an associate superintendent for Programs at the Lorton Complex in the summer of 1970. He was under investigation for bringing narcotics into the prison. He was transferred to Washington, D.C., where he is still employed by the Department of Corrections, and the evidence that was found in this case was "hushed up".

During November 1970, correctional officers—Francis McGee, Glenn Brown, and Ivory Roberts—were dimissed regarding traffic in narcotics. To date no charges have been filed. The narcotics situation at Lorton Complex has not changed from the condition as described by John Ingersoll, Director of the Federal Bureau of Narcotics and Dangerous Drugs, as described in his letter, January 30, 1970, which was made a part of the report of the Committee on the District of Columbia (Union Calendar No. 384; House Report No. 91–850).

27. Theft of property owned by the Department of Corrections for the District of Columbia is continuous and on a large scale. The theft of items is by prisoners, visitors, and employees.

28. Innumerable correctional officers (prison guards) are caught sleeping on duty every night in the week, and no action is taken by the superintendent, John O. Boone, although these matters are brought to his attention by written report.

29. Excessive overtime is paid employees. The reason, given by John O. Boone, the superintendent, is that he is not allowed to hire additional employees. The overtime hours and pay result in most of the employees being exhausted.

30. On September 1, 1970, John O. Boone issued Superintendent's Order No. 4500.11. It was entitled "Resident Institutional Participation and Use of Administrative and Legal Processes to Assist in Effecting Modifications in Programs and Procedures". This merely changed the Inmates Advisory Council and established representatives from each dormitory to advise the superintendent on how to operate the institution.

31. Any person that wishes to do so, may go to the License Shop and on the license printing machine, stamp out a District of Columbia motor vehicle license plate, and then give to friends. Recently a prisoner was apprehended giving a set of plates to a visitor. The paid personnel at the Lorton Complex advised that is common practice for anyone, at any time, to prepare for himself a set of license plates. It is noted that on the Lorton Complex machine, there is not a "counter"; therefore, it is impossible to tell how many plates may be made on the machine at any given time.

32. There is attached to this report, a set of pictures taken surreptiously of lewd and lascivious girly shows that would only appeal to the prurient mind, put on for the juveniles at the Youth Center. Any com-

ment on the pictures for the youthful mind would be redundant.

33. The Department of Corrections is moving its offices to the new Potomac Building located between 6th and 7th and between G and H Streets, Northwest. They have leased the 9th, 10th, and 11th floors in full. It is estimated their rent payments will be 500% more by this action.

34. John O. Boone, Superintendent of Lorton, issued an order on March 24, 1970, notifying the prison population that a Urinalysis would be taken of all prisoners. (There is nothing like being forewarned is there?) Narcotics and contraband will never be destroyed with this type of effort.

35. On February 28, 1970, Eugene Schappel No. 112767 broke away from the hospital and climbed the tower. It took the Fire Department and Rescue Squad of several townships to get him down. Again on March 3, 1970, he attempted suicide. On March 10, 1970, he was given the freedom of the hospital and with a kitchen knife broke the lock on the Ward and attempted to climb the water tower again.

36. On March 8, 1970, Charles Parker No. 83658 was found after a Urinalysis to be under the influence of Morphine, Quinine and Codeine.

37. On March 12, 1970, Roland Henry No. 135591, better known as Roachy Henry, who has had unusual liberties granted to him by both Director Hardy and The D.C. Parole Board, and who was finally placed in prison due to our investigation for many violations of his parole, was given a Urinalysis and was found under the influence of Morphine, Quinine and Codeine.

38. The Director of the D.C. Department of Corrections has continued his creating of "super jobs". He recently hired as Associate Director, Correctional Program Administrator, one Warren H. Moore of the 3600 block of 13th Street, Northeast. One of Mr. Moore's claim to fame is that he has studied welding. This Grade 15 position pays a base of $21,515 per annum.

39. A letter was received from James Clarence Moore of the District who stated that he has been in prisons both under the supervision of the D.C. Department of Corrections and the Federal Prison. He argues that employees should at least have a better education and higher intelligence than the inmate because it is difficult to train people that are smarter than the teacher.

40. In a letter from Merrill A. Smith, Chief of the Federal Probation System, dated January, 1970, it was stated "Prison administrators and criminologists now openly acknowledge that rehabilitation programs in prison have failed." Therefore the millions offered the Department of Corrections for installing new "within the prison schools" may be a waste of money for the District of Columbia.

41. A request was made by the Special Select Subcommittee, of the D.C. Department of Corrections in the middle of December, 1969, for fingerprints of the employees on the payroll as of December 9, 1969. As of this date all the prints have yet to be received and the study remains to be completed.

42. In a letter dated February 4, 1970, from F. R. Edwards #164675 to T. P. Gallagher, he stated in part concerning Lorton Reformatory, "This place is a joke for a Federal prison. It's too bad you could not work here. Pot is the thing here. (Don't get me wrong) But if one must pull time, this is the right place." The country club atmosphere of Lorton is known far and Wide.

43. There is attached a list of major violations within Lorton system from February 3, 1970, through March 1, 1970, that is self-explanatory.

44. There is attached a list of reasons for placing the Lorton Prison under the Federal Bureau of Prisons.

45. There is attached a letter dated March 9, 1970, from the American Federation of Government Employees, giving their reasons why the Lorton Reformatory should be transferred to the Federal Bureau of Prisons.

46. In the Quarterly Statistical Report for October, November and December 1969, of the District of Columbia Juvenile Court, there was shown that in juvenile delinquency cases repeaters were an even 60%. This is contrary to the Department of Corrections' allegation that their repeaters were 25%. Thus repudiating again many of the false statements made by the Department of Corrections to the Special Select Subcommittee.

47. On March 6, 1970, Boone, the new Superintendent at Lorton, released two men from minimum security who were being held for possession of contraband and disrespect to the Security Officers.

48. On March 22, 1970, a security sergeant reported to Captain Cornwell at Lorton Virginia that as of October, 1969, "on Quarters Post #3" had found 17 different officers asleep on 32 different occasions. "This number could well be doubled if the count were to include the number of times officers were observed through the windows of the respective dormitories with their heads in reclining positions and would be awakened when the dormitory doors were opened." This shows the type of security personnel now being hired for the D.C. Department of Corrections.

49. The Department of Corrections had 80 escapees in the past two years from their Halfway Houses that have never been recaptured.

50. Request in December, 1969 for fingerprints and Criminal records of all Department of Corrections employees. After innumerable reminders to date, the complete report has not been received. District of Columbia Department of Corrections allege they hope to get the report in soon.

51. May 3, 1970, another escape from Maximum Security, #111802 Hawkins.

52. May 3, 1970, three prisoners at the Youth Center at Lorton escaped, after burning mattresses.

53. It is reported that the D.C. Department of Corrections' Director is transferring favorite personnel from Lorton to D.C. office to use up all vacancies, in anticipation of the Lorton transfer.

54. The District of Columbia Police Narcotics Squad, with other agencies are investigating Sam Rosser, Associate Superintendent for Training and Treatment, of Lorton Complex. He is to be charged with smuggling narcotics into the prison. His brother, David Rosser is a prisoner there now.

55. On March 22, 1970, D.C. Correctional Officer, L. D. Williams (one of the new "warm, uneducated bodies" recently hired) was caught with two 15 and 16 years old youths burglarizing a home in Fairfax, Virginia.

56. April, 1970, four escaped from Lorton. Three recaptured and one still unapprehended.

57. Eugene Miller, Superintendent of Women's Detention Center, resigned as of May 1, 1970.

58. The American Federation of Government Employees, AFL–CIO, Lodge No. 1550, gave a report to this Committee showing that on May 23, 1970, the prisoners rioted and destroyed $400,000 worth of buildings. Too, a copy of this report is attached. It would cost $750,000 to replace these buildings. Information was received on November 20, 1970, that none of these buildings have been repaired or rebuilt.

59. For Thanksgiving, 1970, Lorton released 180 long-term prisoners to go home for the Thinksgiving Holidays, and from past experience, it is indicated that many will not return.

60. On December 1, 1970, information was received from a usually reliable, confidential source that William Strickland, convicted of manslaughter, who was recently paroled from a long term sentence and prior to that was a chauffeur for Kenneth L. Hardy, Director of the District of Columbia Department of Corrections, had been appointed a finance officer of the Women's Detention Center, D.C. Department of Corrections in the spring of 1970. This convicted thief disappeared a few weeks ago and his present whereabouts is unknown. An audit of his accounts revealed a shortage. The combination on the safe was changed December 1, 1970. This matter is a carefully guarded secret known only by the Director and a few others. Part of the loss was made up and the Department now only admits a much smaller shortage.

COMMENT

The above discussions indicate that the District of Columbia Department of Corrections either cannot or deliberately will not change their inept, ineffectual, incompetent attitude of permissiveness and lack of security policies. Since this was brought to their attention by the Special Select Subcommittee through 11 hearings, the last one of which was January 30, 1970, it is believed that the Director is with malice, flaunting the will of Congress. It may be proven that he has openly bragged that he will dismiss every employee of the Department of Corrections that has assisted Congress in any way in its investigation of the conditions within the Department. In fact, Dr. Donald J. Sheehy, former Superintendent of the Lorton Reformatory and Counsel for the Department of Corrections, who assisted the Special Select Subcommittee, has been transferred to the District of Columbia Department of Welfare.

Every District of Columbia government agency is now frightened over the prospect of Lorton being transferred to the Federal Bureau of Prisons and should this transfer not be effective, the Congress will have lost face with these agencies and they will run rampant over the will and intent of Congress in the future.

Mr. CABELL. Mr. Chairman, as directed, the committee conducted a complete survey of the Department of Corrections complex at Lorton, Va., from October 29 to November 16, 1970.

The first section of this report will cover evaluation of existing facilities. The second section will cover results and recommendations based on the survey. The third section will cover violations of regulations enforceable by the District of Columbia Fire Department.

The report follows:

SECTION I

Response to specific questions:

1. The present organization and staffing of the fire protection program places all the responsibility and practically all of the work on the shoulders of the Fire Protection Specialist. An effective fire protection program for these reservations cannot be adequately maintained by one man.

The recommendations for an effective fire protection program as outlined in Section 2 of this report cannot be carried out with the present organization and staffing.

2. The condition of the three fire trucks is very good considering their age (two 1953 Federals and one 1956 Mack). They passed a maximum capacity flow test. The fire extinguishers, except where noted in Section 3 of this report, are adequate. Water flow for fire use from the hydrants at the Reformatory and Workhouse were inadequate.

At the Youth Center, the flow was adequate but many of the hydrants were inaccessable. Existing standpipes are adequate. The need for sprinkler systems is covered in Section 2 of this report.

3. Evaluation and recommendations for fire-fighting forces, fire brigades and location of a fire house are covered in Section 2 of this report.

4. The present method for reporting and responding to fire is inadequate. If recommendations for staffing the fire department are accepted, the on duty commanding officer of the fire department should determine when mutual assistance is needed. The legal aspects should be discussed with the D.C. Corporation Counsel.

5. Training recommendations are covered in Section 2 of this report.

6. The records and reports are inadequate and should be expanded as recommended in Section 2 of this report.

7. The D.C. Fire Department is assigned the responsibility of conducting an annual fire prevention inspection of the entire Lorton Reservation. A report is submitted to the Director, Department of Corrections, detailing violations of the D.C. Fire Department regulations and apparent violations of other D.C. Regulations.

SECTION II

Recommendations for organizing and staffing a fire protection unit at the correctional complex at Lorton, Virginia capable of administering a fire protection program that will insure a reasonable degree of safety to life and property from fire:

A new fire house should be constructed adjacent to the Reformatory. This fire house to be fully manned 24 hours a day.

The fire department should be organized under the supervision of the Director, Department of Corrections. Tihs is in accordance with nationally recognized good practice because the interest in fire protection and fire safety has to start at the top. A fire chief should be appointed to manage and supervise the fire department and a minimum crew of five (5) firemen should be on duty at all times.

The fire chief would be directly responsible to the Director for the supervision, training, and maintenance of an efficient fire protection program.

To carry out these responsibilities, the fire chief should:

(a) Recommend appropriate fire protection regulations for the Correctional Complex to the Director. These regulations shall assign responsibility, establish policy, prescribe procedures to be followed by department hands and their subordinates in the establishment and performance of fire prevention and fire supression activities. (For your information, Appendix A is attached as a typical program you may wish to use as a guide.)

(b) Cause each building to be inspected at such intervals as the type of construction and occupancy warrant, but in no instance less than quarterly.

(c) Take appropriate action to abate all fire hazards.

(d) Enforce the appropriate sections of the D. C. Building Code, the Fire Prevention Code of D. C., and the National Fire Code.

(e) Train fire brigades in the use of first aid fire-fighting equipment.

(f) Conduct appropriate fire drills.

(g) Train all correctional officers in appropriate fire protection procedures.

(h) Establish standard operating procedures for fire-fighting operations.

(i) Cause the firefighting force to perform not less than one hour of drill each day except Sunday.

(j) Maintain fire-fighting equipment in proper condition.

(k) Maintain firehouse in proper condition.

(l) Assume command at all fires to which he responds at the Correctional Complex.

(m) Prefire plan all dormitories and other major buildings.

(n) Cause all fires to be investigated.

(o) Cooperate with Fairfax Fire Departments in accordance with mutual aid agreements.

(p) Cause each hydrant to be tested at least twice yearly and maintain appropriate records of same.

(q) Require a watch detail at the alarm desk 24 hours a day.

(r) Cause outside assistance to be summoned at anytime it is not readily apparent that the Correctional Complex firefighting force can extinguish the fire in a few minutes or at anytime it appears desirable.

(s) Cause the following records and reports to be maintained:

1. Fire alarms.
2. Daily activities (journal).
3. Personnel.
4. Inspection reports.
5. Violations (fire hazards).
6. Fire reports.
7. Injuries.
8. Property (inventory).
9. Training.
10. Maintenance of equipment.
11. Hydrant test records.
12. Hose tests records.
13. Fire investigation report.
14. Location of fire extinguishers and dates of recharge.

For your information, Appendix B is attached. These are D.C. Fire Department records and reports you may wish to use in the implementation of your overall program.

In conjunction with the above program, it should be noted that the professional on duty fireman, would be used in this total fire protection program for the inspections, lectures, instruction, and proper maintenance and testing of equipment.

It is also recommended that every building be equipped with an ionization chamber type smoke detection system connected directly to the alarm desk at the firehouse.

Whenever any construction is contemplated which would have a bearing on fire protection or fire safety, a written notification should be forwarded to the Fire Chief of the overall Correctional Complex for study and approval before any construction work is started. This notification would also apply if a building is to be changed from one type occupancy to another. Standard procedure should be established for notifying the Fire Chief when water mains are to be repaired or valves closed.

Water supply

The survey of the several water supplies at the Correctional Complex revealed some serious deficiencies. The quantity of water available at several locations was seriously inadequate. (Appendix C is attached for your information and carries the results of the fire flow tests.)

The water supply management is not properly responsive to fire protection needs. (Example: One week after the water maintenance department was requested to determine the position, closed or open, of some underground valves that may be responsible for the serious water shortage at the Commissary, Walled Unit, and Garage area, they still had not checked these valves.) Numerous hydrants, at all three reservations, are poorly located or are positioned incorrectly. The water pressures at both the Reformatory and the Work House are inadequate for effective fire service by fire brigades using streams from standpipes and hydrants. The water department and the fire department have not established proper periodic tests and inspections of valves, hydrants, etc., and therefore, do not have comparative records to assist in analyzing the causes of the deficiencies found in the current tests. The following is recommended to insure a better water supply:

1. Establish periodic test and inspection procedures for hydrants and valves. (See section 13–14, WFPA Handbook, 13th edition).

2. Correct deficiencies of water supply at the Commissary, Walled Unit, and Garage area immediately.

3. Relocate, reposition, or install hydrants in the following locations:

(a) install hydrant at lower level in rear of carpenter shop at Reformatory.

(b) install hydrant in rear of Industrial building.

(c) install additional hydrant at garage.

(d) install additional hydrant at Commisary.

(e) install hydrant in center courtyard at opposite end from auditorium at Reformatory.

(f) relocate hydrants in farm office area of Work House away from building, fifty (50) feet, if possible.

(g) reposition hydrants in R. C. A.

(h) relocate hydrants at Youth Center so that all hydrants are within fifteen (15) feet of a paved roadway.

4. Cross connect water mains at both the Reformatory and the Work House to increase reliability and waterflow.

5. Alter plans for erection of new water tower so that top of tank is raised to 400 feet above sea level (raising static hydrant pressure to 75 PSI) and that the tower is located adjacent to the Reformatory. The increased height coupled with the cross connecting of water mains would probably increase water flow to tolerable limits throughout the Reformatory.

It is recommended that fatigue tests, known as Ultrasonic Transducer, for the steel supports of water towers be made at least once each 2 years.

During the survey it was noticed that many keys were not available and in some cases could not be obtained. Some of these keys were to doors leading to the outside of buildings. In one instance, we discovered the only keys available were on the person of an employee at home on his day off. It is therefore recommended that keys to all doors, scuttles, and other openings be available at all times. It should be noted that this will be necessary in order to comply with an acceptable fire evacuation plan.

It is recommended in all buildings where there are exposed steel or wood beams that these supports be fire protected. If sprinkler system is installed in any building, protection will not be necessary unless so desired by the department.

Under Article 5D, Section 3–693 and Article 81, Section 3–6253, paragraph 2, if a proper evacuation plan is submitted and adopted the requirement for enclosed stairs and adequate egress facilities may be omitted.

If sprinkler systems are installed variances may be granted as stated in Section 3–6252B.

Reformatory

Administration Building—2 Story, Wood Joisted Brick: This building has combustible ceiling tile in all rooms and halls throughout building. Exit doors are not equipped with panic hardware. There are unprotected vent openings in the ceiling of the 2nd floor hallway into attic. All openings on 1st floor corridor are unprotected. Unprotected door opening to storage room in room #221A. Screen doors on all outside exit doors swing contrary to direction of egress. All exits are not properly indicated. No emergency white lighting system. Building not equipped with sprinkler system. Unprotected duct from bathrooms 1st floor into and through attic. Illegal electric wiring installed through same duct work. It is recommended that structural weight test be made of 2nd floor, due to the construction of cinder block and heavy steel partitions at the south end.

Gymnasium Building—1 Story, Brick and Steel: Outside exit doors not equipped with

panic hardware. No second means of egress from projection booth. Projection booth port openings are not properly protected. Unprotected door openings to storage and locker rooms in rear of gymnasium.

Vocational School and Dormitory—2 Story, Wood Joisted Brick: Unprotected door openings to rooms 1st and 2nd floors. Exits not properly indicated. No emergency white lights. No interior fire alarm system. Exit doors swing contrary to direction of egress. Stairway not properly enclosed. Stairway between 2nd floor and attic non-conforming. Illegal electric wiring from outlet in hallway near room #207. Unprotected closet under stairway 1st floor. Building not equipped with sprinkler system. Unprotected opening in ceiling of 2nd floor hallway into attic.

Dining Hall Building—1 Story, Wood Joisted Brick w/exposed steel beams: Grease ducts are not properly protected. Kitchen not properly cut off from dining room. Door openings to various storerooms are unprotected. Non-conforming exit door from northeast exit corridor. Unprotected duct from large commercial baking oven. Oil burning commercial baking oven not properly flue connected. Defective and improper electric wiring to deep-fat fryers. Unprotected opening in wall between main kitchen and officers dining room. Officers kitchen not separated from officers dining room. Combustible ceiling tile installed in officers dining room. It is recommended that non-slip type floor tile be installed in main kitchen and in inmates dining room. It is also recommended that exposed steel beams and wooden ceilings be protected.

Dormitory Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13—1 Story, Wood Joisted Brick: At the present time these buildings have unprotected ceilings throughout. In general there is illegal electric wiring in most of these buildings. At the present time, there is work in progress: fire-proofing the ceilings of dormitories and buildings 8 and 9, and the rest of the dormitories are scheduled as fast as possible. The electric wiring is also being updated due to this program. No further recommendations will be made regarding construction in these buildings. It is recommended that the present program of fire protection be expedited.

Industrial Building—2 Story, Brick and Concrete w/exposed steel beams: This building is not equipped with automatic sprinkler system. There is an unprotected opening in the fire wall between the print shop and the clothing shop. The dark room in the print shop is of non-conforming construction. There is also a non-conforming storage room built on top of the dark room. The office in the machine shop area is of non-conforming construction, the same as the one that was destroyed by fire in the print shop area. There are no proper flammable liquid storage vaults either in the print shop area or dip tank and spray area. Improper ventilation in print shop area. Dryers and ovens in print shop are apparently not UL approved. During the survey in the license plate dip tank area, it was ascertained that the supervisor of the area, the assistant supervisor, and even the superintendent of industry did not know whether the product being used in the dipping operation was hazardous or not, and did not know the flash point of the liquid being used. It is therefore recommended that all employees working in a hazardous area with potentially dangerous substances be fully aware of any hazardous condition that may be present due to the use of said products. It is also recommended that a fire wall be constructed between the machine shop area and the dip tank and spray area. It is further recommended that rolled paper in the warehouse section be stored in the horizontal rather than the vertical position, per section 6—16 of the W. F. P. A. Handbook.

Main Garage—1 Story, Metal w/exposed steel and wood beams; Storage room not properly cut off from garage. All door openings on exit corridor are unprotected. Unprotected opening between body shop and classroom. Unit is improperly indicated through body shop. Illegal electric pigtails installed on most wall outlets. Recently constructed paint spray room in rear of garage is nonconforming as to ventilation and has no proper flammable liquids storage vault. The electric wiring on the grinder in the machine shop area is exposed and motors on various machines are installed too low to the floor and are not explosive proof. It is therefore recommended that a fire wall be constructed separating the machine shop area from the garage.

Vocational School—1 Story, Steel: Illegal and exposed electric wiring throughout building. Exit doors swing contrary to direction of egress. Non-conforming ceiling in visual aid room. It is recommended that automatic sprinkler system be installed in this building.

Vocational School Annex—1 Story, Wood Joisted Brick: No second means of egress. Unprotected openings in fire walls. Exit door swings contrary to direction of egress.

Dormitories Nos. 14, 15, 16, 17, 18, 21—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress. In No. 16 dormitory, illegal electric wiring installed approximately half way up center section wall.

Commissary and Dormitory—3 story, Brick and Concrete: Unprotected elevator shaft through building (the elevator was never installed in this shaft). It is therefore recommended that the elevator be installed so this shaft may be properly enclosed. Non-conforming partition installed on 2nd floor. Unprotected fan opening in wall of officers clothing room. All exits not properly indicated. Non-conforming walls in refrigeration room. All exit doors do not swing in direction of egress. It is recommended that fire wall be installed to separate basement. Inspection revealed that all walls of building are cracking and moving out-ward. It is therefore recommended that a structural engineer check this building and make whatever recommendation necessary for safety.

Engineers Warehouse—1 Story, Wood Joisted Brick: Unprotected ceiling.

Foundry Building — 2 Story, Brick and Steel: Building abandoned, no recommendations on this survey.

Cannery Building—1 Story, Frame: same as above.

Pattern Shop — 2 Story, Brick w/exposed steel and wood beams: Non-conforming storage room 2nd floor. Flammable liquid storage area in this building is totally non-conforming. In conjunction with this there is approximately 2,000 gallons of highly flammable liquids stored in this room. In so far as security of this hazardous material is concerned, there is practically none. Openings to this storage area are either flimsy thin wood doors or plain glass windows of the wood frame type. On August 21, 1968, the recommendations of the board of survey which investigated the riots and fires of April 1968 were to secure flammable liquids from the inmates. There were serious fires again in 1969, the above situation shows a total lack of concern as to where these flammable liquids are stored and as to whether the inmates can get to it or not. Proper storage facilities inaccessible to the inmates must be provided.

Landscape Office and Storage—1 Story, Frame: Due to the construction and the storage involved it is recommended that this building be torn down and replaced by a fire resistive structure. In conjunction with this, it is also recommended that the one story frame section added to No. 1 barn be torn down and storage transferred to newly built landscape building.

No. 1 Barn—2 Story, Wood Joisted Brick: Second floor overloaded with storage.

No. 1 Dormitory—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress.

Dormitory Office—1 Story, Wood Joisted Brick: This lean-to type addition to dormitory No. 13, besides being an office is also used for storage. Due to its unprotected ceiling it presents an exposure hazard to the windows of dormitory No. 13, directly above.

Bakery—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress.

Officers Assembly, Clothing Issue, Tailor Shop, and Control Cells—All 1 Story, Wood Joisted Brick: These buildings were severely damaged by fire during the recent riots and due to this damage, it is recommended that they be torn down and replaced with fire resistive structures.

School Building—1 Story, Fire Resistive: Illegal electric wire in storerooms to left of officers desk.

Recreation Building—2 Story, Brick and Concrete: Electric hot water heater apparently improperly wired.

Laundry Building—1 Story, Brick and Steel: Loading dock not cut off from check out room. Fire door between loading dock and laundry is not proper type automatic fire door.

Dormitory Nos. 19, 22, 23—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress. Non-conforming storage room in dormitory No. 19. Illegal electric wiring in rear of dormitory No. 19.

Dormitory No. 20—1 Story, Wood Joisted Brick: Combustible ceiling tile throughout. Exit door swings contrary to direction of egress. No second means of egress provided.

Art and Crafts and Carpenter Shop—2 Story, Wood Joisted Brick: Laundry supply room not properly enclosed. No second means of egress from arts and crafts section. It is recommended that exposed 220 volt line in arts and crafts section be disconnected. Unprotected openings in fire wall between carpenter shop and lumber storage. Lumber storage area is an exposure hazard to the windows of the floor above. This is the same type exposure hazard as Dormitory No. 13.

Electric Shop—1 Story, Wood Joisted Brick: Unprotected ceiling. Doors swing contrary to direction of egress.

Metal and Maintenance Shops—1 Story, Wood Joisted Brick: Unprotected openings in fire wall. Combustible cellotex ceiling in office areas.

Paint Shop—1 Story Brick and Steel: Nonconforming flammable liquid storage room.

Boiler Room—1 Story, Fire Resistive: Investigation of the automatic ash collection silo reveals the possibility of a dust explosion during the collection of ash from the fire boxes of the furnaces. It was noted that unburned fuel (coal dust) is drawn up and into the silo. When furnaces are dumped and coals are pulled into pits and drawn into silo, a possible ignition could occur from a burning coal. It is recommended that an examination of the process be made by a disinterested competent expert, to evaluate the hazard of this process.

Hospital—1 Story, Fire Resistive; Screen doors on exits swing contrary to direction of egress. Exposed electric conduit in XRay closet. Dead end corridor in dental wing. It is recommended that wooden shelves be replaced with metal shelves in Pharmacy storage room.

Chapel—1 Story, Fire Resistive: No interior fire alarm station in choir loft. Office being used for storage room in basement resulting in non-conforming storage room.

Training School and Business Office—2 Story, Wood Joisted Brick: Building not equipped with interior fire alarm system. All exits are not properly indicated. Exit doors

swing contrary to direction of egress. Non-conforming storage room on 2nd floor north. Stairway not properly enclosed. Non-conforming closets under stairways.

Walled unit section

Control Building—Story, Brick and Steel: Non-conforming storage room constructed over offices.

Dining Hall and School—1 Story, Brick and Steel: Combustible ceiling title installed throughout. Unprotected door opening between dining hall and school. Kitchen not properly cut off from dining area. Non-conforming door to basement. No second means of egress from dining area.

Cellblock Nos. 2, 4 and 6—2 Story, Brick w/exposed steel beams: Buildings not equipped with sprinkler system. Exit doors swing contrary to direction of egress. Non-conforming storage areas in all buildings.

Dormitory No. 3: No recommendations.

Furniture Repair Building; 2 Sections—1 Story, Brick and Steel, and 1 Story, All Metal w/steel beams: Flammable liquid storage room is non-conforming. Non-conforming handling and stripping room. It is recommended that fire wall be constructed separating upholstery shop from paint spray section. It is also recommended that building be equipped with automatic sprinkler system. During the tour of this facility, one of the inmates was seen spraying a good distance from a spray booth. The assistant supervisor of this shop, who was traveling with us, was questioned about this hazardous practice. He indicated that the inmates had been told many times not to do this. He was further questioned as to why the inmates were not disciplined when they continued to operate in such an extremely hazardous manner. We were informed that they could not discipline the inmates. It seems to be a serious situation when inmates can do what they want with hazardous materials with very little or no supervision, and there is such a strong possibility of explosion and fire. It is strongly recommended that if inmates are not going to be disciplined that at least they be removed from the area and prohibited from working with hazardous substances.

Youth center

Gate House—1 Story, Brick and Steel: See general recommendations.

Dining Hall—1 Story, Brick and Concrete: All exit doors swing contrary to direction of egress except main entrance doors. Unprotected opening between storeroom and loading dock. Rear exit door from kitchen not indicated. Unprotected louvered opening between dining room and wash room. It is recommended that non-slip tile be installed on floor of kitchen.

Boiler Room—1 Story, Fire Resistive: No recommendations.

Shop Building—1 Story, Wood Joisted Brick: Flammable liquids storage room not properly vented. Exit doors swing contrary to direction of egress.

Dormitory Nos. 1, 2, 3, and 4—1 Story, Wood Joisted Brick: No recommendations.

Administrative Building—2 Story, Brick and Steel: Windows onto or under fire escape are unprotected. No fire alarm system in building. Stairway not properly enclosed. Exit doors from chapel swing contrary to direction of egress.

School Building—1 Story, Fire Resistive: Unprotected opening to storeroom in gymnasium. Exposed electric wiring in fluorescent fixture in Room No. 113.

Hospital—2 Story, Brick and Steel: Exits to east and west stairways not indicated. Non-conforming storerooms constructed in Civil Defense section of basement (partitions also, are cellotex). Unprotected opening in fire wall between print shop and machine room. Non-conforming storage area in clothing issue section. Unprotected opening to the storeroom in the print shop.

Guard Tower No. 8—All frame construction: It is recommended that due to the non-conforming construction, improper electric heating, that this tower be torn down and replaced with proper structure.

Control Cells—1 Story, Brick and Concrete: Non-conforming storage room at rear of building.

Workhouse

Fire House—1 Story, Brick and Steel: Unprotected openings in fire wall into locomotive shop.

Locomotive Shop—1 Story, Brick and Steel with partial wood frame and metal with wood joist: Recommend that a proper fire resistive structure be constructed to house this valuable equipment.

Dormitory Nos. 14 and 15—2 Story, Fire Resistive: Unprotected opening in wall between steam room and stairway.

Clothing Issue and Laundry Building—2 Story, Wood Joisted Brick: This building is separated in three sections—Clothing Issue, Laundry Storage, and Laundry. Building not equipped with sprinkler system. Non-conforming wood fire escape from laundry section. Unprotected door openings in walls between all buildings.

Carpenter Shop and Paint Shop: These shops are in the basement of the Laundry and Clothing Issue Building and are properly cut off from the buildings above. There is no saw dust collector for the wood shop. Unprotected openings in fire wall between paint shop and wood shop. Non-conforming flammable liquids storage room, office, bathroom, and storeroom.

Filtration Plant—1 Story, Wood Joisted Brick: Combustible cork facing on all walls and ceiling. It is recommended that proper storage building be constructed for storage of chlorine.

Boiler Room—1 Story, Fire Resistive: No recommendations.

Engineering Maintenance Office—1 Story, Wood Joisted Brick: No recommendations.

Old Dairy Barn—1 Story, All Frame: At present this building is being used for storage of gasoline powered farm equipment and other combustible storage. It is recommended that this building be torn down as it is unsafe for this purpose.

Hay Barn—2 Story and Basement, Frame Construction; Basement, Fire Resistive: Several unprotected opening in concrete ceiling of basement.

Farm Machine Shop—1 Story, Brick and Steel: Furnace room not properly vented.

Lower Farm Office—1 Story, Wood Joisted Brick: Illegal electric wiring throughout.

Dairy Farm and Cattle Stables—1 Story, Steel: Hot water heater apparently improperly wired.

Dairy Farm Processing Building—1 Story, Fire Resistive: No recommendations.

Warehouse (near Brick Yard)—2 Story, Wood Joisted Brick: Non-conforming fire wall second floor. Two (2) unprotected openings in this wall. Unprotected stairway between first and second floors at west end.

Slaughter House—1 Story, Wood Joisted Brick and Exposed Steel: Non-conforming fire wall between compressor room and slaughter room.

SECTION III

The following as listed, are violations of regulations enforceable by the D.C. Fire Department:

1. Provide proper fire evacuation plan. Submit two (2) copies of same to Fire Marshal for approval.

Reformatory

Administration Building: Replace handrail on 2nd floor north stairway. Properly hang CO2 fire extinguisher on wall next to room #204. Repair doors to both stairways on 2nd floor to operate properly. Remove illegal electric extension cord to refrigerator 2nd floor south lounge. Remove combustible storage from north stairway, 1st floor. Replace wire glass in doors to both stairways, 1st floor. Replace cover on electric panel box in basement.

Gymnasium Building: Provide metal cans for hot carbons in projection booth. Properly tie chairs in groups of four (4) when gymnasium is used for theater or other like activity.

Vocational School and Dormitory: Remove combustible storage from attic.

Dining Hall Building: Properly clean grease ducts. Replace CO2 fire extinguisher, missing from wall near #2 freezer.

Dormitory Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, and 13: Remove illegal electric extension cords.

Industrial Building: Properly pile stock in warehouse section, as it is presently too close to ceiling to allow for proper fire fighting hose stream. Remove or flameproof window curtains in Print Shop. Clean filters in spray booth in Print Shop. Institute a procedure for better housekeeping in Print Shop area. Provide self-closing metal can for storage of oily rags in Print Shop. Remove combustible storage on top of spray booth in dip tank area. It is recommended that fire stopping be installed in wooden pallets used in stacking of piles of storage. It is also recommended that tops of columns where fire extinguishers are mounted be painted red so as to designate the location of the fire extinguisher.

Main Garage: Properly seal base of gasoline pumps and diesel pump. Repair air separator line on green gas pump and reseal electric junction box inside pump. The use of this pump is to be discontinued until above work is completed. Properly store kerosene in underground tank. Properly store acid in storage room. Discontinue use of old body shop for paint spraying.

Vocational School: Discontinue improper storage of flammable liquids.

Dormitory No. 18: Remove or flameproof curtains.

Commissary and Dormitory Building: Replace missing fire extinguishers on 1st and 2nd floors. Properly arrange stock on 1st floor so as not to block windows. Properly secure high pressure gas cylinders in refrigeration room.

Pattern Shop: Repair fire door on 2nd floor to operate properly. Properly store flammable liquids or remove from building.

Barn No. 1: Properly arrange storage on 2nd floor so as to provide proper aisles and neatness. Remove trash from 2nd floor. Remove strings from against light bulbs and replace with chain or wire.

Bakery: Clean up shoe shop in basement. Replace missing fire extinguisher in shoe shop.

School Building: Replace self-closer on door to storage room across from students men's room. Remove door holds from doors to library.

Laundry Building: Clean lint from around motors and backs of machines on south side. Recharge fire extinguisher next to storage room.

Dormitory Nos. 19 and 22: Remove illegal electric extension cords throughout.

Dormitory No. 20: Remove illegal electric extension cords throughout.

Arts and Crafts: Recharge fire extinguishers in Arts and Crafts Section. Repair automatic fire door in wall between carpenter shop and lumber storage area to operate properly.

Old Gasoline Station: Properly abandon underground gasoline storage tank.

Metal and Maintenance Shop: Recharge fire extinguisher.

Hospital: Replace missing fire extinguishers in isolation section. Reweigh C02 fire extinguisher in basement and recharge if necessary. Discontinue storing ether in refrigerator. Discontinue using ethyl chloride in treatment room.

Chapel: Remove combustible storage from behind center section altar. Replace door

jamb on door to library (UL rating on this jamb was destroyed when holes were drilled to run wire through). Provide interior fire alarm instruction placards over each striking station. Repair self-closer on door to library. Remove combustible storage from mechanical equipment room.

Training School: Remove obstructions from 1st floor corridor south side.

Wall Unit

Dining Hall: Provide UL2A fire extinguisher for basement.

National Institute of Health Building: Provide metal trash cans for trash.

Furniture Shop: Properly reposition fusible links on automatic fire doors as verbally indicated to assistant supervisor of shop. Clean dust from exhaust duct. Clean excess paint from all spray booths.

Youth Center

Dining Hall: Replace missing fire doors between kitchen and officers dining room. Reweigh CO2 fire extinguisher in machine room and recharge if necessary. Mount CO2 fire extinguisher on wall outside machine room. Properly tie chairs in groups of Four (4) when building is used for theater or other like activity.

Boiler Room: Reweigh CO2 fire extinguishers and recharge if necessary. Remove combustible storage from top of electrical panels in electric panel room. Keep door between electric panel room and boiler room closed.

Dormitory No. 1: Provide proper screens for fireplaces. Remove combustible storage from mechanical room.

Dormitory No. 2: Provide proper screens for fireplaces. Remove or fireproof drapes in rooms.

Dormitory No. 3: Provide proper screens for fireplace. Remove or flameproof drapes in rooms. Repair interior fire alarm system to operate properly.

Dormitory No. 4: Provide proper screen for fireplaces.

Administration Building: Keep doors between administration and control building closed. Remove or flameproof drapes in chapel. Remove combustible storage from mechanical room in basement.

School Building: Remove obstructions from in front of rear exit from gymnasium. Repair interior fire alarm system to operate properly. Provide metal can for hot carbons in projection booth. Remove trash from rear of auditorium and from projection booth.

Hospital: Repair door to center stairway, 2nd floor, to operate properly. Repair interior fire alarm system to operate properly. Replace burned out emergency white lights in east stairway. Discontinue use of ethyl chloride in treatment rooms. Provide self-closing metal cans for rags in Print Shop and elevator control room. Remove combustible storage from Civil Defense storage room.

Guard Tower No. 8: Repair leaking roof as water is running into electric ceiling fixture.

Workhouse

Fire House: Remove illegal electric extension cord connected to water cooler.

Carpenter Shop: Provide hand pump for varsol drum.

Lock and Machine Shop: Provide self-closing metal can for rags.

Filtration Plant: Repair or replace defective vent fan in chlorine room. Properly separate chlorine from other incompatible chemicals, this includes both HTH and bottled chlorine.

Boiler Room: Remove gasoline power mower from boiler room. Remove or properly store underground 1,000 gallon diesel tank next to boiler room. Remove combustible storage from emergency generator room. Provide self-closer on fire door between boiler room and emergency generator room.

Engineering Maintenance Office: Remove or properly store underground 500 gallon kerosene tank at rear of building.

Old Dairy Barn: Discontinue storing gasoline powered farm equipment in this building.

Hay Barn: Remove or properly store underground 1,000 gallon fuel oil tank in front of building.

Farm Machine Shop: Properly secure gas cylinders. Provide self-closing metal can for rags. Give whole building a general clean-up.

Dairy Farm and Cattle Stables: Provide one (1) each UL2A fire extinguisher to be placed at each end.

Dairy Farm Processing Building: Recharge all fire extinguishers. Provide fire extinguishers in food area, UL A. B. C. type recommended.

Gas Pump in Gas Station: Repair leak in pump and properly seal base of pump with concrete.

Ware house (near Brick Yard): Properly store mattresses on 2nd floor. These mattresses are stored all the way to the ceiling. Clean trash and debris out of window well in front of building. It is recommended that large supplies of old paints stored on the 1st floor be disposed of. Investigation reveals that this paint should be well past its shelf life.

Slaughter House: Properly install oil burner. When 275 gallon tank was installed due to leak in underground tank, it was improperly hooked up.

FLOYD E. YOCUM,
Battalion Fire Chief, Training Division.
WILLIAM H. MOONEY,
Lieutenant, Fire Prevention Division.
FRED H. WHARTON,
Fire Inspector, Fire Prevention Division.

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

I will not deal extensively with the dollar figures involved here in this proposal, which has been covered by the gentleman from Florida (Mr. FUQUA). There are several points I should like to mention. They deal with one or two things that are controversial.

There is a provision in this bill which will deal with financial relief for Georgetown and George Washington University Medical Schools. Many Members of this House attached their names to a proposed piece of legislation to give relief to these two schools based on information we had that they would have to close if the Congress did not respond.

We met in our committee and we found there was opposition to this bill from HEW. In their opposition HEW stated they had a nationwide study underway and they would prefer that Congress not act until the study has been completed lest an unfavorable precedent be set.

I was one of those who authored the emergency financial relief bill. In the interrogation of witnesses in committee hearings I pursued the possibility of utilizing existing emergency legislation and moneys to bring relief to these two schools. HEW representatives insisted they would try to come up with some answers to tide these medical schools and dental school over until permanent legislation was passed based on their own study.

It would not have been necessary to legislate if HEW could come up with some answers.

HEW failed to come up with those answers. HEW did try to submit an interim solution, but this was vetoed by the Office of Management and Budget. As a result, no relief was available to Georgetown or George Washington Universities through some of the measures available to the Department as provided in their national legislation such as section 772 of the Public Health Service Act.

The committee then proceeded to give consideration to the bill before it. In the legislation we now come up with—title III—HEW will have more authority to examine the books at the medical schools. They will have more authority to make the determination as to the schools' needs. And, the schools may not obtain grants under this bill and also under the Federal act—Public Health Service Act.

The allied health bill, which has passed the Interstate Commerce Committee and in the House, has some money in it to help other ailing medical schools throughout the country. But if this bill passes, these two schools will be denied the right to have it both ways. If we assist them here they will not be able to get their assistance in the other bill, or if they do, further additional aid would be denied them in this bill.

This bill will extend for only 2 years. It would seem to me, considering the safeguards we have put in here, considering the need that obviously exists and our search in our Interstate Commerce Committee for ways and means to stimulate the production of more doctors, more nurses, and more dentists, we certainly could not hold still and have these schools go bankrupt, so we have tried our best to bring out a reasonable answer. The answer is title III of this bill.

I should like to call attention to the fact that in many areas of the country we find the States are stepping in to help the privately run schools located within their borders or used by their residents. Many of the States now are giving assistance to private medical schools in one way or another to avoid having to take them over. In some cases, the States have had to take medical schools because the private schools had to close down. The State of New Jersey is an example.

In other States, where there is no medical school, some States have been helping some of the private medical schools which are located in other States in order to insure placing their resident students in a medical school.

Here in the District of Columbia these two schools are sending doctors all over the country. Many of our States have benefited because of the fact that these schools have produced doctors for other parts of the country.

I would suggest, as long as we have these perfecting amendments, on title III, it strengthens the bill. I am in total agreement that many, many, many Federal dollars have gone to these medical schools. I do not argue that point at all. It seems to me we are now faced with no other alternative but to proceed as we are doing in this bill, or face the possibility of the District Government taking over these schools.

In our Subcommittee on Health and Welfare — Interstate Commerce — of which I am a member, we plan to come up next session with legislation to try to help medical schools all over the

country after we receive the report called for in the Allied Health Professions Act.

Another point I want to touch on is the Washington Technical Institute and the Federal City College. When we originally passed the land grant bill, it was our feeling that if other areas of the country were given land grant moneys in view of the fact that in most of our States the major amount of land grant money was not going into rural activities but into other activities in our larger cities, then why should we not relieve the pressure on the District of Columbia by giving them a little of this money and taking a little less of our appropriated funds through the Federal payment. When our Washington Technical School and Federal City College were set up it was my feeling and that of our committee that the vocational school more nearly qualified as a recipient of land grant moneys than the Federal City College. However, we were told that under the law that only a 4-year college could be the recipient of such funds. So, we got the Federal City College and the Washington Technical School together and talked it over with them. We have a letter of agreement which states that the Federal City College agreed to turn over to the Washington Technical Institute half of the money. Then we found out that because of the language in the law making the Federal City College the named beneficiary that the Federal City College was told they could not legally turn it over to the Washington Technical Institute. We have about one million and a quarter dollars that could have been distributed and divided in fiscal year 1971 which is available under the land grant fund. Yet our vocational school, the WIT, has not benefited by distribution of these funds contrary to the intent of Congress. Therefore we have written into this bill language that directs an equal distribution of funds for the Washington Technical School and Federal City College so that they would each be a recipient of half the money.

There have been suggestions made, also, that there should never be two directors of extension service in a State. Indeed, there should only be one in the District of Columbia and one in a State. I support this. There is no reason in the world why there should be two directors when only one is necessary. Surely the two local colleges can agree on one. We also have 17 States that now have two land grant colleges. So this is no precedent; it is only a mechanism to make it possible for the WIT to get the money that the Congress originally intended that they have.

I would like to point out with regard to the Washington Technical School that I was out there for graduation, and 84 percent of their graduates had a job the day that they graduated. The job that they have done out there has been a commendable one. I also hope the time will come when we may change the name of this school and instead of calling it a vocational school, as we do, it could be called the Washington Institute of Technology. A degree could be granted there finally to give it the sort of image that you need for the students who may graduate. It seems to be at the present time a little bit of a deterrent to the school's image when you talk about graduating from a vocational school. I think the trend and the direction that they are going at WIT qualifies this school to move toward that other objective.

I would like to plead with this committee to give consideration in this bill to that and also to support the amendment which I put in the bill to insure the sharing of land grant funds.

And, may I say too with reference to the Federal City College that I am placing in the RECORD some of the newspaper accounts we have had recently which may reflect somewhat on that institution.

Mr. Chairman, I feel some of the things that have happened at Federal City College are regrettable but also feel that it takes time to grow up.

Mr. Chairman, there is another item contained in the bill dealing with dairy products. We have quite an omnibus bill here, but all parts remaining are important. It may surprise you to know that in order to bring milk or dairy products into the District of Columbia you have to pass all kinds of barriers and inspections. Now we find that the milkshed area serving the District of Columbia is having difficulty supplying the needs here. Therefore, district officials find it advisable to go outside of the area milkshed to obtain milk and milk products. The people in the District of Columbia, under the terms of this bill, instead of requiring inspections to be made by District inspectors only, that the District will accept the Federal standards set by the U.S. Department of Public Health performed by other States or local governments.

Mr. Chairman, we find here in the District of Columbia that the Health Department of the District wants the bill, the District Government wants the bill, and small businesses want the bill, and certainly the consumers want the bill.

Mr. Chairman, this provision may save $269,000 annually to a city hard pressed for revenue sources.

Mr. Chairman, I want to compliment the chairman of the committee and my colleague from Virginia (Mr. BROYHILL) for agreeing to withdraw from this bill the titles referring to Lorton and to the freeze on the Federal payment. I was one of those who felt it was unwise to include those items in the bill. I am glad they have agreed to take out what I believe to be very controversial items or provisions and ones that could substantially place this bill in jeopardy of not passing. So, I am pleased that these moves have been well made. I feel that overall we have a good piece of legislation now. We are left with a bill designed to meet some of the basic needs of the District of Columbia.

Mr. Chairman, I happen to be a member appointed to the Little Hoover Commission as has been mentioned by my good and able friend from Florida (Mr. FUQUA). I was the author of this bill. My feeling is that the District of Columbia needs a thorough overhaul in its government. I think the cost of running the city may be too great. I think the present city government would admit this. However, it is sometimes a little difficult to examine your own "house," as it were. How do you go about making changes? How do you go about reorganizing the city? I think the best way for this Nation's Capital City is the Little Hoover Commission.

Mr. Chairman, I think our Commission will have the full cooperation of the Mayor, as he has so indicated, I think we will also have the cooperation of the Congress.

The city has many independent agencies that need to be looked at for possible consolidation. It is my hope that the Little Hoover Commission will do a good job in studying the problems of the District of Columbia and will come up with recommendations for city's improvement, recommendations for possible reductions in personnel, and other recommendations as to ways in which the city may increase its revenue and cut down its spending. Our discussion here today attests to the need for such a Commission.

I might point out that in the question of the consideration of taxes in the District of Columbia, we must always be aware of the metropolitan competitive situation when we are talking about sales, real estate or other taxes. If a tax is too high, we have an exodus out of the District of businesses, residents, and so forth.

Mr. Chairman, I realize that I have covered a number of subjects but I want everyone to know that while this is an omnibus bill it has been the sincere objective of our committee to look toward better answers to the problems which affect the District of Columbia. After all, we should all be most interested in seeking solutions to these problems because this is our Federal city, yours, mine, and those who live here. No matter where you live it should be our concern to make it a better city.

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

Mr. NELSEN. I yield to the gentleman from Iowa, but we only have 30 minutes. I have assigned my time. We shall have to be brief. However, we will soon be under the 5-minute rule later.

Mr. GROSS. But, Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I note $120 million at the bottom of page 39. The supplemental bill was passed the other day. This is a supplemental figure, is it not?

Mr. NELSEN. Yes; this increases the authorization for Federal payment from $105 million to $120 million.

Mr. GROSS. In addition to the regular appropriations for the District of Columbia. That was cut, instead of $15 million, that was cut to $11 million some odd amount.

Does the gentleman think this figure of $120 million should be allowed to stand?

Mr. NELSEN. The figure that we have in the bill is an authorization figure that we felt had to be in the bill to meet the obligations in the District of Columbia. I do not intend to get into any argument

about whether it is too high or too low, or whether the city government is too expensive in relation to what the Appropriations Committee does with it. My concern is to search for an answer here to reach an authorization amount which the Appropriations Committee can act upon. It may appropriate all or part. Perhaps in the Hoover Commission we can determine whether it is too much or too little.

Mr. GROSS. Of course, the supplemental has alredy cut this, so this would be futile to pass this.

Mr. NELSEN. I do not have our figures here in my hand, but surely the hearings and reports of both the District and Appropriations Committee will yield an answer.

Mr. GROSS. Let me ask another question, then, if I may: What is the ratio of employment per capita to the population?

Mr. NELSEN. I do not know that I can answer that, either.

Mr. GROSS. Well, is it 1 in 7, or what, of employment? One in seven in the District of Columbia?

Mr. NELSEN. It is probably close to 1 to 20. At this time I would yield to the gentleman from Texas, as I do not want to use up all the time, if the gentleman from Iowa would permit.

Mr. CABELL. I thank the gentleman for yielding, and I wish to associate myself with the remarks of the ranking minority member, particularly with reference to the change in the milk control section. Having spent 35 years in that business, I know that the U.S. Public Health Service has issued standard milk marketing regulations that for the first time established uniformity for milk supply standards in the country, and I was surprised to find out that at this time, or prior to this time, that the District of Columbia did not even adhere to all of the sanitary requirements on the sale of milk in the District of Columbia. I think they should adopt the standard milk ordinance so as to provide for a free flow of pure milk and milk products, and for full inspection as well.

Mr. NELSEN. I thank the gentleman.

Mr. Chairman, what the District Committee brings to you today is the District of Columbia revenue bill of 1970. It is an omnibus bill dealing with a number of legislative measures.

Included in this revenue bill is a provision to add $15 million in Federal payment to that which is already authorized for the District of Columbia. The $15 million will increase the Federal payment for the District from $105 to $120 per year. The formula method for determining the Federal contribution to the District of Columbia was not a matter discussed much in hearings on this bill. The revenue bill contains a Federal payment which is not tied to the Federal formula. The District government, although supporting the formula method, did not particularly urge its adoption because it would seem that the formula question can best wait to be presented, discussed, and resolved in the 92d Congress. What the District sought in this bill and in hearings before this committee was a lump sum Federal payment in addition to that which they received in fiscal year 1970. The sum provided for in this bill will, I understand, take care of the District for the current fiscal year.

The contribution of the District government to the fiscal year 1971 budget through the medium of new revenue-raising measures is very limited. Mayor Washington testified before the House District Committee last year that the District government was "scraping the bottom of the barrel" as far as finding new sources of revenue. In the revenue hearings for this fiscal year, the Mayor reiterated this position and the 1970 revenue bill bears out his statement.

Consideration was given by the District Government to raising real estate taxes in the District of Columbia. It is my understanding that the Mayor supported this measure but that the City Council did not. I believe, as a practical matter, and psychologically speaking, that this failure to act on real estate taxes had an unfavorable effect on the Congress in considering the revenue requests of the District of Columbia.

An increase in taxes in the District calls for very careful consideration because such an increase in taxes within the District boundaries, unless a like tax applies in the adjoining metropolitan areas of Maryland and Virginia, may result, not in increased revenue, but rather in decreased revenue because the tax base against which the tax is assessed tends to decline and decrease total revenue more than an increase in the assessment rate increases total revenue. To illustrate, an increase in tax on District business inventories may have the unfavorable effect of having businesses move out of the District to seek a less onerous tax rate climate existing in one of the adjoining States.

The revenue measures included in this bill will not result in any great increase in revenue to the District of Columbia. We certainly have a situation where the increased costs of operations are far outstripping the sources of revenue available to meet these soaring costs. Whatever revenue measures are included in this bill, however, were carefully and thoughtfully considered.

There is in this bill a provision which provides for a 2 percent sales tax on the rental of linen services in the District of Columbia. The amendment proposed by this section would remove the 4 percent tax on textiles for rental use and place a 2 percent tax on the cost of processing textiles which are now exempt and would return to the District additional revenue of approximately $200,000. Approximately $300,000 may be raised from a provision for special revenue-producing fees to be charged by the District for permits to operate heavy, self-unloading trucks. These fees would be deposited in the highway fund.

The District government is also authorized, by an amendment offered on the floor, to increase rates charged by the District for water and water services and in addition is authorized to establish sewer service charges at a percentage which shall not exceed 75 percent of the water rate. The amount of revenue to be derived from this amendment to section 43–1520c of the District of Columbia Code will, of course, be determined ultimately by the District government itself and, therefore, a dollar figure cannot be ascertained at this time. These funds will be deposited with the water and sewage funds.

The District government has indicated to the committee that a $15 million increase in the Federal payment will permit them to operate the rest of the year under a budget which, as I understand it, will not provide for any particular increase in services but will allow the continuation of such services as are presently offered to its residents.

SECTION 103—INCREASED BORROWING AUTHORITY FOR THE DISTRICT OF COLUMBIA

Section 103 of the revenue bill amends existing law, section 9–920(b)(1) of the District of Columbia Code, relating to the borrowing authority of the District Government to assist in financing its capital improvements programs by increasing the debt service limitation on the general fund from 6 to 8 percent for 2 years which permits the District government to have at is disposal $50 million in additional loan authority if it is needed. Operating authority for the sanitary sewage fund, the highway fund, and the water fund have also been increased, respectively, by $40 million, $34.75 million, and $16 million.

The District government during the second session of the 91st Congress indicated—and it is my understanding that OMB supports the District's action in this regard—that it wished to have introduced in its behalf legislation providing a new comprehensive mechanism for financing new capital improvements programs by shifting—on a phase basis—from direct Federal loans—the way the matter is handled now—to local District of Columbia bonds. The new method for funding the capital improvements programs would have included capital improvements programs for the higher institutions of learning in the District.

During hearings on this bill, it was readily recognized by the District government and the committee that there was insufficient time in the current session of Congress to give due consideration to this legislative request of the District. Accordingly, the existing loan authority is extended for 2 years, as contained in this bill, and an incerase in loan authority is provided for with respect to each of the capital improvements funds relied upon by the District for their various programs.

TITLE III—GEORGETOWN UNIVERSITY MEDICAL AND DENTAL SCHOOLS AND THE GEORGE WASHINGTON UNIVERSITY MEDICAL SCHOOL

The purpose of title III of this bill is to aid the private nonprofit medical and dental schools in the District of Columbia in their critical financial needs for fiscal years 1971 and 1972 through a form of Federal grant. The grant would assist the Georgetown University Medical and Dental Schools and the George Washington University Medical School to meet certain of their operating costs required to maintain quality medical and dental educational facilities and would also permit these institutions to increase

the number of their students as is necessary to the health manpower service of the metropolitan area of the District of Columbia.

The problems confronting medical and dental schools throughout this country are becoming more acute day by day. The various university medical schools have always been subsidized to some extent, it appears, from the general operating funds of the university. Some of these funds have come from endowments held by the university. In the case of the two local universities, their medical and dental schools have become an almost unbearable drain on the general operating and endowment funds. According to both of these universities, they have in the last couple of years dipped into their endowment funds to the extent that the funds established for the medical schools will be virtually used up by the end of this fiscal year. The tuition charged by both of these universities to the medical and dental students, on the other hand, is well above the national average.

Private medical schools in many States are faced with much the same problem as are these two local institutions. In the case of New Jersey, as noted in the report accompanying this bill, the financial problems besetting one private institution led to its transfer to State ownership and operation. Representatives of the two local medical institutions indicated in their testimony that this is a distinct possibility unless some Federal aid is given them in the critical financial situation facing them at this time.

Acting in response to this critical situation, many State legislatures have acted as we are acting today to aid the private medical schools within their jurisdiction. Many States have enacted some form of direct State assistance to the private medical schools within their boundaries. Of 21 States with private medical schools, nine have enacted some arrangement for direct support and three others are considering such arrangements. Twelve other States, rather than giving direct support to the private medical schools, provide support for medical education in other than their own institutions through some form of regional area compacts or, in the case of the State of Delaware, through direct contracts with other medical schools. In most of these States, whether the assistance is provided through direct assistance or through some form of regional compact, the grant to the institution is tied in to some form of formula based on the number of students attending a particular institution.

I want to assure my fellow Members that this title to the revenue bill was given thoughtful and careful consideration not only in committee but outside of the committee in trying to work an arrangement which might obviate the need for special legislation for these two private local schools. I think it might be well if I outlined to some extent the efforts undertaken in this regard.

After this legislation was introduced and hearings commenced, it became evident that while the legislation pertained to only two local medical schools the problem was prevalent throughout the Nation. Not only are many private medical schools in financial distress but also many State university medical schools. In the course of the hearings, the testimony of HEW representatives was to the effect that they could not endorse the bill because of the larger problem facing medical schools throughout the country and the precedent which might be set by giving Federal aid to these two local institutions. From the time the hearings were concluded prior to the election recess, until the matter was marked up in executive session, I personally requested HEW to determine if there was not some way the financial crisis at these two institutions could be alleviated for purposes of this fiscal year so that HEW would have an opportunity to address itself to the larger problem of aid to medical education on a nationwide basis.

HEW responded to my request and made every effort to arrive at an arrangement which would permit them to give interim assistance to these two schools for the remainder of fiscal year 1971. Meanwhile the Allied Health Professions Act was reported out of conference and signed into law on November 2, 1970—Public Law 91-519. That act recognizes that many of the medical and dental schools in this country are faced with an acute financial crisis which threatens their survival and it directs the Secretary of Health, Education, and Welfare to determine their need for emergency financial assistance and report back to the Congress on or before June 30, 1971, his determination of such needs and his recommendation for legislative and administrative action necessary to meet those needs.

Against the background of this act and what it directs the Secretary of HEW to accomplish in the next few months, the officials of HEW, nevertheless, did submit to the Office of Management and Budget a proposal that would have permitted the Secretary to give financial aid to the Georgetown and George Washington schools during fiscal year 1971 until the study and report mentioned above had been completed. Admittedly, however, the funds which would have been used were funds which might otherwise have been shared by a number of colleges and universities throughout the country in similar distress. Apparently because of this and because of the reluctance of OMB to approve such precedent-setting action by the Secretary of HEW, the proposal which might have obviated the need for legislation with respect to these two universities was not approved by OMB. The committee, it seems, and the Congress are thus faced with a situation where the officials of these medical schools have indicated that the same thing will happen in the District as happened in New Jersey and that these private medical and dental schools will probably have to be transferred to District ownership and operation if financial aid in the form of this title in the bill is not forthcoming.

Faced with this real possibility, as admitted by officials of HEW who have conducted a preliminary investigation into the matter, I introduced perfecting amendments to title III which were accepted by the committee. These perfecting amendments give more authority to the Secretary of HEW as to the financial assistance he may determine must be made in this emergency period over the next 2 years relative to these two private institutions. The amendments permit the Secretary of HEW to conduct audits of the records and operations of the schools as he may find necessary to carry out the purposes of title III so as to insure not only that there is a substantial need but that the Federal grants made are effectively and properly utilized. In addition the amendments which I introduced provide that funds granted these institutions by the Secretary of HEW will take into consideration any grants which may otherwise be made by HEW under section 772 of the Public Health Service Act which also provides emergency funding to medical and dental schools facing acute financial crisis.

This is a problem not only for the Congress faced with the consideration of what may appear to be special legislation, but to the institutions themselves faced with a real and acute financial crisis. Further it is a problem to the residents of the metropolitan area who rely upon the medical services performed by these private institutions. Finally, because of the fact that many of these graduates take up practice in virtually every State of the Union, the problem is one which may effect the national interest as a whole relative to medical services.

Title III of this bill as reported to you today is, I believe, a reasonable solution to an emergency situation. It is hoped that the Secretary of HEW in the report which is forthcoming from him in the next 6 months may present to the Congress recommendations which will resolve this problem on a national scale and will include recommendations relating to the problem facing these two schools in the District of Columbia.

We cannot permit these two schools to close down as they will have to unless they receive help. This is emergency short-term legislation which will permit these institutions to continue to operate through July 1, 1972. Hopefully, in the interim, other solutions may be found to this problem.

SECTION 401—EQUAL SHARING OF LAND GRANT FUNDS BY FEDERAL CITY COLLEGE AND THE WASHINGTON TECHNICAL INSTITUTE

Section 401 of title IV is an amendment which corrects the legislative oversight which occurred in the passage of Public Law 90-354 in 1968.

Sec. 401 of this bill would amend the District of Columbia Public Education Act of 1968 (D.C. Code, Tit. 31, Sec. 1607) so as to add the Washington Technical Institute, to the already-named Federal City College, as an entity that shall receive the benefits of the Land-Grant College Acts.

Since the passage of in 1968 Public Law 90-354 which amended the District of Columbia Public Education Act by designating the Federal City College as the land-grant college for the District, the Washington Technical Institute has not participated as a principal party with the Federal City College in the sharing of

land-grant funds or in providing certain land-grant activities for the District residents, contrary to the clearly expressed intent of Congress, and despite the explicit "Statement of Cooperative Participation Between the Washington Technical Institute and the Federal City College in Land-Grant College Programs" entered into March 29, 1968, and appended hereto. That statement and agreement between the two institutions was a condition precedent to the approval of the land-grant legislation by Subcommittee No. 5 of your committee and by the full committee. Without such agreement, there would have been no such legislation.

Further, it is a fact that the Washington Technical Institute was the only institution named in the initial legislation and designated to receive the benefits of the Land-Grant College Acts, and the Federal City College was subsequently substituted for the reasons set forth in your committee's legislative report in support of the bill which became Public Law 90–354.

The colloquy between Congressman ANCHER P. NELSEN, sponsor of the original legislation, and Doctors Randolph and Dennard, presidents respectively of the Federal City College and The Washington Technical Institute, with regard to the distribution of the land-grant funds, as discussed during the hearings of Subcommittee No. 4 in this Congress, are quite pertinent and are submitted for the information of the House:

EXCERPTS FROM HEARINGS, SUBCOMMITTEE NO. 4, HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA, 91ST CONG., 2D SESS., ON "REVENUE PROPOSALS", PP. 207–208, 223

Mr. NELSEN. Thank you, Mr. Chairman. I want to welcome Dr. Randolph and Dr. Dennard to the hearings.

* * * * *

I hope that the formula for the Land Grant moneys has been worked out. Have you any comment on that, Dr. Randolph, because early in the stages of the Land Grant Bill we were concerned about what kind of a division, and is it fair and have we mutually agreed on a plan looking out ahead?

Dr. RANDOLPH. The position of the Board and the position of administration is that a method for sharing those funds which the Department of Health, Education, and Welfare and the Department of Agriculture have indicated to us can be shared is to be worked out between the College and the Washington Technical Institute. That position still holds and is still firm. I think our principal difficulty has been the schedules of Dr. Dennard and myself trying to find the correct hour at which we can sit down and make those decisions.

Mr. NELSEN. Now, as with the Land Grant money nationwide, I think some of us sort of felt it should be more directly associated with a technical or vocational school, but we found that under the law you had to route it through a Liberal Arts college on down. I just want to make it very clear that we want to be very sure that the Washington Technical Institute, Vocational Education, gets generous consideration, because I think this is an area that nation-wide we have found we have neglected, training people in crafts, as industry is just begging for the product of our schools. In fact, in our own State my son teaches in a vocational school or trade school and that is their experience, so I just want to make that observation.

* * * * *

Mr. FUQUA. Mr. Nelsen?

Mr. NELSEN. Yes; thank you. I wish to welcome our very competent friend, Dr. Dennard, to the hearing and congratulate him on the job he has done. I want to comment about the next to the last paragraph on page 5. There is a lot of wallop in that paragraph about what the Washington Technical Institute seeks to do, and I commend the statement because I believe it has done exactly that.

LAND GRANT FUNDS

Now, you mentioned something about your not participating in the Land Grant funds, and I ask the question, why, and what is your problem this year? Is it the budget in the current year in which you are not participating?

Dr. DENNARD. I suppose the reason, Mr. Nelsen, is simply, that, with the existing agreement between the two Boards, as of today's date we have not been able to get together to decide how much of the resources are going to be allocated to the Institute for what purposes. I feel quite certain that this can be done within the next week or ten days, but as of today's date it just simply has not been done.

Mr. NELSEN. I see. It should be done in my judgment, and I hope it will be. Now, how are the Land Grant funds handled in the States? Do they go to the State treasury to be allocated or how is it handled in the States?

Dr. DENNEAD. In the several States the State Legislature usually designates which institutions would carry out what functions and then the moneys go into the State treasury, are either routed directly to the institution for the institution to invest them in governmental securities or they are invested in governmental securities by the Finance Department of the State, and the proceeds that accrue then go directly to the institution for Land Grant functions.

The legislative history of Public Law 90–354, approved by 3-to-1 vote of the House, setting forth the contemplated cooperative participation which was to occur between the Washington Technical Institute and the Federal City College in the land-grant college programs appears in your Committee's Report No. 1465 90th Congress, second session, House of Representatives. Pertinent parts thereof follow:

[Excerpts from House Report 1465, 90th Cong., 2d Sess., pp. 12–14]

The Federal City College as the Land-Grant College

Similar legislation was introduced in the Senate to amend the District of Columbia Public Education Act and to designate the Washington Technical Institute as the institution in the District of Columbia to receive the benefits of the Land-Grant College Acts. However, it was established in the Senate hearings that the Federal City College, offering a 4-year program, was presently developing a curriculum of courses to be offered in September, 1968; that with its graduate programs and extension, the Federal City College would provide the broad base required to carry out the intention of the Morrill Act and would be able to enter into necessary agreements with the Department of Agriculture; and that to designate the Washington Technical Institute, having less than a 4-year program, would run contrary to the long-established public policy of designating 4-year institutions in the various States as land-grant recipients. Therefore, upon the recommendations of the Departments of Health, Education, and Welfare and Agriculture, and the Bureau of the Budget, the legislation was changed to designate the Federal City College as the land-grant college for the District of Columbia.

Your Committee concurs in this recommendation and the reported bill so provides. However, your Committee was duly concerned that the Washington Technical Institute participate in the land-grant programs to the extent possible. Since the Institute was established in the District of Columbia Public Education Act, which originated in your Committee (Public Law 89–791, approved November 7, 1966, 80 Stat. 1426), as a vocational and technical school to equip students for useful employment in recognized occupations, it seemed to your Committee only appropriate that the Washington Technical Institute participate in the benefits of the land-grant programs in order best to effectuate its vocational, technical, and occupational programs.

It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State. To this end, therefore, conferences were held between the Members of the Committee and the administrative officials of the Federal City College and the Washington Technical Institute to make certain that there would be cooperation and understanding between the two institutions as to sharing the land-grant programs.

Testimony before the Committee offered assurances that there was ample authority for cooperative arrangements among the institutions under land-grant procedures, and the following statement was made by the President of the Federal City College:

Our sister institution, the Washington Technical Institute would benefit also by having the Federal City College named the land grant college. The Federal City College would enter into a Memorandum of Participation with the Washington Technical Institute, under which the Washington Technical Institute would assume certain academic instruction and extension services in vocational and technical education. This would assure minimum duplication of instruction at the two public institutions. The Washington Technical Institute would be involved heavily in instruction in engineering and the mechanical arts. Other institutions could also be asked to participate in programs in which they have special strengths to contribute.

Subsequently, the Presidents of the Washington Technical Institute and the Federal City College entered into a statement of cooperative participation which is appended hereto and made a part of this report.

STATEMENT OF COOPERATIVE PARTICIPATION BETWEEN THE WASHINGTON TECHNICAL INSTITUTE AND THE FEDERAL CITY COLLEGE IN LAND GRANT COLLEGE PROGRAMS

The Federal City College shall annually, after receiving appropriated land grant college funds. and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services and environmental sciences.

A. In order to effect the sharing referred to above, the following principles are established:

1. Since the Washington Technical Institute is the principal partner of the Federal City College in land grant activities, the Boards of Higher Education and Vocational Education shall cooperate to assure that there shall be a maximum participation of Washington Technical Institute in all these programs to the extent either that its resources and capabilities permit or that its

resources and capabilities should be developed to permit.

2. The Federal City College will cooperate with the Washington Technical Institute in Cooperative Extension Service programs of the United States Department of Agriculture as agreed to and funded by the United States Department of Agriculture to the Federal City College.

B. The Boards and Administrations agree that:

1. Planning for periods of 3–4 years is essential.

2. Annually, plans will be cooperatively developed by the Administrations.

3. Annually, and before the plans are submitted to the United States Department of Agriculture and to the Department of Health, Education, and Welfare, the Boards will review the plans.

4. Annually, and before the plans are submitted to the United States Department of Agriculture and the Department of Health, Education, and Welfare and after review by the Boards, the Boards will approve the plans as follows:

(a) The Board of Vocational Education, that portion of the plan to be conducted by the Washington Technical Institute.

(b) The Board of Higher Education, the entire plan.

5. This process will be repeated annually.

6. The Board of Higher Education would yearly, after receiving appropriated land grant college funds and income from the Morrill Act endowment, transfer funds to the Washington Technical Institute to carry out the plan as approved by the Boards.

CLEVELAND L. DENNARD,
President, The Washington Technical Institute.

FRANK FARNER,
President, The Federal City College.

MARCH 29, 1968.

As an illustration of the failure of the cooperative participation contemplated by the House in Public Law 90–354, the routing of fiscal year 1970 HEW funds to the Federal City College, consistent with the enabling legislation, was accompanied by a letter from the Assistant Commissioner of the Office of Education, HEW, raising statutory questions about the legality of the Federal City College sharing land-grant funds with the Washington Technical Institute, inasmuch as only the Federal City College is named in the legislation and cautioning the Federal City College that any sharing of funds would be considered illegal. Notwithstanding the fact, as noted above, that a statement of cooperative participation appeared in the House Report accompanying the enabling legislation, the legal opinion found sharing to be illegal and suggested corrective legislation be enacted if sharing were to be effected. Any suggestion that the enforcement of any such agreement, as entered into between the two schools, by civil action should be taken would appear to be ill-advised. Accordingly, this legislative oversight, as intended by Public Law 90–354, is corrected by this legislation.

Attached hereto is a list of the land-grant colleges and universities named and located in the various States. As is noted, there are a number of States with two colleges or universities so designated.

The Public Education Act of the District of Columbia is amended by section 401 of title IV of this bill so as to provide that the Federal City College and the Washington Technical Institute will share equally in the grants obtained from the Department of Agriculture provided under the act for Extension Services in the District. Now I am aware that in most States there is one director of Extension Services; the fact that two institutes are named in this bill to share any Extension funds does not mean that there will be two directors. Rather, I am assured—at least on behalf of the Washington Technical Institute—that every effort will be made to prevent duplication of Extension Services and administrative expenses in operating the extension services. I would assume that the Federal City College would also work to this end.

Certainly Congress has every reason to expect that the Board of Higher Education, acting on behalf of Federal City College, and the Board of Vocational Education, acting on behalf of the Washington Technical Institute, will cooperate in the operation and administration of these activities within the District of Columbia. Certainly, the two Boards may act together to name a Director acceptable to both institutions who would coordinate the Extension activities emanating from each of these institutions. Meanwhile, the Department of Agriculture, since it would be passing on the requests for funds provided for under the Public Education Act of the District of Columbia, would be in a position to advise the Congress if at any time it appeared that the congressional intent that there be no duplication of services or administrative costs was not being carried out.

The list follows:

LAND-GRANT COLLEGES AND UNIVERSITIES

ALABAMA

Alabama Agricultural and Mechanical College, Normal.
Auburn University, Auburn.

ALASKA

University of Alaska, College.

ARIZONA

University of Arizona, Tucson.

ARKANSAS

Agricultural, Mechanical and Normal College, Pine Bluff.
University of Arkansas, Fayetteville.

CALIFORNIA

University of California, Berkeley 4.

COLORADO

Colorado State University, Fort Collins.

CONNECTICUT

University of Connecticut, Storrs.
Connecticut Agricultural Experiment Station, New Haven, Conn.

DELAWARE

Delaware State College, Dover.
University of Delaware, Newark.

FLORIDA

Florida Agricultural and Mechanical University, Tallahassee.
University of Florida, Gainesville.

GEORGIA

Fort Valley State College, Fort Valley.
University of Georgia, Athens.

HAWAII

University of Hawaii, Honolulu.

IDAHO

University of Idaho, Moscow.

ILLINOIS

University of Illinois, Urbana.

INDIANA

Purdue University, Lafayette.

IOWA

Iowa State University of Science and Technology, Ames.

KANSAS

Kansas State University of Agriculture and Applied Science, Manhattan.

KENTUCKY

Kentucky State College, Frankfort.
University of Kentucky, Lexington.

LOUISIANA

Louisiana State University and Agricultural and Mechanical College, University Station, Baton Rouge.
Southern University and Agricultural and Mechanical College, Baton Rouge.

MAINE

University of Maine, Orono.

MARYLAND

Maryland State College, Princess Anne.
University of Maryland, College Park.

MASSACHUSETTS

Massachusetts Institute of Technology, Cambridge.
University of Massachusetts, Amherst.

MICHIGAN

Michigan State University of Agriculture and Applied Science, East Lansing.

MINNESOTA

University of Minnesota, Minneapolis.

MISSISSIPPI

Alcorn Agricultural and Mechanical College, Lorman.
Mississippi State University, State College.

MISSOURI

Lincoln University, Jefferson City.
University of Missouri, Columbia.

MONTANA

Montana State College, Bozeman.

NEBRASKA

University of Nebraska, Lincoln.

NEVADA

University of Nevada, Reno.

NEW HAMPSHIRE

University of New Hampshire, Durham.

NEW JERSEY

Rutgers, The State University, New Brunswick.

NEW MEXICO

New Mexico State University of Agriculture, Engineering, and Science, University Park.

NEW YORK

Cornell University, Ithaca.

NORTH CAROLINA

State College of Agriculture and Engineering, Raleigh.
Agricultural and Technical College of North Carolina, Greensboro.

NORTH DAKOTA

North Dakota Agricultural College, Fargo.

OHIO

Ohio State University, Columbus.

OKLAHOMA

Langston University, Langston.
Oklahoma State University of Agriculture and Applied Science, Stillwater.

OREGON

Oregon State University, Corvallis.

PENNSYLVANIA

Pennsylvania State University, University Park.

PUERTO RICO

University of Puerto Rico, Rhio Piedras.

RHODE ISLAND

University of Rhode Island, Kingston.

SOUTH CAROLINA

Clemson Agricultural College, Clemson.
South Carolina State College, Orangeburg.

SOUTH DAKOTA

South Dakota State College of Agriculture and Mechanic Arts, Brookings.

TENNESSEE

Tennessee Agricultural and Industrial State University, Nashville.
University of Tennessee, Knoxville.

TEXAS

Agricultural and Mechanical College of Texas, College Station.
Prairie View Agricultural and Mechanical College, Prairie View.

UTAH

Utah State University of Agriculture and Applied Science, Logan.

VERMONT

University of Vermont and State Agricultural College, Burlington.

VIRGINIA

Virginia Polytechnic Institute, Blacksburg.
Virginia State College, Petersburg.

WASHINGTON

Washington State University, Pullman.

WEST VIRGINIA

West Virginia University, Morgantown.

WISCONSIN

University of Wisconsin, Madison 6.

WYOMING

University of Wyoming, Laramie.

There is considerable support from the Board of Vocational Education, the staff of the Washington Technical Institute, and the community to redesignate the Washington Technical Institute as the Washington Institute of Technology. The Board of Vocational Education, as stated in section 203 of Public Law 89–791 enacted November 7, 1966, was originally empowered to develop plans for, organize and establish the Washington Technical Institute. It is, however, not the only Board in the District of Columbia performing functions related to vocational education. In fact, many of the vocational education and adult education courses administered by the U.S. Office of Education are handled through the District of Columbia Board of Education which is the elected body operating the District public school system. There is considerable cooperation between the District of Columbia Board of Education and the Board of Vocational Education which heads the Washington Technical Institute. However, they both perform a different role in the community related to vocational education.

Meanwhile, we have in section 401 provided that the Washington Technical Institute shall become a land-grant college. It is usual for land-grant colleges to be institutions which grant or award degrees, some say a 4-year institution. This, of course, is not an ironclad rule because many institutions now named in several States as land-grant colleges were not originally degree-granting institutions. However, changing the name of the Washington Technical Institute to the Washington Institute of Technology would have the effect of permitting this institution to establish a degree-granting program, at least to the extent of 10 or 20 percent of those who finish the first 2 years in the institute. This would allow the Washington Technical Institute—as the Washington Institute of Technology—to pattern itself somewhat after the California Polytechnical Institute which in the main trains individuals in the vocations for 2 years but does have a program permitting at least a small segment of its students to continue on to obtain a degree.

The Public Education Act of the District of Columbia which established the Washington Technical Institute certainly permits it to be a degree-awarding institution. If it were to become a degree-awarding institution, certainly it would seem a change in the name would be in order; accordingly, a change in the name of the Vocational Board to the Board of Trustees for the Washington Institute of Technology would also be in order.

In conclusion, I might add that changing the name of this institution and foreseeing the day when this institution would become a degree-awarding institution will add to the prestige of this school in the District and permit it to continue on in the path it has taken in the last 3 years—that of being a respected educational institution which in June of 1970 saw 84 percent of its graduates placed with jobs and 16 percent continuing on in school at some degree-awarding institution.

FEDERAL CITY COLLEGE

I have received considerable correspondence urging support for an increase in funds for the operation of Federal City College. I, therefore, take this opportunity to insert in the RECORD an article appearing in the Washington Evening Star for December 6, 1970, concerning recent problems which the Federal City College has encountered between the existing Student Government Association and a group of students dissatisfied with the way the student government has been operated since its inception. The article goes somewhat further than discussing the problems existing at Federal City College relative to the student government association and seems to tell a great deal about the way that the Federal City College is being administered generally. This article comes on top of another article appearing in a recent issue of the Washington Post wherein a complaint was made that the records of the school were being improperly maintained and that the administration did not know, and could not tell from the existing records, how many students they had at any particular time.

Earlier this fall it was alleged that there were 2,500 applicants wishing to enroll at the Federal City College and these students were being refused admittance. Litigation involving this matter was undertaken in the U.S. District Court for the District of Columbia and it is understood that the largest number of people the plaintiffs could come up with who allegedly were denied admission was something like 280 people. Now whether in fact those 280 people were denied admission or merely might have registered with the school appears to be undetermined.

I regret that the Federal City College is having the difficulty it appears to be having in establishing itself as a respected educational and cultural institution in this city, in the metropolitan area, and in the country as a whole. Because of the many problems that the Federal City College has encountered since its organization, it is well that the District of Columbia is instituting a study concerning higher education in the District.

Certainly the Board of Education itself should consider whether an open admission policy, which I understand is in effect, should continue at this college. Perhaps a division in the college should be established, such as our general college at the University of Minnesota, which might accept to a limited extent students who might not otherwise qualify for admission. This would not operate as an alternate to the open admissions policy but a clear refinement of it.

Officials at the Federal City College would be well advised to "roll up their sleeves" and attack some of the problems now besetting their college and move on with the job of giving quality education to its students and becoming a respected educational institution.

The article follows:

DEPOSED STUDENT CLIQUE RAN FEDERAL CITY COLLEGE

(By William Delaney)

They called themselves the "Chosen Few."

And, indeed, few students at any American college have chosen—and been chosen—to wield the sort of "student power" which this tiny band has aggressively exerted throughout the two-year history of Federal City College.

Until their Student Government Association regime was toppled last month in a tense but bloodless campus coup, these elected leaders, by their own description:

Began engineering the framework for an "autonomous" student government even before the college opened. They subsequently gained control of the organization and, through it, exerted influence in matters ranging from the hiring of the president to the setting of tuition and conducting negotiations with federal agencies.

Had absolute control of the disbursing of more than $100,000 a year in college-collected student activity fees; formed their own three-business corporate enterprise on campus and, in the process, quietly ran up debts currently estimated at $16,000.

Offered a broad range of "services" to students, getting them out of jail, loaning them rent money in emergencies, and keeping campus militants "under control." Once they were able to get the District to dismiss 860 parking tickets that had been issued to students at the college.

Arranged to get jobs for two of their leaders on the FCC payroll, at about $6,000 a year, to help compensate for their unpaid hours on SGA and college-related business.

Traveled with college officials to campuses in the New York City area, being proudly displayed as examples of the sort of "student power" toward which many universities have recently been moving.

Became increasingly involved in off-campus politics, ranging from behind-the-scenes organizing in last summer's D.C. Transit boycott to working in a mayoralty campaign in Newark, N.J.

Then last month, on Friday the 13th, their two-year experiment in "student power" abruptly ended.

Faced with organized student oppositions, which accused them of everything from graft

to physical intimidation of their enemies, the SGA leaders resigned and called for new elections.

When several hundred of their opponents marched on the SGA office later that day in an effort to hasten their eviction, the SGA leaders admit: "We all had guns."

That gun-toting incident, which ended peaceably, and the status of SGA's finances both are the subject of investigations announced by City College President Harland L. Randolph. He also has instituted a student reappraisal, now under way, of the entire SGA constitution.

Meanwhile, in a recent interview with The Star, key members of the ousted SGA group stoutly defended their conduct of student affairs, financial and otherwise.

And they warned that unless future student leaders at the college are granted as much freedom and autonomy as they had, it will set the stage for continual—and possibly violent—clashes between students and administration.

Until now, such demonstrations have been a rarity at the young District college, in part because most of its students are heads of households, too busy commuting between job and family and classes to have much time or taste for campus politics. ("It's the most conservative campus in the city," says one SGA leader.)

Another calming factor at the city college cited often by leaders of the revolt against the SGA is a widespread fear among students that any "bad publicity" about the almost 100 percent black campus will delight the college's "enemies" in Congress, which provides its budget.

But Carroll (Skeezie) Payne, a 29-year-old former SGA leader in the student Senate, feels the major factor in "keeping the lid on" at Federal City College was the active presence of the "Chosen Few."

"The administration said we weren't providing leadership," he snorts, adding:

"We were the leaders of that institution."

The story of their leadership—as they tell it—dates back to those formative months before the college opened, in the fall of 1968, as the first public liberal arts college in the District's history, open to all city residents regardless of financial status or past academic achievement.

Early that year, Frank Farner, the college's first president, said that in drawing up a brand-new college, he was making every effort to avoid having to hear troublesome demands for "student power."

"We're taking great pains to involve students in all decision-making," he said.

In November, when the first Student Government Association election was held, Cornelius S. Williams, then 23, emerged as president.

A cool-mannered, soft-spoken political science major, "Slim" Williams and others of the "Chosen Few" had already been shaping the new SGA in discussions with Farner and other college officials.

"We regarded student government as being just a part of the furniture at most colleges," recalls Payne.

"At most colleges," he says, "the administration decides what's good for the students and the student government carries it out. Nobody questions anything.

"We wanted something autonomous."

With complete control over the $7.50 activity fees required of each student per academic quarter, with representation on the college's official committees, and carrying the best wishes of the administration, the GSA began flexing its muscles.

And, its leaders now feel, it gradually began—with the best of intentions—sowing the seeds of financial suspicion that were later to strangle it.

Time and again, says Williams, the SGA found itself being blamed by students in situations where the college administration was unable to provide for student needs. Or, as he puts it, "We had to make up for the inefficiency of the administration to satisfy the students."

As an example, Williams cites Farner's inability to secure funds to continue a combination day-care and educational center, where parents could leave their children while attending classes.

When students complained about the center's closing, Williams says, the SGA passed the hat in an effort to secure the needed $4,000. Only about $400 was collected, "so we took the rest out of student fees."

More recently, the SGA voted $16,000 in student funds to set up a college-wide "communications system" linking the dozen or so scattered sites around town where City College classes are held. Again, Williams proudly notes, the SGA was able to provide a service where the administration had been unable to do so.

Student needs also were cited as the reason for SGA's involvement in three wholly owned business enterprises—a "Panther Shop" selling Federal City College sweatshirts and the like, a barber shop and a cafeteria, all located in the college's war-surplus main building at 425 D St. NW.

Though City College already had a franchised cafeteria operation, Williams said students were unhappy with it and appeared to support SGA's decision last year to buy out the franchise and equipment, at a cost ultimately negotiated at $16,000.

On Jan. 12, the cafeteria opened under SGA ownership—"without capital," Williams recalls. "We didn't even think of that."

By April, it was $16,000 in debt and creditors were beginning to apply pressure.

After some managerial shakeups, the cafeteria operation entered the black by summer, according to Williams, and the debt has by now been reduced to about $8,000.

The barber shop, which also opened in January, has returned some $300 on a paid-up equipment outlay of $2,500. But the Panther Shop, he adds, is still some $4,000 in the hole, due to large initial stocking of the Federal-City-College-emblazoned items.

The SGA leaders fiercely defend their role—and their admitted mistakes—in entering these businesses.

"We were revolutionary," Williams explains, "but not in the traditional sense. Black people making their own rules, their own decisions, getting financial autonomy—that, to us, was revolutionary."

SGA's entry into these business enterprises, particularly the cafeteria operation, gradually began fueling its enemies within the college, according to Claude Lumpkins, 33, the former SGA vice president representing night students.

And although Williams, Lumpkins and day-student vice president Charles Parker were re-elected rather comfortably last fall to two-year terms, they did have enemies.

Through no fault of their own, Williams says, they sowed suspicion within the campus newspaper and the athletic department when the SGA funds alloted to those activities were parceled out in dribbles—a little bit now, more later.

"Everybody was on our back" about this "piecemeal" dispersal of the activity-fee budget, he says. "Then they became unhappy and started questioning what we did with the money."

So complete was SGA's financial autonomy that its constitution did not require it to submit its financial records in an outside aduit.

An administration spokesman says the SGA leaders, as far back as a year ago, requested the administration's help in setting up an accounting system. As a result, he said, an outside audit of the SGA funds was arranged early this year before the agitation against the SGA leaders began.

In addition, the spokesman said a D.C. government audit of the student funds was just beginning early last month when financial records were reportedly stolen from the SGA offices in the main college building.

College President Harland L. Randolph, voicing strict neutrality in the controversy over fund use, has since ordered a college investigation into the SGA financial operations, despite difficulties caused by the missing records.

Williams concedes: "It won't be easy. It'll take some time, but all we have to do is go to the bank and get microfilm copies of our checks and put it all back together. We can still prove there was no misuses of funds."

During the student agitation to oust the SGA leaders, Randolph maintained a hands-off attitude, according to one of his key aides because he strongly felt the leadership of the student government was an affair that should be handled by students themselves.

So powerful was the SGA, says Lumpkins, that "often we were mediating between faculty members or between the faculty and the administration on personal problems . . .

"We had in our organization people who could relate to every element in the college—the everyday neighborhood people, the psuedo-intellectuals, the drug addicts," he continued.

"We in turn offered services for all these people. Helped them get out of jail . . . Paid people's rent when they were on the verge of eviction . . . Helped faculty members who came to us when they couldn't get funds to send a student to some national convention."

Williams snickers. "They've been the very ones who turned on us," he says sardonically. "The faculty came to us for almost everything."

Lumpkins remarks "I've got a file that thick (holding his hands three feet apart) on the school budget. We know who makes what, who's not working.

"We proved to be so responsible in the first year, we never have had any real disagreement with the administration on our role," Lumpkins maintains.

If, as Payne contends, there are those at the college who are "scared" of confronting Randolph, there have also been reports that the SGA leaders occasionally used strong-arm tactics to scare their opponents.

In their interview with The Star, however, the SGA leaders denied they had ever intimidated, or attempted to intimidate, anyone by either threats or use of physical force.

Williams claims he suffered a busted lip early last month when attacked by two college staff members who objected to his veto of an activity-fund bill. So, he says, when leaders of the anti-SGA students brandished chains during their march on his office (to lock it up, they claimed), he and his colleagues were armed with guns for self-protection.

With Randolph's mediation, that confrontation was dissolved, and what Payne describes as "the most powerful student government I've seen at any college" went swiftly and quietly into exile.

Their downfall, Williams says, occurred mainly because "we didn't communicate a lot of things to students like we should have. . . .

"We covered up for the administration a lot of times."

He also feels that students, as well as some faculty members, were envious of the SGA's power, and the way it was wielded.

Last month, as the pressure against the SGA was mounting on campus, a local food wholesaler filed suit against the student government for $2,200 in allegedly unpaid bills stemming from the college cafeteria operation.

"There'll probably be a lot of those (suits)," Lumpkins says.

"In terms of the legal problems involved, we would have to be the ones to straighten them out," he adds, noting that the SGA leaders are still listed as officers of the corporate structure controlling the student-run businesses.

Williams says he plans to resign soon as board chairman of Student Government Association, Inc., along with its other officers, and he indicated that the corporation's financial difficulties probably will be inherited by the college's new SGA leaders, when they are chosen.

"The future of the corporation," according to an administration spokesman, "will be determined by the students at the convention" which will soon be held to restructure the SGA and elect new officers.

Williams and his partners say they might, if requested by the administration, help the college straighten out the SGA's remaining financial and legal problems.

But he says the Chosen Few are "tired" of running the show at Federal City College—"and besides, we have another thing now."

The new thing is the Young Voters League, which grew out of the group's participation in such activities as the D.C. Transit boycott, and is now involved in registration of candidates for the D.C. non-voting congressional delegate race.

Williams hopes the organization will eventually be able to mobilize on a national basis, campaigning in behalf of youth-oriented, black-oriented candidates in 1972.

And he has reason for his confident outlook.

"All the student government people were smart, and we stuck together. . . . Basically, what we're interested in is politics."

"We learned," says Lumpkins, "how to run a college."

An administration spokesman appraising the college's two-year experience with student government, prefers to use the term "student involvement" rather than "student power."

"Unless you are going to be a traditional institution," he says, "you are going to have to try new ideas. Some of them will fail, but you will have many more successes than failures."

He denies Payne's contention that the college is "a wreck" in the wake of the SGA regime's departure, and says that newly elected student delegates will soon be making their own decisions as to any future limitations on student government power.

"We're staying out of that completely," he says. "The administration won't even be attending the constitutional sessions unless the students request our presence."

But Williams and Lumpkins and Payne and the other SGA trailblazers are considerably less optimistic about the future of "student involvement" at Federal City College.

When the SGA constitutional revisions are completed, Williams predicts, "those students won't be able to go to the bathroom without asking the administration . . . They're retrogressing."

And Lumpkins warns: "When students don't have the freedom and autonomy we had, you're going to have confrontations—I venture to say, every day."

TITLE VII—DAIRY PRODUCTS

This section amends the District of Columbia Milk Act enacted February 27, 1925 (43 Stat. 1005; D.C. Code, Title: 33, Sec. 301) by updating the provisions of the 1925 act and bringing it generally into harmony with legislation in effect in a majority of the States. In addition, it authorizes the importation of safe, wholesome milk into the District of Columbia without requiring an unnecessary inspection by District inspectors, where inspection and certification of the sources of supply have already been adequately accomplished by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare.

The Federal organization principally responsible for and involved in developing and setting standards for fluid milk, milk products, and Grade A dry milk products, is the U.S. Public Health Service. In connection with its responsibility for public health, the Public Health Service has coordinated its activities with the States and with industry in the development of standards for the items mentioned. Although there are some essential differences in the concepts and practices that various Federal agencies have adopted with respect to their responsibilities for setting standards for food protection, the Public Health Service in order to fulfill its responsibility in this regard has adopted an inspection concept which has been characterized as "motivation and surveillance." In line with this concept, the Public Health Service has pursued a policy of collaborating with State and local agencies and private industry in the development and maintenance of effective food protection programs.

Under the Public Health Service milk sanitation programs, the States and local agencies make the sanitary inspections, laboratory or other tests and analyses, and inspections of products. These inspection activities, however, are subject to surveillance, including inspections by the Public Health Service, to insure that the State and local inspections are being made in accordance with the appropriate standards and procedures agreed upon between the various States and local agencies and the Public Health Service.

Primarily, as noted the Public Health Service role has been accomplished through the promotion of effective State and local sanitation programs and procedures; the provision of technical assistance, training, and research; the formulation of effective standards; the control of licensing of State rating officers; and the publication of ratings in compliance with, and enforcement of, sanitary standards.

As viewed from the States, a majority of the States have enacted legislation in which their milk inspection system has been effectively collaborated with the U.S. Public Health Service system. Uniformly this has resulted in clean, wholesome milk and milk products being made available to the consumers, while insuring compliance with and enforcement of high sanitary standards of the sale and distribution of milk and milk products.

Thus, under the provisions of this bill, any milk or milk product which meets U.S. Public Health Service standards would be exempt from a special inspection by District of Columbia authorities prior to importation of the products into the District. However, there would still be periodic "spot-check" inspections of products sold in the District by District Health Department representatives, and under the bill the District would retain authority to confiscate such products as it deems unsafe for human consumption.

There are other reasons for the introduction and enactment of this bill. Among those reasons is the shortage of supply of wholesome milk for the District of Columbia as expressed by Graham W. Watt, Deputy Commissioner:

> The Washington "milk shed" is growing increasingly short of supply to furnish the needs of the District of Columbia and the remainder of the Metropolitan Area. This shortage is cumulative and will become greater because the economic factors creating the shortage are increasing. The Commissioner believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of any wholesome milk from any of the certified sources within the United States. The title further provides for the issuance of a local permit for the sale or importation into the District of any milk, cream, milk product, or frozen dessert, and for the seizure and destruction of unsafe dairy products.

In addition, Dr. Raymond L. Standard, Jr., Director of the District of Columbia Department of Health, has listed a number of changes which have taken place since 1925 which suggest reasons for the amendment of the 1925 Milk Act:

First, the State Public Health Service Program for Certification of Interstate Milk Shippers was established in 1950. This program is now operational in all contiguous States. The criteria under which the program is being conducted provide for application of the 1965 PHS Grade "A" Pasteurized Milk Ordinance and other pertinent standards thereby insuring a high quality of safe milk.

Second, State and local health jurisdictions are staffed to permit full discharge of their responsibilily under the Interstate Milk Shipment program.

Third, technological developments in the milk industry have reduced the sanitation problems incident to transportation of milk over long distances.

The present act requires on-the-spot inspections of all milk and frozen dessert sources by District health authorities. Approximately two-thirds of the milk so inspected is sold outside the District in metropolitan areas. The legislative proposal would result in reduced costs to the District of inspecting sources by authorizing acceptance of inspections of other jurisdictions. For milk and creams these products would be certified as having a sanitation compliance and enforcement rating of 90 percent or better as determined by a Milk Sanitation Rating Officer certified by the Department of Health, Education, and Welfare.

The Department believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of Columbia of any wholesome milk from any of the certified sources within the United States. The legislation is designed to permit the importation into the District of Columbia of safe and wholesome milk without previous inspection by the District Department of Public Health, where inspection and certification has already been adequately accomplished by a duly authorized Federal or State agency. In addition, a number of definitions and standards relating to milk and milk products and other obsolete provisions of the 1925 act have been

omitted from the legislation as being more suitable for revision by regulation from time to time, as necessary.

The primary responsibilities to be retained by the District would involve surveillance over two pasteurization plants and two frozen dessert plants located within the District, laboratory surveillance over the milk and frozen dessert products retailed in the District, and the issuance of permits.

There is also every reason to believe that by expanding the number of States and producers who may ship milk and frozen or other milk products into the District, there will be a very beneficial effect to consumers on the pricing of certain milk products in the District of Columbia. In addition, there are a number of small business producers and dealers in milk and milk products which may be aided by the enactment of this bill.

Finally, and more importantly because of the stringent financial situation of the District of Columbia, it is estimated that an annual saving of $269,000 commencing July 1, 1971, would accrue to the District of Columbia Public Health Department with the enactment of this bill. The provisions contained in section 701(b), making this title effective July 1, 1971, will permit the authorities in the surrounding jurisdictions adequate time to employ additional staff members to assume the inspection duties now carried on by the District of Columbia public health authorities.

This legislation is approved by the District of Columbia government, whose letter dated September 29, 1970, reporting to your committee on H.R. 19165—the separate bill whose provisions comprise title VII of the reported bill—concludes as follows:

The major effect of H.R. 19165 is the elimination of the need to inspect dairy farms located outside the District of Columbia producing milk to be used in the District, as required by present law. The Commissioner believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of wholesome milk from any sources within the United States where inspection and certification has already been adequately accomplished by a duly authorized Federal or State agency. Other provisions of the bill will enable health authorities of the District to assure consumers that the facilities for handling and distributing milk and milk products meet desirable health standards without on-the-spot inspection and that the milk is in fact safe, free from impurities, and wholesome.

The Commissioner approves in principle the objectives of both H.R. 18355 and H.R. 19165.

In addition, I support the request of the District of Columbia School Board for its own legal counsel and legislative counsel. It is my understanding that the Corporation Counsel's office will request additional positions so that a full-time assistant or assistants will be available for assignment to the District of Columbia School Board and the Superintendent's office. I also understand that the District government is giving strong consideration to the School Board's request in this regard.

No authorization is contained in this bill for the reason that it was understood that this could be taken care of in appropriation requests.

Mr. FUQUA. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Chairman, from the standpoint of the fiscal situation in the District of Columbia, as well as the taxpayers of the United States, this is a rather important bill.

I regret very much that the attendance in the House this afternoon is so small. I am sure that most of the Members know very little about the bill. Unless they read the report and the hearings, which I doubt they will, between now and the time we vote, they will vote in the dark as to what the issues are.

Mr. Chairman, I am opposed to this bill. I oppose it for several reasons. One is that the various titles have no relationship one to the other. It is a Christmas tree bill, probably of the worst sort that we have ever had brought to the House. It has to do with taxation, another title with grants for colleges and universities, another title with reference to labor and wages, another title with reference to dairies, another related to highways, another with reference to Lorton, and so on down through the bill. I regret that we will not have an opportunity to vote separately on each title and that we are forced to consider the bill in its entirety; but that was the will of the committee.

By no means did this bill come out of the committee unanimously. There was a strong division in the committee, not only to certain titles of the bill but also as to the bill itself.

Now, Mr. Chairman, as to the Federal grant that has been made to the District I do not oppose any and all Federal grants. I was one of the first members of this committee to support a Federal grant to the District of Columbia years ago when it was almost impossible to get any kind of Federal grant. But I opposed this grant.

I do not know what has happened in the District government. I know it is in serious fiscal trouble. You know it is in trouble. I know it is living too high. Maybe this Commission, and our friend, the gentleman from Minnesota, who sponsored it, will find out what the trouble is. But I know one thing—they have one employee down there for almost every 13 adults in the District. And these are not low-paid employees either. They have a very, very high pay scale throughout the District. That is one of the items which has this District government in trouble. We have advanced the Federal payment from a level of about 16 percent of the District budget to about 26 percent or more. Year after year how, in fact two or three times a year in the last 2 years, we have raised and supplemented the contribution to the District budget. The District demand on the Federal Government goes up and up and never levels off.

Where is that money coming from? It comes from Minnesota. It comes from Iowa. It comes from Maryland. It comes from Mississippi and Alabama and Indiana and from all the rest of the Nation. This District payment is money we take away from our people to give to these people downtown. They have already reached, and they admit it, the bottom of the barrel so far as revenues are concerned. So, now their design is to unload their fiscal irresponsibility on the taxpayers of the States.

The committee in reporting this bill has fairly and clearly stated to you that there is no more money downtown that they can find to support the District government.

This is not a revenue bill. This is a grab into the Federal Treasury for some more Federal money. That is all it is. And they are not entitled to it.

There is another item in this bill that, for the life of me, I cannot see how in the world it got in here, and that is the item of grants at the rate—listen to me, please—of $5,000 per medical student from the Federal Treasury to Georgetown University, and $3,000 for every dental student; and $5,000 for every medical student at George Washington University. Now, why?

The gentlemen who represented these colleges came to the committee and said that they were about to close. Now, listen. Do you believe that? Do you believe that the alumni, the medical alumni alone—over 2,500 of them in this area—are so poor and so disloyal that, even if it were true that these universities were in the shape that they say they are in, they would let their medical schools close down? Do you believe the church would allow Georgetown medical school to close?

Who believes, honestly who believes that these two medical schools would close down if we do not give them money? Already they are getting the same dollars from the HEW programs that your medical schools are getting, that mine are getting. They are getting identically the same. Yours are not closing; mine are not closing. There is not as much revenue in my State as there is here in the District or in other States. But we are not here pleading poverty for our medical school. Yet we are asked to authorize $6 million in this bill to be handed over as grants to these proud and prominent private schools.

The medical students at these universities do not come altogether from Maryland, Washington, D.C., and Virginia—the Washington metropolitan area. They come from all over the United States and from foreign countries.

Why should the Federal Government, if the object of the bill is to assist the medical situation in the metropolitan area of the District of Columbia, why should we make a grant for the benefit of those who come here from Utah, Mississippi, Louisiana, or Indiana? Why? There are medical students in these schools from all over the world. Yet we are called upon, and they are included in the bill here, to give them $5,000 per year for each one of those students. I just do not think it is right.

I offered an amendment in the committee to make similar grants to all medical schools. If we are going to give to Georgetown and George Washington, let

us give it to all of them throughout the Nation. But the committee voted down the amendment. Why? I really do not know.

How did this bill get into the District Committee? It had been hawked around the Hill for over a year.

It belongs in the Committee on Interstate and Foreign Commerce, if it belongs anywhere, because therein the health, medical, and HEW bills are handled. This bill calls on HEW to make grants to the schools for what purpose? The bill says in the first paragraph "to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia." How can we increase the health manpower service to the District by educating students who come here from the 50 States and then go back home to practice? Only a few of the Georgetown and George Washington graduates remain here.

There is a secret in this language. Do you know what it is? Well, I will tell you. The Interstate and Foreign Commerce Committee, where this bill should have been, did not want anything to do with the bill. So this language about medical manpower in the District of Columbia was put in so the District Committee would have jurisdiction. Otherwise this committee would not have had jurisdiction. This is a very adroitly drawn bill. The idea was to get it into the District Committee, because they could not get it out of the Interstate and Foreign Commerce Committee. Everybody knows that.

After the bill landed in the District Committee, some of the Members who were sponsoring it got cold feet. They were concerned about it. So when the day came on to vote on the measure they could not even muster a quorum. Only three members showed up.

The matter dragged on for several months. In the meantime, the private schools lobbyists were busy as bees. They had letters and calls come in from Georgetown and George Washington alumni around the country. They turned on all the heat they could, which seemed to be enough, and out the bill came by a divided vote.

I have spoken candidly and frankly and given the Members the facts. I cannot vote for this kind of legislation. My medical school supports services in an area where the per capita income is considerably less than it is in this area, and we do not ask for any more support than we get through normal channels. Neither are we hanging on the door of Congress crying poverty and seeking a subsidy of $5,000 per student, and we are getting by. If we can do this, then so can these universities here in the District. Furthermore, if they wish to operate as private schools, then let them operate as private schools with private funds, not with funds from the Federal Treasury paid in by the taxpayers.

This bill should be defeated. I shall vote against it and I trust you will do likewise.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

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

Mr. Chairman, by and large I am disappointed. We should be authorizing a larger sum of money in this legislation in order that the Appropriations Committee for the District of Columbia can have the latitude in picking and choosing among several meritorious programs for which the District of Columbia has indicated they need additional funds. Programs such as those which would broaden preschool education in poverty areas and expand several crime fighting programs.

But I am pleased that this legislation does include a provision which will provide a means whereby, if the local jurisdictions which are wrestling with the pollution problem in the Potomac are unable to resolve their differences, we can establish a Federal agency which can clean up the Potomac. I would hope that we can clean up the Potomac by cooperation among these several jurisdictions, but if they are unable to accomplish it, I think we will have to move to the establishment of a higher jurisdiction to achieve that end.

I would like to make another point which has to do with the Teachers' College in the District of Columbia. So many of the District institutions seem to receive a great deal of publicity and fanfare, and as a result increasing support, but I feel that the District of Columbia Council has probably erred in not considering more the needs of the District of Columbia Teachers' College. This is not the fault of the Congress that the needs of this institution have not been carefully analyzed. From the evidence I have found it appears the District of Columbia is overlooking some of the needs of this institution.

The position of the District of Columbia Teachers' College with respect to the other two public higher education institutions is that of being terribly underfunded, understaffed, underpublicized, and it exists in the most inadequate facilities of any of the 25 institutions of higher education in the District. This last comment was found in fact to be the case by the District of Columbia Commission on Higher Academic Facilities. The college, which I might add is fully accredited today, requires an appropriation to supplement its fiscal year 1971 appropriation if it is to provide for additional operating requirements and necessary capital improvements. The Teachers College has grown in the last 10 years, but sadly enough, on the actual enrollment basis, the District of Columbia Teachers College is operating at less than one-third of its need based on national average, and on a full-time equivalent basis of about two and a half times less than the national average.

This organization is training teachers to go into the District of Columbia school system, and this is the grassroots where we must attack the problem if we are ever to lick the problems in our cities. We must get good well-trained teachers on the line in the elementary and secondary schools in the District of Columbia, and I hope the District of Columbia Council will take a closer look at the needs of the institution and come to Congress with some recommenations that will strengthen this institution.

It is certainly difficult for an institution operating on a shoestring to do an adequate job. When we speak of raising the educational standards in the innercity, working through the District Teachers College would be a means to this end. No one can deny the simple fact that better teachers yield better education, and is not this what we are seeking? The Teachers College is a hard-working institution doing a good job and has a chance of growing from its present depressed position into a position more closely in line with the other two public colleges in the District. So it is imperative that it be given fair and equal consideration by the Council along with the other institutions.

Mr. FUQUA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I take this minute to comment on the minority views which indicate there would be a substitute bill offered on the floor. I want to express my appreciation to the committee for having removed the Lorton Reformatory provisions and the highway provisions from this bill, so that it will not be necessary to offer the total substitute.

I take this time also to announce to the Committee that, under the 5-minute rule, I will offer a simple motion to strike the provisions related to the minimum wage. These provisions are sections 602 and 603 and appear in the bill on pages 66 and 67.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, first I should like to express my appreciation to the gentleman from Florida (Mr. FUQUA), the chairman of the subcommittee, for doing such a tremendous job in piloting this legislation through the subcommittee and the full committee. No Member could devote so much time and energy to legislation such as this unless he felt a sincere interest and concern for the welfare of the Nation's Capital. I feel he is owed a debt of gratitude by every citizen of the District of Columbia as well as by the Members of this body.

Mr. Chairman, this bill has been criticized as being an omnibus bill, containing several nonprovision provisions. It was claimed that it was an improper approach.

Let us face it. There is nothing unusual about omnibus bills being considered by the House, and particularly bills that contain matters within the jurisdiction of the committee handling the legislation. We have had omnibus housing bills, omnibus farm bills, and omnibus tax bills. In fact, there is a bill being considered in conference at this time, the Federal Highway Act of 1970, that provides for an extension so far as the construction of highways is concerned, which came out of the Committee on Public Works. This bill also contains revenue provisions coming out of the Committee on Ways and Means.

In the other body, omnibus bills are somewhat par for the course. In fact, they even bypass committees over there.

I introduced a little private bill, pro-

viding for $900 of relief for one of my constituents for moving expenses. This bill passed the House, and it passed the other body. But they amended it in the Senate by adding on the subject of the *Delta Queen*.

I do not believe any of us will be surprised if before this Congress adjourns we are asked to consider an omnibus bill with social security, revision of welfare as proposed by the administration, and a rather far-reaching trade bill.

So I submit, Mr. Chairman, that we have accepted this procedure of bringing omnibus bills to the floor of the House for consideration as a matter of convenience, and not to end run around the jurisdiction of some other committee.

As this session does draw to a close, I believe it is necessary that we put some of these bills together as the only way of getting them passed by the Congress this year.

I would suggest, and I have suggested this individually to the chairman of our committee, that in the future we may find it necessary to do this even more often, because we have sometimes worked for many weeks or months on a series of minor bills, and then they would go over to the other body and be pigeonholed because the Senate is busy handling other legislation. So we find it necessary in order to get action on bills, on which we have held hearings and spent a lot of time, to put them together in an omnibus package in order to insure that we can get that legislation into conference at least.

Mr. Chairman, I submit that the main reason for criticism of this bill is not the omnibus approach, but rather the objections on the part of certain Members to certain parts of the legislation. I see nothing wrong, when a Member objects to a certain portion of the bill, to his offering an amendment to strike it out of the bill.

As has been pointed out by the gentleman from Florida (Mr. FUQUA), and the gentleman from Minnesota (Mr. NELSEN), the committee has already agreed to strike two of the most controversial sections of the bill. They are controversial, however, only because they are misunderstood.

The gentleman from Mississippi pointed out that we had given a great deal of consideration to the subject of Lorton. By the way, the Lorton proposal was not mine but was introduced originally by my colleague from Virginia (Mr. SCOTT). We held extensive hearings on that legislation, and that proposal formerly passed the House by a substantial margin only to be lost in conference. However, the distinguished chairman of the committee, the gentleman from South Carolina (Mr. MCMILLAN), in the interest of getting together in a spirit of compromise, agreed to withdraw that provision from this bill in the hope that we can consider it at a later date.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BROYHILL of Virginia. It was further pointed out by the gentleman from Florida (Mr. FUQUA)—and I hope we are correct in this understanding—that the House and the Senate conferees are now meeting on the highway bill of 1970 and have arrived at a compromise wherein they have tentatively agreed to finally adopt it in such form that the District of Columbia government will be in compliance with the law. The purpose of title VIII, my so-called highway amendment, was merely for the purpose of denying Federal funds to the District until the District of Columbia government complied with the law. Now, what is wrong with that? If they are in compliance with the law, then this title of the bill becomes unnecessary. We feel it is now unnecessary, however, for the reason I have stated. So we are willing to withdraw it from this legislation.

However, most of the other nonrevenue provisions of the bill, with the exception of one or two, are noncontroversial. One of them that was referred to by the gentleman from Maryland (Mr. GUDE), is a very necessary and desirable section of the bill, that is, section 604. I believe it will go a long way toward helping us to clear up some of the pollution in the metropolitan area of Washington. We cannot expect the Nation to comply with the laws of the Congress, the leadership of the Congress and the Federal Government, to clean up their waters when we do not meet our responsibilities here in the Nation's Capital. The condition of the Potomac River here is a national disgrace. It is not that we have been completely derelict. The fact is that we have had a very rapidly growing area here, with three States involved, if you consider the District of Columbia as a State, and we should. We must have better coordination of efforts, however, to solve this problem.

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

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes. I am glad to yield the 2 minutes remaining on our side to our colleague from Virginia.

Mr. BROYHILL of Virginia. The gentleman from Minnesota is one of the most generous individuals I know.

Mr. Chairman, section 604 of the bill directs the Administrator of this new Environmental Protection Agency, in conjunction with the Secretary of the Interior, whomever he may be at the time, the Chief Engineer of the Corps of Engineers of the U.S. Army, and the Commissioner of the District of Columbia to study and recommend by no later than March 31 of next year a reasonable approach to this particular problem, probably the creation of a regional water and sewage entity.

At the present time, the Corps of Engineers supplies the water for the District of Columbia and a large portion of the suburbs. The District of Columbia has jurisdiction over the Blue Plains plant that takes care of the effluent of many sections of the suburbs. So, we need to coordinate these many activities and many jurisdictions into one. Then the Federal Government can better see what its responsibility is, and the individual jurisdictions can be required to fulfill their obligations and to pay for whatever services they receive—the local jurisdictions as well as the District of Columbia.

Mr. Chairman, we have waited long enough and have to do something to clean up this problem here at the doorsteps of our National Capital.

Mr. Chairman, title I of the bill pertains to revenues. The first section thereof increases the authorization for the annual Federal payment to the District of Columbia from $105 million to $120 million, or an increase of $15 million annually. I proposed this increase in subcommittee deliberations on this bill, and am strongly in support of the measure at this time.

Provision is made also to increase the District's present limit on the amount of funds they may borrow from the U.S. Treasury for capital expenditures. Prior to 1967, this borrowing was limited in a dollar amount, which was increased several times as increased need was established. In 1967, the Congress provided a new system, under which the total amount of such borrowing could not exceed in any year that amount on which the debt service would be 6 percent of the general revenues estimated to accrue to the District of Columbia General Fund—for fiscal years through 1970. Thereafter, this 6-percent limitation can apply only to the general fund revenues for fiscal year 1970. This 1970 limitation was imposed because the Congress felt at that time that the borrowing situation of the District should be reviewed and examined after 3 years of operation under this new formula. Section 103 of H.R. 19885 will increase the limit on such borrowing to that amount on which the debt servicing for any fiscal year will not exceed 8 percent of the revenues to the general fund, for fiscal years up to and including 1973. This will increase the limit on the District's borrowing for capital improvements from $405 million to some $550 million for these 3 fiscal years, or an increase of approximately $140 million. I support this increase, and hope that this expanded borrowing authority will be used in part to finance the desperately needed expansion of the facilities at the District's sewage treatment plant at Blue Plains.

In addition, the District will also be authorized to increase their borrowing limits with respect to the sanitary sewage works fund, from $32 million to $72 million, the highway fund, from $85.25 million to $110 million, and the water fund, from $35 million to $51 million. In connection with these increases in borrowing authority, the District of Columbia government will also be empowered to set the rates for water consumption charges at whatever limits they deem necessary, and the sewer charge at a rate not more than 75 percent of that set for the water use.

Section 104 of this title will increase the maximum weight limitation of 45,000 pounds now imposed on heavy, self-loading trucks in the District of Columbia to 65,000 pounds. The limit in both Maryland and Virginia is presently 65,-

000 pounds, and the District of Columbia Department of Highways and Traffic feels strongly that the existing limit of 45,000 pounds in the District is not realistic. The disadvantage of the present law in this respect has become quite evident in connection with the excavation work incident to the construction of the District of Columbia subway system, as it is adding substantially to the cost hereof, and serving no useful purpose either. For this reason, I am strongly in favor of this provision. Further, the fees for these trucks will be increased in accordance with the new weight limitations, and we are advised that this will bring in some $300,000 of added revenues per year to the highway fund.

Section 201 of the bill will affect the operation of linen rental services in the in the District of Columbia. First, the existing sales tax of 4 percent on the purchase of linens by these firms will be repealed, and in its stead there will be a new tax of 2 percent imposed on the actual rental of these linens. It is estimated that this will result in $200,000 of additional revenues to the District, and I understand that this provision is favored by the companies who will be affected by it.

Further provisions regarding revenues are included in title II of the bill. One of these will repeal the District of Columbia property tax exemptions presently extended to charitable, nonprofit corporations which own housing properties which are aided by Federal rent supplements or interest subsidies. Our committee feels that there is no reason why the District taxpayers should be required to offset such losses to the District when the construction and operation of these enterprises are being financed with Government funds. I understand that this provision will prevent the loss of slightly more than $1 million per year to the District.

Title II also clarifies the intent of Congress in the District of Columbia Revenue Act of 1969, to conform the District of Columbia laws with respect to capital gains and losses and to depreciation, to those in existing Federal law. This correction of a legislative oversight will affect only a few local entities, the principal one of which is the Potomac Electric Power Co., who at present cannot depreciate their property for the District of Columbia tax purposes as they are permitted to do under Federal revenue law. As this was our intent in 1969, I feel that the error should be corrected at this time.

The remaining provision of title II will simply exempt from taxation the property known as the Octagon House, under its new owners, the American Institute of Architects Foundation, a philanthropic organization who have restored the historic building and are maintaining it simply as a historic shrine and museum, to which the public is admitted without charge. Until this foundation acquired title to this property in 1968, it belonged to the American Institute of Architects, and was tax exempt under their ownership. District law prevents the transfer of such a real property tax exemption incident to new ownership, however, which is the reason for this logical provision in House Resolution 19885.

The revenue provisions of this bill thus will provide an increase of $15.2 million per year to the District of Columbia general fund, and an additional $300,000 annually to the District of Columbia highway fund.

I understand that in his recent request for a supplemental appropriation to the District for the present fiscal year, the District of Columbia Commissioner has requested $13 million for what he terms unanticipated contingencies, to which he states the District is committed and for which they do not have the funds, plus an additional $16.165 million for other purposes which he states should have a high priority, for a total of $29.165 million. I believe the other body has magnanimously endorsed this entire package, and has enacted a bill which would provide this entire amount in additional Federal payment.

I wish to state that it is my strong opinion that the additional $15.2 million which House Resolution 19885 will provide is more than sufficient for all the reasonable costs which will accrue to the District of Columbia government for the remainder of this fiscal year. In the first place, some of the items in the District of Columbia Commissioner's "must" list are apparently not needed at this time. For example, he cited the need for $3.3 million for police overtime pay. I am reliably informed that the need for overtime work on the part of members of the Metropolitan Police force was terminated last month, when the full contingent of 5,100 personnel were fully trained and available for duty. Hence, no need for funds for this purpose now exists if this is true.

Furthermore, since the cost figures for many of the other items in this contingencies list were for the entire present fiscal year, and inasmuch as the provisions of this bill cannot take effect until the first half of that year has expired, it follows that the need for funding for some of these items is now not more than half of what was presented. Inasmuch as the District government is not permitted to engage in deficit spending, these expenses for the first half of this fiscal year have been paid, and need for that amount of money does not exist today. As for the additional $16.165 million for other high priority purposes, this is nothing more nor less than a "Christmas tree list," and I feel it is highly doubtful that some of these items would be approved for appropriation even if all that amount of money were made available. And again, the matter of reduction of cost to the last half of the fiscal year would apply in some of these items. Such items as the proposed enrollment and program expansion at the Federal City College, the new staffing requested for social services and public assistance, and the increases in public assistance payment standards, would certainly receive very careful scrutiny, to say the least, from the Subcommittee on District of Columbia Appropriations. For these reasons, I have no hesitation whatever in stating that the increased revenues provided in this proposed legislation are sufficient for all the real and demonstrable needs of the District at this time.

I wish to state at this point that the present District of Columbia government has an overwhelming obligation to the taxpayers of this country, at this time, to adopt and practice a policy of fiscal responsibility, which has been utterly lacking since the present Commissioner-Council government for the city was created in 1967. During the 3 years which have passed since this government took office, the city's total budget has soared from $503.5 million to $860.3 million, an increase of 70 percent. This contrasts sharply with the 26.7-percent increase which was experienced over the 3 years immediately preceding this regime, during which the former Board of Commissioners practiced reasonable and effective fiscal control. Also, the District government's number of employees, which has increased by only 8.8 percent during the 3-year period immediately preceding the installation of the present form of government, has skyrocketed from 31,944 employees to 42,000 in the past 3 years, for an increase of 31 percent. And this number would have risen to 45,557 employees had the Congress not denied the District's request for such a number in fiscal year 1970, by a provision in the District of Columbia Revenue Act of 1969. It is noteworthy that whereas the former Board of Commissioners had operated the city's Executive Office with 50 employees in fiscal year 1968, the final year of their existence, the present Council-Commissioner government found it necessary to increase this force to 474 persons in fiscal year 1970.

I submit that this picture of unprecedented padding of the District government's payroll is the less comprehensible in a period when the population of the city actually has been decreasing.

At any rate, this tendency toward utter fiscal irresponsibility simply must be brought to an end. More and more, the District of Columbia Commissioner and the City Council are finding it necessary to seek a solution to their financial problems by appealing for ever-increasing appropriations of Federal funds, as though the Federal Treasury is an inexhaustible source of money. This is far from the truth, however, as the taxpayers all over the country are finding themselves taxed to the limit of their resources, to support their local governments as well as the Federal establishments. In fiscal year 1970, the expenditure of Federal tax money in the District of Columbia, not including the Federal payments to the District of Columbia water and sewer funds, amounted to the staggering total of $577.5 million. It is estimated that this figure will rise to some $635 million for fiscal year 1971, and this does not include the $15 million of addiitonal Federal payments which this bill will authorize.

I feel strongly that this picture is rapidly becoming intolerable, and that fiscal disaster for the Nation's Capital must result from a continuation of this sort of fiscal attitude on the part of the District government. I note that the Commissioner asked the District of Colum-

bia City Council twice this year to increase the city's real property tax rate—and was twice refused.

This recommended increase would have brought in an additional $8.7 million per year to the District of Columbia general fund; and I want to state that if the District of Columbia City Council felt that the citizens of the District of Columbia could not afford this increase in taxation, then certainly the citizens of this entire country cannot and should not be expected to continue to finance the Council's irresponsible extravagancies.

In view of this situation, I am enthusiastically in favor of section 102 of House Resolution 19885, which will require the U.S. Budget Office to examine and review each request in the District of Columbia budget and supplemental budget requests, before they are submitted to the Congress each year, to determine the rightful priorities of the expenditures for which the funds are requested, and to ascertain where reductions can be made in such expenditures. This is a most desirable step in the direction of fiscal sanity on the part of the District government, and I sincerely hope that it may result in substantial improvements in this grim financial picture.

Title III of the bill provides for Federal subsidies to the George Washington University Medical School and the medical and dental schools of Georgetown University, in amounts not to exceed $5,000 per year for each medical student and $3,000 for each dental student, for the fiscal years 1971 and 1972. These moneys will be administered through the Department of Health, Education, and Welfare, which shall exercise careful control over the amounts of these grants. I consider these grants to be absolutely necessary, in order to assure the continued existence of these vitally important institutions which are in dire financial straits at the present time. I shall present my views on this item of the bill more fully in a later discussion of this bill.

Title IV of the bill seeks to correct a misinterpretation of the intent of Congress in the 90th Congress, when we enacted legislation designating the Federal City College as a land grant institution and the recipient of certain Federal funds as a result of that status. At that time, it was the distinct understanding of myself and my colleagues in the House that although the Washington Technical Institute could not qualify directly for land grant funds because it is not a 4-year institution, this Institute would share equally in the land grant funds to which the Federal College has become a recipient. However, the Federal City College has refused to share any part of this money with the Washington Technical Institute, claiming that the wording of the act did not call for such a division of funds. While this was technically true, the Congress intended otherwise. In fact, I believe that the bill would never have been approved by the House had not the understanding existed that both schools would benefit equally. Hence, I feel that we should terminate this misunderstanding and carry out the original intent of the Congress.

Title IV also extends to all other private institutions of higher learning in the District of Columbia the exemption from the District of Columbia usury laws in connection with construction loans as was granted to George Washington University in Private Law 91–185, approved October 23, 1970. At that time, George Washington University was in a critical situation in regard to financing for several highly important construction projects, and had requested legislative relief from the Congress which would enable them to borrow the needed funds at the going interest rates. Hence, the enactment of that legislation was simply a matter of giving attention to the "squeaking axle," and certainly there was no intent to discriminate in any way against other such institutions of higher learning. These schools, such as Georgetown University and Catholic University, have since asked that they be extended this same exemption from the local usury laws, and certainly they are equally entitled to such exemption.

Title V of the bill as reported provides that the District of Columbia correction facilities at Lorton in Virginia be transferred to the Federal Bureau of Prisons. Extensive provisions were made as to transfer of funds, protection of employees' rights and status, preservation of existing prisoner rights as to parole, good time, and work release, and so forth. In view of the unbelievable conditions existing at Lorton, as brought out by a District of Columbia Special Investigating Subcommittee last year, there is no question whatever in my mind that the present administration of the District of Columbia Department of Corrections is totally unfit to operate this correctional facility, and certainly some change in the status quo is in order. The enactment of title V of this bill as reported would certainly have brought about a complete change in the higher echelon of command over this institution, and improvement could certainly have been expected. However, in view of our recent legislative action creating the "Little Hoover Commission" to study the entire structure of the District of Columbia government, it is my hope that this Commission may come up with a solution to these problems in connection with Lorton. For this reason, I agree with the deletion of this title from the revenue bill at this time.

Title V of House Resolution 19885 covers several miscellaneous items, the first of which is to repeal the present limit of $150,000 authorized for the preservation of the Old Georgetown Market. I favor this provision, because the House originally approved the preservation of this old landmark without limitation as to cost, and the ceiling of $150,000 which was added by the Senate has proved utterly unrealistic and at present is presenting an insurmountable barrier to the execution of this project.

Section 602 exempts District of Columbia motor carriers which are regulated by the ICC from the provisions of the District of Columbia Minimum Wage Act. The problem in this area is that the District of Columbia Minimum Wage Board has imposed an overtime provision for all motor carrier employees in the District, providing time and a half pay for all hours in excess of 40 in any workweek. The Fair Labor Standards Act, on the other hand, exempts all interstate motor carrier employees in the categories of driver, driver's helper, loader, and mechanic from overtime provisions.

This is in recognition of the fact that the operations of these carriers involve such irregular hours for such personnel that a hard and fast overtime regulation of that sort is simply not equitable. Our committee had this same issue before us several years concerning overtime for certain nonprofessional employees in local hospitals where exactly the same problem exists. We decided then that such employment should not be subject to such minimum wage overtime regulations, and I feel strongly that the same action is necessary in this instance. At this time, only two or three such motor carrier operations remain in the District of Columbia, and we understand that these may be forced to leave the city if relief from this inequity is not obtained.

Also on the subject of minimum wages, section 603 provides that in the future, the District of Columbia Minimum Wage Board may not issue any wage order calling for a minimum wage more than 10 percent higher than the existing Federal minimum wage level. At present, the Federal minimum wage is $1.60, while those in the District range from $1.60 upward to $2 per hour. For example, retail clerks are now getting $2 per hour minimum and laundry workers, who are now getting $1.80, will be increased to $2 on next January 1. The District of Columbia Minimum Wage Board apparently has no concern whatever for the competitive aspect of local businesses, although Virginia has no minimum wage law whatever and the minimum wages prevailing in nearby Maryland are not as high as those imposed on the District employers. The result has been a steady exodus of businesses from the city into the suburbs, to the detriment of the city's economy. I personally feel that the District of Columbia would be better off with no minimum wage law whatever, because it is my conviction that the laws of economics regulate salary levels more effectively and more realistically than can any governmental regulations. In the absence of such a provision in this bill, however, I am pleased to support section 603 as at least a step in the right direction.

Mr. Chairman, I am the author of section 604 of this bill, which is designed to enable the Congress to take strong and positive steps toward solving the grave problems of water supply and water pollution in the Washington metropolitan area. On September 24, 1970, with the cosponsorship of a number of my colleagues, I introduced the bill House Resolution 19454, the second section of which constitutes the language

of this section of the bill, House Resolution 19885.

Briefly, this section will direct the Administrator of the newly created Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the U.S. Army, and the Commissioner of the District of Columbia, to conduct a study and make recommendations with respect to the water pollution problems and the water resources of that part of the Potomac River within the Washington metropolitan area, and the establishment of an independent regional entity to control and resolve such pollution problems, to regulate such water resources, and to provide adequate facilities for water, sewer, and sanitation for the area at reasonable costs. The study shall include recommendations as to the amount of funding that would be needed to maintain such a regional entity, what functions now performed by Federal and District entities should be transferred to the area entity, and the protection of present employees who would be affected by such transfer. The Administrator of EPA shall report the findings of this study, together with his recommendations, to the Congress not later than March 31, 1971.

I regard the matter of the water resources and the pollution of the Potomac River as the most serious problem facing the Washington metropolitan area today. Not one of the sewage treatment facilities presently existing in the area is capable of providing adequate service even for today's population; and with the prospect of a continued rapid increase in the population of the area, I am deeply concerned that the efforts now being exerted toward the goal of truly adequate facilities for the future will prove woefully inadequate, just as past efforts have failed to keep these facilities abreast of current needs.

The supply division of the District of Columbia Water System, known as the Washington Aqueduct, operates under the supervision of the U.S. Army Corps of Engineers. The reservoir at Dalecarlia receives water from two intake structures, at Great Falls and Little Falls, on the Potomac River. There the water is purified, and it then becomes the responsibility of the District of Columbia Department of Sanitary Engineering to store, pump, and distribute the purified water to its consumers. At this time, this source supplies water not only to the District of Columbia, but also to Arlington County and the city of Falls Church, in Virginia. The other jurisdictions in the metropolitan area have their own systems of water supply, but all are faced with the same problem at present, which is a lack of adequate storage facilities to assure an adequate supply of water during long dry periods, when the water level in the Potomac River falls so low as to reduce the normal intake volume. A plan by the U.S. Army Corps of Engineers to solve this problem through the construction of a number of dams at various points on the Potomac has met with considerable opposition, and an answer to this problem is not yet in sight.

The entire District of Columbia Water System is operated on funds from the District of Columbia Water Fund, which consists of the revenues derived from the sale of water to the private citizens and the Federal Government for the water they consume.

Serious as the problem of water supply to the area obviously is, particularly during drought periods, the critical situation of the present pollution of the Potomac River is of far greater concern to me.

The main cause of water pollution in the Washington area is municipal wastewater. This includes raw sewage released from overloaded sewer systems, sewage treatment plant effluents, combined sewer overflows, and storm water. Combined sewers are a remnant of the past, but are found in the older sections of some cities, including the District and Alexandria. During dry weather, they convey sanitary sewage to the treatment plant, but when it rains they also function as storm drains. During a heavy rainstorm, it is not feasible to accommodate the entire combined sewer flow at the treatment plant and the excess flow, a dilute mixture of rainfall runoff and sanitary sewage, discharges into the nearest stream. About one-third of the District is on a combined sewer system.

Once considered innocuous, rainfall runoff from urbanized areas has been found to be contaminated by the washing of accumulated filth from streets, and in areas undergoing development, runoff may carry tremendous quantities of eroded soil. For example, an inch of rain falling uniformly over the District of Columbia amounts to 1.2 billion gallons of water. Half of this evaporates, and the other 600 million gallons, laden with filth from the streets, has to be disposed of, sometimes in a very short period of time, through the city's sewer system. Thus, at such times, the sewer system may be called upon to do more work within an hour or two than it normally does in an entire day. Some system for storage of this combined sewage during storms obviously must be devised, from which the sewage may be delivered for processing at slack periods at the Blue Plains plant.

The District of Columbia Water Pollution Control Plant was constructed at Blue Plains, in the southwest corner of the city, in 1938. This plant originally was designed to provide only primary treatment to the effluent, with a capacity of 130 million gallons per day. At that time, this was deemed adequate to serve a population of 1.25 million people, but the effect of the District's combined storm and sanitary sewer flows reduced this capacity at times to the equivalent of primary treatment for only 650,000 people.

This plant at Blue Plains is a regional one, serving large areas in nearby Maryland and Virginia as a result of an act of Congress in 1916. These suburban areas include parts of Fairfax and Loudoun Counties in Virginia and the major portions of both Montgomery and Prince Georges Counties in Maryland. In fact, the potential drainage area outside the District served by this facility is ten times the area of the District of Columbia itself. Thus, the vital importance of this facility, which presently is called upon to handle about 80 percent of the sewage from the Washington metropolitan area, is apparent.

In 1949, the Blue Plains plant was expanded to a capacity of 175 million gallons per day, as a belated reaction to the population growth resulting from World War II. Other improvements to the treatment processes were made in 1953 and 1955, but by that time the crucial difficulties evolving from the mushrooming population of the area in the matter of sewage treatment problems became apparent, and in 1957 the Eisenhower administration convened the first Potomac River-Washington Metropolitan Area Enforcement Conference for the purpose of determining a course of action to provide adequate facilities at Blue Plains and elsewhere, to serve the region. This conference ordered the plant at Blue Plains upgraded to provide secondary treatment.

This was done, and other improvements to this plant have been made since that time. However, the present treatment facilities are woefully inadequate.

Today, the plant at Blue Plains is capable of providing 80-percent treatment to a flow of 240 million gallons per day. However, the plant is being required to handle a flow of 260 million gallons per day, as a result of which the treatment is only 70 to 75 percent pollution removal. Inasmuch as the present standard set by HEW is for 96-percent removal, to a "near drinking water" quality, the inadequacy of the situation at Blue Plains is obvious. In fact, at present the plant at Blue Plains could accomplish 96-percent pollution removal to only 125 million gallons per day.

In April 1969, dissatisfied with the progress in the area of pollution control in the region, or more accurately the lack of such progress, the Secretary of the Interior reconvened the Potomac Enforcement Conference. The conferees represented the water pollution control agencies of Maryland, Virginia, and the District of Columbia, as well as the Interstate Commission on the Potomac River Basin and the Department of the Interior. After 3 days of hearing testimony, the conferees recessed to study the extensive data presented to them. They reassembled about one month later to issue a set of recommendations for actions to improve water quality. The most important recommendation was one calling for the construction of advanced waste treatment facilities.

In accordance with the conference recommendations, the District proceeded to implement its phased development plan for the Blue Plains site. One element of this plan was the reclamation of 51 acres of Potomac River mud flats for plant expansion to a capacity of 419 million gallons per day, which is the flow expected to occur about the year 2000. However, subsequent opposition on the part of the Department of the Interior to this reclamation proposal has rendered approval of this plan by the Corps of Engineers most unlikely. As a result, expansion of this plant to 419 million gallons per day will probably not be feasible.

In recognition of this impasse, the con-

ferees reached a compromise set forth in a memorandum of understanding, the execution of which was completed on October 7, 1970. This memorandum calls for development of the Blue Plains site to provide advanced waste treatment for 309 million gallons per day to be completed by the end of 1977. It is estimated that this project will cost some $359.3 million, and the plan is for the Federal Government to pay 55 percent of this amount, or approximately $180 million. The remaining cost will be shared by the District of Columbia, the Washington Suburban Sanitary Commission in Maryland, and Fairfax County, Va., in proportion to their respective volume inputs to the system. This will make the District's share $80 million—for the District and the Potomac interceptor—that for the WSSC some $77.45 million, and the cost for Fairfax County about $4.2 million.

These costs will be divided, of course, over the course of the next 5 years, as the actual work progresses.

Unfortunately, the beginning date for this project is presently somewhat uncertain, because the allocation of Federal funds to the State of Virginia from the Federal Water Quality Administration, which must be distributed to various projects in the State on a priority basis, is not sufficient to provide the 55 percent of Federal participation upon which Fairfax County's payment toward the first contract of this Blue Plains expansion is contingent. Hopefully, however, this difficulty may be resolved shortly.

The serious weakness in this entire plan is the fact that this expansion will bring the plant at Blue Plains to its absolute ultimate capacity. The memorandum of understanding referred to above, in fact, recognizes that the proposed Blue Plains expansion will not be adequate to serve all future flows from the areas presently tributary to the Blue Plains facility, and states that all jurisdictions must plan immediately to provide adequate treatment for flows in excess of those that can be accepted into the Blue Plains treatment facility.

The WSSC, in recognition of this fact, has retained consultants to advise it as to an overall sewerage plan including sewage treatment plantsites and capacities. This report is to be completed by February 1971, but in recognition of the urgency of need, the WSSC has already formulated a projected schedule for site selection, design, and construction of an additional regional plant and intends to pursue its completion subject to the availability of funds. The District of Columbia and Virginia will be invited to participate in financing a portion of the cost of this plant, in proportion to their allocated flow to the total plant capacity. It also is expected that the District and Virginia will share in the costs of maintenance and operation, as well as the cost of pipelines, pumping stations, and so forth.

Herein lies the cause of my great concern in regard to this whole problem of water pollution in the metropolitan area. It is obvious that the ultimate solution to this problem must involve the construction and operation of a multiplicity of treatment plants—unless the plant at Blue Plains can be expended far beyond the limits which now appear feasible—and this will be dependent upon participation between the several jurisdictional authorities, that is the District of Columbia, the States of Maryland, and Virginia, and the Federal entities of the U.S. Corps of Engineers, the Department of the Interior, and the Environmental Protection Agency. For at least the last 12 years, this hydra-headed proliferation of authority has stymied efforts toward cleaning up the Potomac River, as disagreement and dissension among the representatives of the several entities involved has resulted in the existence of inadequate facilities at the present time, and in my opinion no prospect whatever for any truly effective facilities to accommodate the burgeoning population of this metropolitan region in the years to come. In short, I believe that the programs which must be developed if the Potomac River is ever to be freed of pollution and kept in that condition, are far too extensive for the fragmented operation now involving these several governmental entities ever to accomplish.

It is this conviction which led me to conceive of the possibility of an independent regional authority, or sanitation district which might acquire the present facilities involved in the matters of water resources and water pollution control in the Washington metropolitan area, including the Dalecarlia purification plant and reservoir, the District of Columbia Water Pollution Control Plant at Blue Plains, and the other principal facilities in the area; and also operate them, expand them to meet both present and future needs, and sell these services to the various jurisdictions in the area at reasonable cost. Such a regional entity would have the obvious advantage of a single, unified authority.

I have received a great deal of support for this basic concept, from key officials in the affected agencies of the District of Columbia government, the chairman of the Virginia State Water Control Board, a substantial number of my colleagues in the Congress, and a large number of private citizens in the area.

It is my opinion that the most desirable and constructive approach to this matter will be the exhaustive study of the entire problems of water resources and water pollution control in the area, and of the feasibility and the cost of the concept of an independent regional entity, as required by this proposed legislation. The report and the recommendations resulting from this study will provide the Congress with invaluable guidelines in the formulation of legislation to end this pollution of the Potomac River, a situation which at present poses a clear and potent danger to the health of residents and visitors to the city alike.

For these reasons, I urge the support of my colleagues in this body for the enactment of this timely and vitally important legislation into law.

Section 605 of title VI provides that District of Columbia government leases on real property, which are limited by present law to 5 years' duration, be permitted for periods as long as 20 years. It is felt that this increased length of such leases may enable the District to obtain lower rentals in such negotiations.

Title VII will repeal a law which requires the Public Health Department of the District of Columbia to inspect and approve all sources of dairy products shipped into the District. This present law restricts the sources for milk in the city to the farms in nearby areas, and because of the population growth in the metropolitan area these establishments are getting fewer and fewer within a distance of the city which render these District of Columbia inspections practical. Further, all dairy farms in the country today are subject to very rigid standards imposed by the Federal Government, for which reason local regulations and inspections are really a useless duplication of effort. In view of these facts, I am glad to support this measure which will broaden the District's source of supply for milk and other dairy products, and also will save the city the cost of these duplicate inspections.

I am the sponsor of title VIII of this bill, as reported, which provides that no part of the Federal payment to the District of Columbia shall be authorized to be appropriated unless the Commissioner of the District of Columbia certifies that the District of Columbia government has complied with the provisions of section 23 of the Federal-Aid Highway Act of 1968, and any other act subsequently enacted, to the extent that the various projects in connection with the Interstate System within the District have been started and will be completed. Exception was provided with respect to such interstate projects as may be affected by court injunctions issued in response to petitions filed by persons other than the District of Columbia or an agency of the U.S. Government.

The impasse regarding the construction of the planned 29 miles of interstate highway in the District of Columbia, as an essential link in the nationwide Interstate System, not only is holding up the construction of these interstat highways themselves, but also is causing intolerable delay in the building of the Rapid Rail Transit System so desperately needed in the entire metropolitan area.

Section 23 of the Federal-Aid Highway Act of 1968 directed the Secretary of Transportation and the District of Columbia government to undertake as soon as possible the construction and completion of all routes comprising the above-mentioned 29 miles of the Interstate System as specified for the District in the 1968 Interstate System cost estimate.

More specifically, section 23(b) of this act required that the District government commence work within 30 days on the following projects, all components of the projected Interstate System:

First. Three Sisters Bridge—I–266.

Second. Potomac River Freeway—I–266.

Third. Center leg of the inner loop—I–95—terminating at New York Avenue.

Fourth. East leg of the inner loop—I–295—terminating at Bladensburg Road.

In addition, section 23(c) of the 1968

act directed the government of the District of Columbia and the Secretary of Transportation to study the three projects included in the 1968 plan but not specifically dealt with in section 23(b), listed above, and to report to the Congress within 18 months their recommendations with respect to such projects, including any recommended alternative routes or plans. These projects were the south leg and the north leg of the inner loop, and the North Central Freeway.

By midsummer of 1969, it was the conviction of the House Committee on Public Works and of the House Subcommittee on District of Columbia Appropriations that the District of Columbia government was foot-dragging and not complying with section 23(b) of the 1968 Federal-Aid Highway Act, particularly with respect to the order to begin work on the Three Sisters Bridge. Accordingly, the chairman of the District of Columbia Appropriations Subcommittee, feeling strongly that both the Interstate System in the District of Columbia and the Rapid Rail Transit System for the entire metropolitan area are equally essential and must be built, took the action of withholding some $43 million of authorized District of Columbia subway construction funds, pending assurance that the District would comply with the 1968 Highway Act. On August 11, 1969, I introduced an amendment on the floor of the House to a District of Columbia revenue bill then pending, to the effect that no part of the Federal payment to the District could be appropriated until the President reported to the Congress that the District of Columbia government had begun work on the four interstate projects named in section 23(b) of the 1968 act, and had committed itself to the completion of these projects.

This proved to be the solution to that impasse, as the President wrote the next day to the chairman of the District of Columbia Appropriations Subcommittee, stating that the District of Columbia City Council had taken the appropriate action and was then firmly committed to the completion of the four projects. This was supplemented by assurances from the Director of the District of Columbia Highway Department and the Director of the U.S. Bureau of the Budget, and the subway construction funds were released.

This was the end of that impasse, although two of the four interstate projects specified in section 23(b) are presently being held up by reason of court injunctions.

In February of 1970, however, the District of Columbia government and the Secretary of Transportation filed with the Congress the reports which section 23(c) required of them, with respect to the south leg and the north leg of the inner loop, and the North Central Freeway. Unfortunately, the two reports agreed in their findings and recommendations only with respect to one of these three projects, the south leg of the inner loop. The greatest divergence between the two reports occurred with respect to the most highly controversial of the projects; namely, the North Central Freeway.

With respect to this North Central Freeway, the Secretary of Transportation recommended consideration of a route generally in conformance with that prescribe in the 1968 cost estimate, but adapted to minimize the problem of displacement of persons. However, the District of Columbia government—or more specifically the District of Columbia City Council—in complete defiance of the fact that the transportation planning board of the Metropolitan Area Council of Governments is the officially designated planning coordinator for the Interstate System in the metropolitan area and must approve any plans whatever for these freeway routes, submitted as their recommendation a plan which the transportation planning board had rejected a year previously. Thus, the two reports were in disagreement with each other, and that of the District government with respect to the North Central Freeway was utterly unacceptable.

The truth of the matter is that the District does not want to build this North Central Freeway at all, and has no intention of doing so as long as they can find an avenue of evasion.

As a result of this situation, the Public Works Committee and the District of Columbia Appropriations Subcommittee again take the position that the District of Columbia Government is not acting in compliance with the Federal-Aid Highway Act of 1968, this time in reference specifically to section 23(c) thereof. And once again, the chairman of the Appropriations Subcommittee has found it necessary to withhold $34.2 million of authorized District of Columbia subway construction funds until this stalemate with reference to the Interstate System is resolved.

I feel strongly that this impasse is intolerable and must be settled at once. Not only do I resent the fact that the District's section of the nationwide Interstate Highway System is being delayed, in what I regard as a deliberate ignoring of the Federal interest in the Nation's Capital—but even more important, in my opinion, is this delay in the construction of the badly needed rapid transit facility for the metropolitan area. Not only is there a desperate need for this facility just as soon as it can be completed, but also the construction costs of this project are rising daily, and thus every day of delay makes the cost to the taxpayer more formidable.

For this reason, I feel that we in the Congress must take some step such as that provided in title VIII of this bill—the same step which proved instantly effective in August of 1969—and not only get this Interstate System construction off dead center, but also assure the release of this $34.2 million of District of Columbia subway construction funds, which is crucial because a much larger amount in Federal contribution toward this construction, which has been approved, cannot be appropriated until this District of Columbia share has first been appropriated, unless in the alternative we can be assured that some other means of ending this impasse is imminent. At this time, I have been given reason to believe that such a solution is in sight, and for that reason I am agreeable to striking this title from this proposed legislation at this time.

I feel it important to emphasize the fact that I have never had any wish to deny any funds which have been approved, or will be approved in the future, for the District of Columbia government; nor do I believe for one moment that this proposed title VIII would have had that effect. Identical legislation in August of 1969 did not have such a result, and yet it did serve to break the impasse existing at that time, in very short order. I am convinced that title VIII of House Resolution 19885, as reported by our committee, would have had precisely this same effect; but under existing circumstances, I am amenable to deleting this provision as apparently being unnecessary.

Mr. Chairman, in this District of Columbia revenue bill, title III deals with support for the medical school at George Washington University and the medical and dental schools at Georgetown University. These schools perform a service to many of our States, but they perform a particular service to the State of Virginia which I must mention.

The two schools of medicine in Virginia, one at the University of Virginia in Charlottesville and the other the Medical College of Virginia in Richmond, have an enrollment of about 800 medical students. These same two schools provide to the State of Virginia many of its physicians. However, the schools at George Washington and Georgetown have 135 students from Virginia. George Washington and Georgetown have 662 practicing physicians in Virginia.

The costs at the medical schools in Virginia per student are very similar to the costs of the medical students at George Washington and Georgetown. However, the State of Virginia provides State funds far in excess of the funds provided in this bill in lieu of State funds for the schools in the District of Columbia.

It is common knowledge that the expenses of medical and dental education is the highest in the country. The costs of such education at the schools here in the District are approximately $20,000 per student. These costs are similar to the costs per student at the Virginia schools. The funds in this bill are absolutely essential to allow these schools to continue in existence.

To allow these schools to fail through the lack of these funds would be a disaster to the State of Virginia and the 53 States and territories listed.

Of the 21 States with private medical schools, five States are without legislation for support of private medical schools; one of these five is the District of Columbia, if we consider it as a State body. For my colleagues' information the following States give comparable financial support to the private medical and dental schools as is contemplated in this legislation: Florida, Illinois, Kentucky, North Carolina, New York, Ohio, Pennsylvania, Texas, and Wisconsin.

For this reason, this legislation should be considered as if the Federal Government were acting as a State government.

As a concerned member of the Dis-

trict of Columbia Committee for the health and welfare of the citizens of the metropolitan area and especially those citizens who are patients at District of Columbia General Hospital whose medical care depends to such a great extent on the physicians from these two medical schools, I support this bill. Without it a medical disaster would occur at the 29 metropolitan area hospitals. I urge passage of this legislation.

Mr. Chairman, this omnibus bill represents countless hours of diligent work on the part of myself and my colleagues on this committee. I urge the support of this body for the enactment of this proposed legislation, as amended, in its entirety.

Mr. FLOOD. Mr. Chairman, I introduced an identical bill to that of Chairman MCMILLAN for the support of the medical and dental schools in the District of Columbia.

I share with Congressman MCMILLAN a deep concern that the school of medicine at George Washington University and the schools of medicine and dentistry at Georgetown University receive funds to enable these schools to stay in existence.

As the Members of the House know, I have worked to see that all our medical schools benefit from the national Federal programs. These schools in the District of Columbia are at a distinct disadvantage in terms of obtaining support.

If these fine schools were in my own State of Pennsylvania, they would receive the equivalent of the funds provided in this bill. I am pleased to note that there are 75 students from the State of Pennsylvania attending these schools and that there are 666 physicians from these schools presently practicing in Pennsylvania.

I believe it to be eminently fair that the Federal Government, in place of a State government, provide funds to keep these schools in existence as a benefit to the citizens of Pennsylvania and the Nation.

I vigorously support this legislation.

Mr. FUQUA. 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:

H. R. 19885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1970".

TITLE I—REVENUE

SEC. 101. Section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971" and (2) by striking out "$105,000,000" and inserting in lieu thereof "$120,000,000".

SEC. 102. The District of Columbia may not submit to the Office of Management and Budget any request for regular, supplemental, or deficiency appropriations for the District of Columbia for any fiscal year which shall cause the total amount of funds requested in the appropriation requests submitted to such Office for the District of Columbia for such fiscal year to exceed the total amount of funds, available for appropriation to the District of Columbia for such fiscal year, which are estimated by the Commissioner of the District of Columbia to be received by the District of Columbia during such fiscal year under laws in effect at the time such request is submitted to such Office. Any request (or portion thereof) for appropriations for the District of Columbia for any fiscal year which represents the difference between the amount appropriated to the District of Columbia for such fiscal year pursuant to a prior appropriation request shall not be included in determining for purposes of this section the total amount of funds requested by the District of Columbia in appropriation requests submitted to such Office for such fiscal year.

SEC. 103. Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) by striking out "in a fiscal year ending in 1968, 1969, or 1970" in subparagraph (A) and inserting in lieu thereof "in any fiscal year ending before July 1, 1973"; and

(2) by striking out "1970" each place it appears in subparagraph (B) and inserting in lieu thereof in each such place "1973".

SEC. 104. (a) No single unit motor vehicle having three or more axles and designed to unload itself shall be operated in the District of Columbia at a gross weight in excess of the weight permitted under normal operations under District of Columbia regulations unless such vehicle displays a valid special hauling permit obtained in accordance with the provisions of this section.

(b) The Commissioner of the District of Columbia or his designated agent shall, upon approval of an application from the owner of such a motor vehicle and payment of the permit fee prescribed by subsection (c) of this section, issue to the owner a special hauling permit for such motor vehicle.

(c) There shall be levied, collected, and paid for each permit year for each motor vehicle required to have a special hauling permit the following fees:

(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

(2) If such motor vehicle is in operation on or before July 1, 1970, and operated at a gross weight—

(A) in excess of the weight permitted under normal operations under District of Columbia regulations but less than 50,000 pounds, a fee of $380;

(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

(C) of 55,000 pounds of more but less than 60,000 pounds, a fee of $580; or

(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680.

(d)(1) A permit year shall begin on July 1 and end on June 30. Every permit issued under this section shall expire at midnight on June 30 of the permit year, unless the Commissioner of the District of Columbia grants an extension. During the month of June, it shall be lawful to operate a motor vehicle displaying a permit issued under this section for the following permit year.

(2) When an application for a permit is received on or after January 1 of a permit year, the fee for a permit for such permit year shall be one-half of the amount otherwise provided.

(e) Proceeds from fees payable under this section shall be deposited in the highway fund created by the first section of the Act of April 23, 1924 (D.C. Code, sec. 47–1901).

(f) The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by subsection (c) of this section, taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of motor vehicles for which special permits are required by this section.

(g) The section shall take effect ninety days after the date of enactment of this Act.

TITLE II—MISCELLANEOUS TAX MATTERS

SEC. 201. (a)(1) The second proviso in section 114 (a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;".

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201 (a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221 (d) (3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects

Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purpose; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1970.

SEC. 204. (a) Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b) is amended by adding the following after the first sentence: "In the case of any taxable year beginning after December 31, 1968, the allowance for depreciation authorized by the preceding sentence shall be determined by the taxpayer in accordance with the same methods used by him in determining his taxable income for purposes of the Internal Revenue Code of 1954. Any adjustments necessary to avoid duplications or omissions in conforming such depreciation methods shall be made in accordance with the provision of the Internal Revenue Code of 1954."

(b) Sections 1 and 6 of title XI of such Act (D.C. Code, sec. 47–1583, 47–1583e) are each amended by striking out "the same as that provided" and inserting in lieu thereof "determined in accordance with the provisions".

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to assist private noprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303 (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") to carry out the purposes of this title. A grant under this section in any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates (not earlier than in the fiscal year for which the grant is sought) by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such additional information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner as the Secretary may from time to time require to assure proper disbursement of and accounting for Federal funds paid to the Commissioner under section 303.

SEC. 305. For the purposes of section 303, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. (a) From funds received under section 303, the Commissioner is authorized to make grants to private nonprofit schools of medicine or dentistry in the District of Columbia. A grant under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school and a grant to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

(b) The total amount of grants made by the Commissioner under this section for the fiscal year ending June 30, 1971, may not exceed $6,200,000.

SEC. 308. The Commissioner may from time to time set dates (not earlier than in the fiscal year for which the grant is sought) by which applications for grants by the Commissioner under section 307 for any fiscal year must be filed. A grant under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title;

(2) contains such additional information as the Commissioner may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the applicant as the Commissioner may from time to time require to assure proper disbursement of and accounting for Federal funds paid to the applicant under section 307.

SEC. 309. For the purposes of section 307, regulations of the Commissioner shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 310. Grants under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 311. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code sec. 31–1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a) (1) of such Act (D.C. Code, sec. 31–1609(a) (1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31–1610) is redesignated as section 111 and the following new section is inserted immediately after section 109:

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute."

(d) The amendments made by this section shall take effect on July 1, 1971, and shall be applicable to any earnings, on or after that date, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of the District of Columbia Public Education Act.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201 (a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law, and shall not plead any statutes against usury in any action.

TITLE V. TRANSFER OF LORTON

SEC. 501. (a) The facilities operated by the District of Columbia Department of Corrections in the State of Virginia commonly known as the Lorton Reservation and consisting of the Correctional Complex, the Minimum Security Facility, the Youth Corrections Center, and related facilities, all functions, powers, duties, and records of the Commissioner of the District of Columbia and the District of Columbia Council with respect thereto, and the care, custody, discipline, instruction, and rehabilitation of persons committed to or residing therein are transferred to the Attorney General of the United States.

(b) (1) The positions and personnel of the District of Columbia Department of Corrections (other than medical positions and personnel) who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Attorney General. All personnel transferred by this subsection shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(2) The medical positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Secretary of Health, Education, and Welfare, together with such records as the Director of the Office of Management and Budget determines relate to their functions. Such medical personnel shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(c) So much of the property, unexpended balances of appropriations, allocations, and other funds of the District of Columbia Department of Corrections as the Director of the Office of Management and Budget determines are used, held, available, or to be made available in connection with the functions transferred by this section are hereby transferred to the Attorney General or the Secretary of Health, Education, and Welfare, as appropriate.

(d) No contract for service or supplies made pursuant to authority granted by law by the District of Columbia Department of Corrections with request to the Lorton Reservation shall be invalidated by the enactment of this title.

SEC. 502. (a) All rules and regulations promulgated by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall continue in force and effect until amended or repealed by the Attorney General.

(b) A person who is an inmate of the Lorton Reservation on the day prior to the effective date of this title, shall be subject to the provisions of law and the regulations governing good time allowances which were in effect with respect to him on the day prior to the effective date of this title.

(c) A person who, on the day prior to the effective date of this title, has work release privileges pursuant to the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, secs. 24–461 to 24–470), shall remain subject to the provisions of that Act until his release from custody.

SEC. 503. (a) On the effective date of this title, there shall be transferred to the Federal Prison Industries Fund such portion of the District of Columbia correctional industries fund as the Director of the Office of Management and Budget determines is reasonably attributable to the occupational programs of the Lorton Reservation.

(b) On the effective date of this title, funds previously paid into the work release trust fund by persons who are inmates of the Lorton Reservation on that date and who have been granted work release privileges prior to that date, shall be transferred to the custody of the Attorney General. Collections made after the effective date of this Act with respect to persons who have work release privileges on the effective date of this title shall be made by the Attorney General and disbursed in accordance with the individual work release plan developed under section 7 of the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, sec. 24–466).

(c) All other funds belonging to or held for the benefit of employees of the Lorton Reservation or inmates therein shall be transferred to the custody of the Attorney General.

SEC. 504. (a) Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code, sec. 24–405), is amended—

(1) by striking out "the jail or in the workhouse of the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections", and

(2) by striking out "superintendent of the Washintgon Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse," and inserting in lieu thereof "superintendent of the particular facility in which they are confined".

(b) The Act entitled "An Act to require that all inmates of the workhouse and reformatory for the District of Columbia shall be returned to and released in said District," approved June 10, 1910 (D.C. Code, sec. 24 406), is amended by striking out "the workhouse and reformatory for the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(e) (1) The last paragraph of so much of the first section of the Act of June 5, 1920, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "the workhouse and the reformatory" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(2) The third paragraph of so much of the first section of the Act of February 28, 1923, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections".

(d) The Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, is amended as follows:

(1) Section 6 of such Act (D.C. Code, sec. 3–106) is amended by striking out "(b) the reformatory at Lorton in the State of Virginia;".

(2) Section 7 of such Act (D.C. Code, sec. 24–411) is amended by striking out "the reformatory at Lorton in the State of Virginia,".

(e) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia," approved June 27, 1946 (D.C. Code, sec. 24–442), is amended by striking out "the Reformatory at Lorton in the State of Virginia".

(f) Section 304 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 4–134c), is amended

(1) by amending subsection (a) to read as follows:

"(a) Whenever the United States Board of Parole has authorized the release of a prisoner convicted in the District of Columbia, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible.", and

(2) by adding after subsection (b) a new subsection as follows:

"(c) Except in cases covered by subsection (a) of this section, the Attorney General shall give notice to the Chief of Police as far in advance as possible, whenever a prisoner who has been convicted in the District of Columbia and is under sentence of six months or more is to be released from an institution under the management and regulation of the Attorney General."

(g) The Act of June 1, 1957 (D.C. Code, sec. 24–418a) is amended—

(1) by striking out "District of Columbia Reformatory located at Lorton, Virginia, at fair market prices determined by the Commissioners of the District of Columbia," and inserting in lieu thereof "facilities under the management and regulations of the Attorney General at Lorton, Virginia, at fair market prices determined by the Attorney General,", and

(2) by striking out the last sentence thereof.

(h) The first, second, and third provisos of so much of the first section of the Act of March 2, 1911, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "WORKHOUSE" (D.C. Code, sec. 24–403), are repealed.

(i) So much of the first section of the Act of September 1, 1916, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–402), is repealed.

(j) So much of the first section of the Act of March 3, 1915, as appears under the heading "JUDICIAL" and the subheading "UNITED STATES COURTS" and relates to reimbursement of District of Columbia convicts (D.C. Code, sec. 24–424), is amended to read as follows:

"The cost of the care and custody of persons convicted of violations of laws applicable exclusively to the District of Columbia and committed to Federal penal or correctional institutions shall be charged against the District of Columbia in quarterly accounts to be rendered by the Attorney General of the United States. The amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of such persons in the particular institution during the quarter by the per capita cost for all prisoners in the same institution for the same quarter, but excluding expenses of construction or extraordinary repair of buildings."

SEC. 505. Prosecution for violations of laws applicable exclusively to the District of Columbia which relate to violations of law in or affecting penal or correctional institutions of the District of Columbia (including the Lorton Reservation) committed prior to the effective date of this title shall not be affected by this title or abated by reason thereof and the penalties applicable to such violations shall apply to any person convicted of such a violation occurring before the effective date of this title.

SEC. 506. (a) All functions, powers, and duties exercised by the District of Columbia Board of Parole on the day prior to the effective date of this title are hereby transferred to the United States Board of Parole.

(b) There are hereby transferred to the United States Board of Parole all of the property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available, of the District of Columbia Board of Parole.

(c) The positions, members, and personnel of the District of Columbia Board of Parole are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. The former members of the District of Columbia Board of Parole and all other personnel transferred by this subsection may be assigned to such duties as the Attorney General

deems appropriate, but without diminution of compensation or employment rights previously acquired.

(d) (1) The positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with the counseling or supervision of persons paroled or mandatorily released from the Lorton Reservation or the Women's Detention Center of the District of Columbia are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. Personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(2) Nothing in this subsection shall affect the employment by the District of Columbia Department of Corrections of personnel assigned to or employed in connection with halfway houses or similar community based facilities of the Department of Corrections.

SEC. 507. (a) Persons convicted and sentenced in the District of Columbia prior to the effective date of this title shall be considered for parole and paroled in accordance with the applicable laws in effect in the District of Columbia on the day sentence was imposed upon them.

(b) Persons on parole in the District of Columbia on the day prior to the effective date of this title shall remain subject to all of the terms and conditions imposed upon them prior to the effective date of this title and their parole shall be subject to termination or modification in accordance with the law in effect in the District of Columbia on the day prior to the effective date of this title.

(c) Nothing in this title shall affect the validity of warrants issued by the District of Columbia Board of Parole or any member thereof prior to the effective date of this title.

SEC. 508. The District of Columbia Department of Corrections and all other agencies and officials of the District shall cooperate with the United States Board of Parole and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties.

SEC. 509. (a) The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, is amended as follows:

(1) Section 5 of such Act (D.C. Code, sec. 24–205) is amended to read as follows:

"SEC. 5. Any officer of a facility of the District of Columbia Department of Corrections or any officer of the Metropolitan Police Department to whom a warrant of the United States Board of Parole for the retaking of a parole violator is delivered, shall execute the warrant by taking such prisoner and returning him to the custody of the Attorney General."

(2) Sections 4, 6, 7, 9, and 10 of such Act (D.C. Code, sections 24–204, 24–206 to 24–209) are repealed.

(b) The Act entitled "An Act to reorganize the system of parole of prisoners convicted in the District of Columbia", approved July 17, 1947 (D.C. Code, sections 24–210a to 24–201c), is repealed.

(c) Title 18, United States Code, is amended as follows:

(1) Section 4202 of such title is amended by inserting "or District of Columbia" immediately after "A Federal".

(2) Section 4205 of such title is amended by inserting "or District of Columbia" immediately after "any United States".

(3) Section 5025 of such title is amended—

(A) by amending subsection (b) to read as follows:

"(b) The Director of the Bureau of Prisons may contract with the District of Columbia for the treatment, rehabilitation, or supervision of youth offenders committed to the custody of the Attorney General by courts in the District of Columbia. With respect to youth offenders convicted in the District of Columbia of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners.'"; and

(B) by repealing subsection (c).

(4) Section 5026 of such title is amended by striking out ", or of the Board of Parole of the District of Columbia,", and "respectively,".

SEC. 510. Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in this title shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 511. This title and the amendments made by this title shall be effective the first day of the sixth month following the date of enactment of this Act.

TITLE VI—MISCELLANEOUS

SEC. 601. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5–807), is amended by striking out "but not to exceed in the aggregate $150,000".

SEC. 602. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act."

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 603. (a) Section 6 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (1) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (2) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act".

(3) The first sentence of subsection (c) of such section is amended by inserting before the period at the end thereof the following: "and shall not exceed by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of such recommendation".

(4) Clause (3) of the second sentence of subsection (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington Metropolitan region (as defined in section 6 of the Washington Metropolitan Region Development Act)".

(b) The first sentence of section 7(a) of such Act (D.C. Code, sec. 36–407) is amended by inserting immediately before the period at the end thereof the following: "except that no proposed revised wage order may be prepared which requires (1) a minimum wage rate in excess of the minimum wage rate recommended in such report or (2) if the proposed revised wage order is prepared without the recommendations of an ad hoc advisory committee, a minimum wage rate which exceeds by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of the issuance of the proposed revised wage order".

(c) The amendments made by this section to the District of Columbia Minimum Wage Act shall not apply to the revision of any wage order in effect under that Act on the date of enactment of this section if such wage order requires the payment, on and after such date, of a minimum wage rate in excess of the ceiling prescribed by the amendments made to section 6(e) and 7(a) of such Act. In the case of any wage order in effect under such Act on such date which requires the payment, after such date, of a minimum wage rate in excess of such ceiling, the Commissioner of the District of Columbia shall, without regard to the procedures prescribed by such Act, revise the minimum wage rates under such wage order to conform to such ceiling.

SEC. 604. (a) The Secretary of the Interior, in consultation with the Chief of Engineers of the Corps of Engineers of the United States Army and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Secretary of the Interior shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 605. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of ten years for each such lease agreement, on such terms and conditions, including, without limitation, lease purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act approved June 30, 1932 (40 U.S.C. 278a); except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of this Act except when renewals thereof are made after such date.

(c) (1) Section 6 of the District of Colum-

bia Appropriation Act, 1945 (58 Stat. 509, 532; D.C. Code, sec. 1–243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (72 Stat. 498, 511; D.C. Code, sec. 1–243a) is repealed.

TITLE VII—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

SEC. 701. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (43 Stat. 1004–1008; D.C. Code, secs. 33–301—33–319), is amended to read as follows:

"SECTION 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"SEC. 2. As used in this Act—

"(1) The term 'person' includes, in addition to individuals, firms, associations, partnerships, and corporations.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"SEC. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen desert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"SEC. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare; or (2) the shipment into the District of milk or cream for manufacture into frozen desserts, and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"SEC. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"SEC. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1971.

TITLE VIII—INTERSTATE ROUTES AND THE FEDERAL PAYMENT

SEC. 801. No funds are authorized to be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a—47–2501b) unless the Commissioner of the District of Columbia has certified to Congress immediately prior to each request to Congress for an appropriation of funds under such article that the District of Columbia government has begun work on each of the highway projects on the Interstate System within the District of Columbia in accordance with the requirements of section 23 of the Federal-Aid Highway Act of 1968 and any Act of Congress enacted after that Act and has committed itself to construct and complete those projects, or, in the case of any such highway project on which the District of Columbia government has not begun work or with respect to which it has not made or carried out such commitment, the failure to begin such work or make or carry out such commitment is solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

TITLE IX—GENERAL PROVISIONS

SEC. 901. If any provision of this Act, or the application thereof any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 902. Except as provided in title V, nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commission of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 903. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the bill 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 Florida?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

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

TITLE I—REVENUE

SEC. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971", and (2) by striking out "$105,000,000" and inserting in lieu thereof "$120,000,000".

SEC. 102. The Office of Management and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures.

SEC. 103. (a) Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971 or 1972" and by striking out "6 per centum" and inserting in lieu thereof "8 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1972" and by striking out "6 per centum" and inserting in lieu thereof "8 per centum".

(b) Section 214 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43–1613) is amended by striking out "$32,000,000" and inserting in lieu thereof $72,000,000".

(c) Section 402(a) of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 7–133(a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$110,000,000".

(d) Section 2(a) of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (D.C. Code, sec. 43–1540(a)) is amended by striking out "$35,000,000" and inserting in lieu thereof "$51,000,000".

SEC. 104. (a) No single unit motor vehicle having three or more axles and designed to unload itself shall be operated in the District of Columbia at a gross weight in excess of

the weight permitted under normal operations under District of Columbia regulations unless such vehicle displays a valid special hauling permit obtained in accordance with the provisions of this section.

(b) The Commissioner of the District of Columbia or his designated agent shall, upon approval of an application from the owner of such a motor vehicle and payment of the permit fee prescribed by subsection (c) of this section, issue to the owner a special hauling permit for such motor vehicle.

(c) There shall be levied, collected, and paid for each permit year for each motor vehicle required to have a special hauling permit the following fees:

(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

(2) If such motor vehicle is in operation on or before July 1, 1970, and operated at a gross weight—

(A) in excess of the weight permitted under normal operations under District of Columbia regulations but less than 50,000 pounds, a fee of $380;

(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of $580; or

(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680; or

(d)(1) A permit year shall begin on July 1 and end on June 30. Every permit issued under this section shall expire at midnight on June 30 of the permit year, unless the Commissioner of the District of Columbia grants an extension. During the month of June, it shall be lawful to operate a motor vehicle displaying a permit issued under this section for the following permit year.

(2) When an application for a permit is received on or after January 1 of a permit year, the fee for a permit for such permit year shall be one-half of the amount otherwise provided.

(e) Proceeds from fees payable under this section shall be deposited in the highway fund created by the first section of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (D.C. Code, sec. 47–1901).

(f) The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by subsection (c) of this section, taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of motor vehicles for which special permits are required by this section.

(g) This section shall take effect ninety days after the date of enactment of the District of Columbia Revenue Act of 1970.

TITLE II—MISCELLANEOUS TAX MATTERS

SEC. 201. (a)(1) The second proviso in section 114(a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;".

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201(a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221(d)(3), (h), or (l) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York, shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purposes; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1969.

SEC. 204. Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b(a)(7)) is amended by adding at the end thereof the following new sentence: "In the case of property held by any taxpayer on the first day of his first taxable year beginning after December 31, 1968, which, on such first day, was properly described in this paragraph, any reduction in the basis of such property for purposes of computing the allowance under this paragraph which resulted from the enactment of the District of Columbia Revenue Act of 1969 shall be treated as an additional depreciation deduction which shall (subject to paragraph (14)) be allowable under this paragraph ratably over such period (beginning not earlier than the first taxable year of the taxpayer which begins after December 31, 1968), not to exceed 10 taxable years, as may be agreed upon by the taxpayer and the Commissioner."

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f–2) relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determina-

tions required of him under this title and such assurance as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

SEC. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

SEC. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purpose of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code, sec. 31–1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a)(1) of such Act (D.C. Code, sec. 31–1609(a)(1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31–1610) is redesignated as section 111 and the following new section is inserted immediately after section 109:

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute."

(d) The amendments made by this section shall take effect on July 1, 1971, and shall be applicable to any earnings, on or after that date, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of the District of Columbia Public Education Act.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law, and shall not plead any statutes against usury in any action.

TITLE V—TRANSFER OF LORTON

SEC. 501. (a) The facilities operated by the District of Columbia Department of Corrections in the State of Virginia commonly known as the Lorton Reservation and consisting of the Correctional Complex, the Minimum Security Facility, the Youth Corrections Center, and related facilities, all functions, powers, duties, and records of the Commissioner of the District of Columbia and the District of Columbia Council with respect thereto, and the care, custody, discipline, instruction, and rehabilitation of persons committed to or residing therein are transferred to the Attorney General of the United States.

(b)(1) The positions and personnel of the District of Columbia Department of Corrections (other than medical positions and personnel) who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Attorney General. All personnel transferred by this subsection shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(2) The medical positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Secretary of Health, Education, and Welfare, together with such records as the Director of the Office of Management and Budget determines relate to their functions. Such medical personnel shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(c) So much of the property, unexpended balances of appropriations, allocations, and other funds of the District of Columbia Department of Corrections as the Director of the Office of Management and Budget determines are used, held, available, or to be made available in connection with the functions transferred by this section are hereby transferred to the Attorney General or the Secretary of Health, Education, and Welfare, as appropriate.

(d) No contract for services or supplies made pursuant to authority granted by law by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall be invalidated by the enactment of this title.

SEC. 502. (a) All rules and regulations promulgated by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall continue in force and effect until amended or repealed by the Attorney General.

(b) A person who is an inmate of the Lorton Reservation on the day prior to the effective date of this title shall be subject to the provisions of law and the regulations governing good time allowances which were in effect with respect to him on the day prior to the effective date of this title.

(c) A person who, on the day prior to the effective date of this title, has work release privileges pursuant to the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, secs. 24–461 to 24–470), shall remain subject to the provisions of that Act until his release from custody.

SEC. 503. (a) On the effective date of this title, there shall be transferred to the Federal Prison Industries Fund such portion of the District of Columbia correctional industries fund as the Director of the Office of Management and Budget determines is reasonably attributable to the occupational programs of the Lorton Reservation.

(b) On the effective date of this title, funds previously paid into the work release trust fund by persons who are inmates of the Lorton Reservation on that date and who have been granted work release privileges prior to that date, shall be transferred to the custody of the Attorney General. Collections made after the effective date of this Act with respect to persons who have work release privileges on the effective date of this title shall be made by the Attorney General and disbursed in accordance with the individual work release plan developed under section 7 of the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, sec. 24–466).

(c) All other funds belonging to or held for the benefit of employees of the Lorton Reservation or inmates therein shall be transferred to the custody of the Attorney General.

SEC. 504. (a) Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code, sec. 24–405), is amended—

(1) by striking out "the jail or in the workhouse of the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections", and

(2) by striking out "superintendent of the Washington Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse," and inserting in lieu thereof "superintendent of the particular facility in which they are confined".

(b) The Act entitled "An Act to require that all inmates of the workhouse and reformatory for the District of Columbia shall be returned to and released in said District," approved June 10, 1910 (D.C. Code, sec. 24–406), is amended by striking out "the workhouse and reformatory for the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(c) (1) The last paragraph of so much of the first section of the Act of June 5, 1920, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "the workhouse and the reformatory" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(2) The third paragraph of so much of the first section of the Act of February 28, 1923, as appears under the heading "CHARITIES and CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections".

(d) The Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, is amended in section 6 (D.C. Code, sec. 3–106) by striking out "(b) the reformatory at Lorton in the State of Virginia;" and redesignating clauses (c) through (k) as clauses (b) through (j), respectively.

(e) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia," approved June 27, 1946 (D.C. Code, sec. 24–442), is amended by striking out "the Reformatory at Lorton in the State of Virginia,".

(f) Section 304 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 4–134c), is amended—

(1) by amending subsection (a) to read as follows:

"(a) Whenever the United States Board of Parole has authorized the release of a prisoner convicted in the District of Columbia, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible.", and

(2) by adding after subsection (b) a new subsection as follows:

"(c) Except in cases covered by subsection (a) of this section, the Attorney General shall give notice to the Chief of Police as far in advance as possible, whenever a prisoner who has been convicted in the District of Columbia and is under sentence of six months or more is to be released from an institution under the management and regulation of the Attorney General."

(g) The Act of June 1, 1957 (D.C. Code, sec. 24–418a) is amended—

(1) by striking out "District of Columbia Reformatory located at Lorton, Virginia, at fair market prices determined by the Commissioners of the District of Columbia," and inserting in lieu thereof "facilities under the management and regulations of the Attorney General at Lorton, Virginia, at fair market prices determined by the Attorney General,", and

(2) by striking out the last sentence thereof.

(h) The first, second, and third provisos of so much of the first section of the Act of March 2, 1911, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "WORKHOUSE" (D.C. Code, sec. 24–403), are repealed.

(i) So much of the first section of the Act of September 1, 1916, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–402), is repealed.

(j) So much of the first section of the Act of March 3, 1915, as appears under the heading "JUDICIAL" and the subheading "UNITED STATES COURTS" and relates to reimbursement of District of Columbia convicts (D.C. Code, sec. 24–424), is amended to read as follows:

"The cost of the care and custody of persons convicted of violations of laws applicable exclusively to the District of Columbia and committed to Federal penal or correctional institutions shall be charged against the District of Columbia in quarterly accounts to be rendered by the Attorney General of the United States. The amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of such persons in the particular institution during the quarter by the per capita cost for all prisoners in the same institution for the same quarter, but excluding expenses of construction or extraordinary repair of buildings."

SEC. 505. Prosecution for violations of laws applicable exclusively to the District of Columbia which relate to violations of law in or affecting penal or correctional institutions of the District of Columbia (including the Lorton Reservation) committed prior to the effective date of this title shall not be affected by this title or abated by reason thereof and the penalties applicable to such violations shall apply to any person convicted of such a violation occurring before the effective date of this title.

SEC. 506. (a) All functions, powers, and duties exercised by the District of Columbia Board of Parole on the day prior to the effective date of this title are hereby transferred to the United States Board of Parole.

(b) There are hereby transferred to the United States Board of Parole all of the property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available, of the District of Columbia Board of Parole.

(c) The positions, members, and personnel of the District of Columbia Board of Parole are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. The former members of the District of Columbia Board of Parole and all other personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(d) (1) The positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with the counseling or supervision of persons paroled or mandatorily released from the Lorton Reservation or the Women's Detention Center of the District of Columbia are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. Personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(2) Nothing in this subsection shall affect the employment by the District of Columbia Department of Corrections of personnel assigned to or employed in connection with halfway houses or similar community-based facilities of the Department of Corrections.

SEC. 507. (a) Persons convicted and sentenced in the District of Columbia prior to the effective date of this title shall be considered for parole and paroled in accordance with the applicable laws in effect in the District of Columbia on the day sentence was imposed upon them.

(b) Persons on parole in the District of Columbia on the day prior to the effective date of this title shall remain subject to all of the terms and conditions imposed upon them prior to the effective date of this title and their parole shall be subject to termination or modification in accordance with the law in effect in the District of Columbia on the day prior to the effective day of this title.

(c) Nothing in this title shall affect the validity of warrants issued by the District of Columbia Board of Parole or any member thereof prior to the effective date of this title.

SEC. 508. The District of Columbia Department of Corrections and all other agencies and officials of the District shall cooperate with the United States Board of Parole and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties.

SEC. 509. (a) The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, is amended as follows:

(1) Section 5 of such Act (D.C. Code, sec. 24–205) is amended to read as follows:

"SEC. 5. Any officer of a facility of the District of Columbia Department of Corrections or any officer of the Metropolitan Police Department to whom a warrant of the United States Board of Parole for the retaking of a parole violator is delivered, shall execute the warrant by taking such prisoner and returning him to the custody of the Attorney General."

(2) Sections 4, 6, 7, 9, and 10 of such Act (D.C. Code, sections 24–204, 24–206 to 24–209) are repealed.

(b) The Act entitled "An Act to reorganize the system of parole of prisoners convicted in the District of Columbia", approved July 17, 1947 (D.C. Code, sections 24–201a to 24–201c), is repealed.

(c) Title 18, United States Code, is amended as follows:

(1) Section 4202 of such title is amended by inserting "or District of Columbia" immediately after "A Federal".

(2) Section 4205 of such title is amended by inserting "or District of Columbia" immediately after "any United States".

(3) Section 5025 of such title is amended—

(A) by amending subsection (b) to read as follows:

"(b) The Director of the Bureau of Prisons may contract with the District of Columbia for the treatment, rehabilitation, or supervision of youth offenders committed to the custody of the Attorney General by courts in the District of Columbia. With respect to youth offenders convicted in the District of Columbia of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners.' "; and

(B) by repealing subsection (c).

(4) Section 5026 of such title is amended by striking out ", or of the Board of Parole of the District of Columbia,", and "respectively,".

SEC. 510. Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in this title shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 511. This title and the amendments made by this title shall be effective the first day of the sixth month following the date of enactment of this Act.

TITLE VI—MISCELLANEOUS

SEC. 601. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5–807), is amended by striking out ", but not to exceed in the aggregate $150,000".

SEC. 602. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act."

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 603. (a) Section 6 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (1) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (2) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act".

(3) The first sentence of subsection (e) of such section is amended by inserting before the period at the end thereof the following: "and shall not exceed by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of such recommendation".

(4) Clause (3) of the second sentence (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington Metropolitan region (as defined in section 6 of the Washington Metropolitan Region Development Act)".

(b) The first sentence of section 7(a) of such Act (D.C. Code, sec. 36–407) is amended by inserting immediately before the period at the end thereof the following: "except that no proposed revised wage order may be prepared which requires (1) a minimum wage rate in excess of the minimum wage rate recommended in such report or (2) if the proposed revised wage order is prepared without the recommendations of an ad hoc advisory committee, a minimum wage rate which exceeds by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of the issuance of the proposed revised wage order."

(c) The amendments made by this section to the District of Columbia Minimum Wage Act shall not apply to the revision of any wage order in effect under that Act on the date of enactment of this section if such wage order requires the payment, on and after such date, of a minimum wage rate in excess of the ceiling prescribed by the amendments made to sections 6(e) and 7(a) of such Act. In the case of any wage order in effect under such Act on such date which requires the payment, after such date, of a minimum wage rate in excess of such ceiling, the Commissioner of the District of Columbia shall, without regard to the procedures prescribed by such Act, revise the minimum wage rates under such wage order to conform to such ceiling.

SEC. 604. (a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the Corps of Engineers of the United States Army, and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Administrator of the Environmental Protection Agency shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 605. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of twenty years for each such lease agreement, on such terms and conditions, including, without limitation, lease-purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a), except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of the District of Columbia Revenue Act of 1970 except when renewals thereof are made after such date.

(c) (1) Section 6 of the District of Columbia Appropriation Act, 1945 (D.C. Code, sec. 1–243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (D.C. Code, sec. 1–243a) is repealed.

TITLE VII—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

SEC. 701. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (D.C. Code, secs. 33–301—33–319), is amended to read as follows:

"SECTION 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"SEC. 2. As used in this Act—

"(1) The term 'person' includes firms, associations, partnerships, and corporations in addition to individuals.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"SEC. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"SEC. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare, or (2) the shipment into the District of milk or cream for manufacture into frozen desserts and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"SEC. 7. The Commission is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"SEC. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1971.

TITLE VIII—INTERSTATE ROUTES AND THE FEDERAL PAYMENT

SEC. 801. No funds are authorized to be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a—47–2501b) unless the Commissioner of the District of Columbia has certified to Congress immediately prior to each request to Congress for an appropriation of funds under such article that the District of Columbia government has begun work on each of the highway projects on the Interstate System within the District of Columbia in accordance with the requirements of section 23 of the Federal-Aid Highway Act of 1968 and any Act of Congress enacted after that Act and has committed itself to construct and complete those projects, or, in the case of any such highway project on which the District of Columbia government has not begun work or with respect to which it has not made or carried out such commitment, the failure to begin such work or make or carry out such commitment is solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

TITLE IX—GENERAL PROVISIONS

SEC. 901. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 902. Except as provided in title V, nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 903. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment 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 Florida?

There was no objection.

AMENDMENT OFFERED BY MR. FUQUA TO THE COMMITTEE AMENDMENT

Mr. FUQUA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA to the committee amendment: Page 43, after line 10 insert the following:

"SEC. 105. Section 101 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43–1520c) is amended (1) by striking out the second sentence of subsection (a); (2) by striking out '(a)' in subsection (a); and (3) by striking out subsection (b)."

Mr. FUQUA. Mr. Chairman, the amendment which is now pending before the House is derived from a recommendation made to the Congress by the District of Columbia government. The amendment relates to revenues since, under its provisions, the District of Columbia government will be given discretionary authority to set rates for water service and for sewer service. Any increase above existing rates put into effect under the amendment would increase the funds available to the District of Columbia for the maintenance and operation of the water and sewer systems in the District of Columbia.

In transmitting the suggested amendments, the District of Columbia government represented that the present authority in the Council, to raise water rates and sewer service rates to the extent of 75 percent of any increase in the water rates, has been exhausted since the rates have reached the maximum set in law.

The pending amendment repeals present authority to the District government to increase the water and sewer service rates by the Council and writes new provisions permitting the increase of such rates by not in excess of 25 percent of the rate effective at as of any date prior to an increase.

The amendment does not change the authority of the Council to increase the sewer service rates to a level not in excess of 75 percent of the service charge rate for water. Thus the long-standing ratio between the rates for water service and for sewer service remains the same.

As represented to the committee by the District of Columbia government, such amendments are highly desirable in view of the increased costs of service and maintenance on the existing systems coupled with new construction which will be scheduled in years immediately ahead.

Under existing District water service rates, the minimum charge is $8.55 for 6 months for 3,600 cubic feet of water. Water use above that quantity is charged at the rate of 15 cents per hundred. The authority to adjust service rates is now a legislative function now under the jurisdiction of the District of Columbia Council under the terms of the Reorganization Act. It is understood, and the intent was so expressed by the District of Columbia government, that no increase in service rates for water or sewer will be made unless essential to a balancing of revenues with the operating and maintenance service costs.

District of Columbia revenues from water and sewer service charges were approximately $14.4 million for the past fiscal year. If the present rates were increased by 15 percent under the terms of the amendment, the increase would yield about $2.25 million for a total of $16.650 million.

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

Mr. Chairman, I thought that someone on the committee in favor of this bill would surely find it necessary to answer the very serious charges made by the distinguished gentleman from Mississippi (Mr. ABERNETHY) in his criticism of this bill, but evidently it is taken for granted that the House, as usual, will be a complete pushover for what is here proposed.

Yes, I am surprised that no one made the slightest attempt to answer the gentleman from Mississippi.

I wonder if the best solution to this problem would not be to turn the District of Columbia back to the State of Maryland, let them have it, lock, stock, and barrel? I do not know whether Maryland would want it but I think it ought to be offered. I understand that the State of Virginia recaptured the land that once formed a part of the District of Columbia. Evidently the Virginians did not want the liabilities.

I am intrigued by the fact that nowhere in the report—and it is a voluminous report since it deals with a Christmas Tree piece of legislation—is there anything from the Bureau of the Budget, or any other Agency or Department of the Government. Why are there no reports concerning the expenditures proposed in this bill? Is the administration opposed or does it support these handouts of many millions of dollars to the District of Columbia and certain private institutions in the District?

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

Mr. GROSS. I am delighted to yield to my friend, the gentleman from Mississippi.

Mr. ABERNETHY. The executive office of the President sent a report to the committee opposing title III of the bill. That was when title III was in the former bill, and that is the provision that makes the grants to the various private universities in the area. A statement was also presented by Mr. Robert Kneipp, the Assistant Corporation Counsel for the District of Columbia, opposed to the bill. The mayor sent a statement under date of September 8 opposed to the bill.

Mr. GROSS. But none of that is contained in the report, is it?

Mr. ABERNETHY. I do not know.

Mr. FUQUA. Mr. Chairman, will the gentleman yield at this point?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. FUQUA. I think the letters that the gentleman from Mississippi is referring to were sent prior to the time this was incorporated into the bill, and substantially changed from the way it was originally introduced.

Mr. ABERNETHY. But the fact remains, and it has not been represented here, Mr. Chairman, that the administration has not given its endorsement to this bill, and neither has the District of Columbia government, they both stand opposed to it.

Mr. GROSS. The only thing I can find is a letter from the District of Columbia government.

Mr. ABERNETHY. These letters were not represented in the committee report.

Mr. GROSS. And the District government is a party at interest in this legislation. They want every dime they can get out of the taxpayers of the rest of the country.

The gentleman from Virginia (Mr. BROYHILL) says:

We all ought to be concerned, and deeply concerned, about the needs of the District of Columbia.

Well, what about the taxpayers of the rest of the country? They are coughing up millions and millions of dollars every year for the purpose of support of the District of Columbia. The Representatives in this House from the various States ought to have some concern for their taxpayers, as the gentleman from Mississippi so well said.

Now, with respect to the subsidizing of the private universities in the District of Columbia. How much money have these schools gotten heretofore, as a matter of grants, and other subsidies of one kind and another? How much? Is there anyone on the committee able to tell us? Could it be somewhere in the neighborhood of $27 million to Georgetown University? Could it be somewhere in the neighborhood of $12 million or $14 million to George Washington University?

No one supporting this bill seems to have any appetite for providing facts, especially with respect to spending and who gets the money.

As the gentleman from Mississippi so well said awhile ago, you are in this legislation if you vote for it, doing for the District of Columbia that which is not being done for the institutions in your own States. This is another sad commentary on the legislative process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA), to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA to the committee amendment: Page 54, strike out line 1 and all that follows down through and including line 25 on page 65; and on page 74 strike out line 21 and all that follows down through and including line 17 on page 75.

Page 75, line 24, strike out "Except as provided in title V, nothing" and insert in lieu thereof "Nothing".

Redesignate titles VI, VII, and IX as titles V, VI, and VII respectively; redesignate sections 601, 602, 603, 604, and 605 as sections 501, 502, 503, 504, and 505, respectively; redesignate section 701 as section 601; and redesignate sections 901, 902, and 903 as sections 701, 702, and 703, respectively.

Mr. FUQUA. Mr. Chairman, this is the amendment that deals with title V, relating to the transfer of Lorton Reformatory and also to title VIII, relating to the restriction on funds until certain highways are completed.

We have discussed these amendments previously, and I urge the adoption of the amendments.

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

The Lorton correctional institutions, misnamed a reformatory, is in my district.

If this House is in favor of continuing permission, it should vote in favor of the amendment. If we believe in law and order and if we believe in the rehabilitation of prisoners, we should defeat the amendment and have the entire prison complex at Lorton transferred to the U.S. Bureau of Prisons.

You know, there is a group of hardcore radicals at Lorton who work together and protest when the correctional officers attempt to enforce the regulations at Lorton. They seem to be able to obtain the ear of some of the most liberal groups here in the District of Columbia, who intercede for them with the Commissioner's Office. In this manner, they are able, to a large extent, to run the Lorton penal institutions. Correctional officers are critized for attempting to maintain discipline.

I object to this amendment. In my opinion, it is against the interests of the inmates at Lorton. It is against the interests of the good people here in the District of Columbia. Certainly it is against the interests of the people of northern Virginia.

Many constituents have contacted me either in person or in writing and have asked that something be done about Lorton. The inmates have rioted, burned, and looted at Lorton. A House subcommittee that looked into the trouble recommended that these penal institutions be transferred to the Department of Justice.

I believe it should be done, and I believe the original bill, as proposed by the subcommittee, is a good bill. I believe it should be enacted without this amendment. Therefore, I urge the defeat of the amendment.

Mr. NELSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the amendment offered by the gentleman from Florida (Mr. FUQUA). It is my feeling that we have been up the hill and down the hill on the Lorton issue.

I point out that we now have enacted the crime bill. We have reorganized the local judicial system with the hope that we can move in the direction of a better system here in the District. To fragment the penal institutions of the District would seemingly be a mistake in view of the fact that this total reorganization package is in the making. Whether it works or whether it does not work time will tell. Let us give it time to work before the fragmentation begins.

May I go further relative to the freeze on the Federal payment that was included in the bill as reported from committee. I thought that this was a mistake. I think it has been resolved in a proper manner. Nonetheless, it has had its effect because it has prodded people to accept the idea that they must get together and proceed with a balanced transportation system. I hope the amendment will prevail.

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

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. I appreciate the gentleman yielding. What has changed since the House passed the measure transferring the Lorton correctional institution?

Mr. NELSEN. I referred to the highway thing when I said it has had its effect. I say relative to the crime bill that we should give court reorganization time to begin to operate before fragmenting it. We just passed the crime bill only a few months ago, and I do hope that this amendment dropping title V will prevail.

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

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, it is my understanding that this bill is substantially, so far as the Lorton correctional institution is concerned, the same measure this House passed overwhelmingly, and which was deleted in conference with the other body. Is that correct?

Mr. NELSEN. That is correct.

Mr. SCOTT. My question is this: What has changed since the House did overwhelmingly pass this portion of the bill with regard to the Lorton correctional institution that would cause the House at this time to reverse itself?

Mr. NELSEN. The court reorganization bill has become law and that law with its attendant changes in the judiciary, will have its effect on the penal institutions hopefully so as to make them work better. My plea is to give it a chance to work.

Mr. SCOTT. But it does not relate specifically to the Lorton correctional institution.

Mr. NELSEN. It relates to law enforcement in the District of Columbia, and certainly no one could argue that the Lorton Reformatory is not part of the Court Reform Act.

Mr. SCOTT. Do you mean to say——

Mr. NELSEN. I have no further desire to debate the issue. I have stated my case. You have stated yours. I think the House will now work its will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA) to the committee amendment.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 25, noes 17.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the committee amendment was agreed to.

AMENDMENTS TO THE COMMITTEE AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer amendments to the committee amendment.

The Clerk read as follows:

Amendments offered by Mr. ADAMS to the committee amendment:

Page 66, strike out line 8 and all that follows thereafter down through and including line 19 on page 68.

Redesignate sections 604 and 605 as sections 602 and 603, respectively.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. Mr. Chairman, I shall not take the entire 5 minutes. These are the amendments relating to the minimum wage which are referred to in the minority views on page 120 of the committee report.

Included within the bill is a provision that states overtime wages shall not be paid to truckdrivers and those who are involved in the trucking industry as helpers and as auxiliary people to the truckdrivers and the helpers. This means that those people would receive within the District of Columbia only straight-time wages.

We believe the District of Columbia should have available, as the other States do, the right to control within their area the minimum wage provisions such as is done in the States.

The second part of this amendment deals with the minimum wage provisions in the District of Columbia. The Fair Labor Standards Act provides that individual States and the District of Columbia may establish minimum wages within their area so long as these minimum wages are as high as or higher than the Federal minimum wage which is $1.60 an hour. I do not know why the committee inserted within the bill a provision which provided that the District of Columbia cannot set a minimum wage that varies more than 10 percent from the Federal minimum wage of $1.60. This would mean a man in the District of Columbia working full time at the minimum wage could not receive a gross salary of more than $3,660.80; that is, if he is working 40 hours a week and 52 weeks a year. He cannot support a family of four on that in the District of Columbia. In fact, that is about one-half of it.

I think one of the grave problems in America today is to determine how we will be able to have our people work so that we do not increase our welfare rolls, and at the same time if they are working in the so-called working poor so they will be able to earn enough money to support their families. Therefore, each city and each State should have flexibility to set minimum wages so that the working poor are able to support themselves and are not required to leave a job to go on welfare.

This is part of that total concept in my opinion. I, therefore, ask that the committee vote for this amendment which would simply strike these two provisions of the bill and would leave the minimum wage in control of the District of Columbia Minimum Wage Board, as it presently is. I do not believe this should be a part of this bill. I am opposed to it both in principle and in the theory in putting it in the bill. I hope the committee will vote against it.

The District of Columbia government, the A.F. of L. nationally, and the local labor council all support this amendment and have requested that this provision not be in the bill.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in opposition of the amendment.

Mr. Chairman, the first portion of the bill the gentleman's amendment seeks to strike out was placed in the bill to correct a misinterpretation of the act of 1966 on the part of the District Commissioner. When we passed that Minimum Wage Act of 1966, we did not intend to include people engaged in interstate commerce who are now subject to regulation by the Department of Transportation. This group has been excluded from the Federal Fair Labor Standards Act since 1938. In fact, they were exempt under the law as far back as 1935. When we passed this legislation in 1966, there was no mention in the hearing or on the floor that it would include people who are excluded from the Fair Labor Standards Act.

This interpretation can lead only to injury and violence to the economy of the District of Columbia, because all these motor carrier operators are going to be able to do in self defense is just to move across the District line and into the suburbs where these employees will be exempted by Federal law from these unfair overtime provisions.

We are not talking really about increasing a minimum wage in this connection, because all the people working in this industry now receive a great deal more than the existing minimum wage. The point here is that these employees are exempted under the Fair Labor Standards Act from an overtime provision such as is included in the District of Columbia Minimum Wage Act, which imposes an immediate 40-hour week.

If these carriers are required to pay overtime in excess of a 40-hour week, it will merely result in the lowering of the wages of these employees because such companies simply cannot adhere to a regular 40-hour workweek for all employees.

Insofar as the other section is concerned, on the minimum wage provision, the bill provides that the District Commissioner can set minimum wages in the District of Columbia up to 10 percent above any minimum wage order which is provided under the Fair Labor Standards Act. That provides a pretty good leeway, particularly when the State of Virginia has no minimum wage act and the State of Maryland imposes a minimum wage of $1.45 per hour. The District Commissioner has a rather broad authority at this time really by accident in the 1966 act. No other agency, and no other jurisdiction has authority to go beyond the Fair Labor Standards Act in setting minimum wages.

What we hope to do here is to bring some stability to the minimum wage law in the District of Columbia. The Congress sets its limitations now in the Fair Labor Standards Act. We review these from time to time. We set those rates after lengthy hearings, and lengthy consideration of the economic effects on the Nation.

As a result of this provision inserted in the law in 1966, the standards have not been raised in the District of Columbia. We have increased the minimum wages five times in a 3-year period. It has not raised the working standards, but it has caused a serious reduction of jobs in the District of Columbia. Retail establishments are flocking to the suburbs. Industry is flocking to the suburbs where more favorable wage conditions prevail.

We can help the economy of the District of Columbia by keeping these provisions in the bill, so far as the Fair Labor Standards Act is concerned. I hope the amendment will be defeated.

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

Mr. Chairman, I hope to be brief. The subcommittee held hearings on several occasions on these matters.

It was felt that in the provisions regarding the motor vehicle carriers Congress expressed itself when, in establishing the ICC, it realized the necessity of having uniformity throughout this country and exempted these types of people and covered them under regulations of the ICC.

When Congress enacted the District of Columbia bill relating to this it was not clear whether these people were included or not, and this Board has seen fit to include these employees under this provision. It puts the motor vehicle carriers in the District of Columbia at a rather distinct disadvantage when they go outside the District.

The other item relates to the minimum wage requirements in the District of Columbia. In all the years I have been a member of this committee, when it came to consideration of salaries for schoolteachers, for policemen and firemen, and when it came to consideration of the amount of the gasoline tax, the income tax and other types of revenue-producing items, this committee has always considered what was the prevailing rate in the surrounding jurisdictions. As was mentioned several times previously, the District of Columbia is not an economic entity, but is related to the surrounding areas and is very much affected by what happens in other areas as well as what happens in the District of Columbia.

We have seen the retail sales in the District of Columbia and the number of employees decrease in the past few years. This is very important.

The District of Columbia Minimum Wage Board, while it was intended by the Congress at the time to be somewhat of a place where grievances could be brought in and ironed out, was not intended to exceed the minimum set by this Congress in the Fair Labor Standards Act.

I am hopeful that this will give some clarification and that we can try to keep the District of Columbia a viable, economic part of the Washington metropolitan area.

I urge the amendment be rejected.

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

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I take this time to ask the chairman of the subcommittee, who brought this bill to the floor today, if there is any word, any language whatsoever in this bill, which provides for the unloading of that stadium—that creating, cracking District of

Columbia stadium—on the taxpayers of the country?

Mr. FUQUA. Mr. Chairman, I might inform my good friend from Iowa that there is nothing in this bill or in the report relating to the stadium or any sports facility in the District of Columbia other than the fact that in the revenue portion there is a provision to pay about $350,000 a year that is necessary for the District to pick up its portion of the deficit of the interest on the bonds for the stadium.

Mr. GROSS. Why is it necessary for the taxpayers of the country to pick up the interest payments on that white elephant?

Mr. FUQUA. I appreciate the gentleman's remarks, and I hope he will support another bill I have to take care of that situation.

Mr. GROSS. You cannot get that bill here fast enough. That is the bill we ought to have here today rather than at some time in the dim, distant future.

Mr. FUQUA. If it would be germane and if the gentleman would agree with it, I would offer it as an amendment to this bill and make it a real Christmas tree.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington (Mr. ADAMS) to the committee amendment.

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 12, noes 36.

So the amendments to the committee amendment were rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. FUQUA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, 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. 19885) to provide additional revenue for the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FUQUA. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. GUDE

Mr. GUDE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GUDE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GUDE moves to recommit the bill H.R. 19885 to the Committee on the District of Columbia.

Mr. FUQUA. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 273, nays 58, not voting 102, as follows:

[Roll No. 409]

YEAS—273

Abbitt	Cowger	Hastings
Adams	Cramer	Hathaway
Addabbo	Crane	Hawkins
Albert	Culver	Hays
Anderson, Calif.	Daniel, Va.	Hechler, W. Va.
Anderson, Ill.	Daniels, N.J.	Helstoski
Andrews, N. Dak.	de la Garza	Hicks
Arends	Delaney	Hogan
Ashley	Dellenback	Holifield
Barrett	Denney	Hosmer
Beall, Md.	Dent	Howard
Bell, Calif.	Derwinski	Hull
Bennett	Diggs	Hungate
Betts	Dingell	Hutchinson
Biester	Dorn	Jacobs
Bingham	Downing	Johnson, Calif.
Blanton	Dulski	Johnson, Pa.
Blatnik	Duncan	Jones, Ala.
Boggs	Eckhardt	Jones, Tenn.
Boland	Edmondson	Karth
Brademas	Edwards, Ala.	Kastenmeier
Brasco	Edwards, Calif.	Kazen
Bray	Eilberg	Keith
Brooks	Erlenborn	Kleppe
Brotzman	Esch	Kluczynski
Brown, Calif.	Eshleman	Koch
Brown, Mich.	Fallon	Kyros
Brown, Ohio	Fish	Latta
Broyhill, N.C.	Flood	Lloyd
Broyhill, Va.	Foley	Long, Md.
Buchanan	Ford, Gerald R.	Lowenstein
Burke, Mass.	Forsythe	Lujan
Burlison, Mo.	Fraser	Lukens
Burton, Calif.	Frelinghuysen	McClory
Byrne, Pa.	Frey	McCloskey
Byrnes, Wis.	Friedel	McClure
Cabell	Fulton, Pa.	McDade
Caffery	Fuqua	McDonald, Mich.
Carney	Galifianakis	McEwen
Carter	Gallagher	McFall
Casey	Gaydos	McMillan
Cederberg	Goldwater	Macdonald, Mass.
Chamberlain	Gonzalez	MacGregor
Clark	Gray	Madden
Clawson, Del	Green, Oreg.	Mahon
Cleveland	Green, Pa.	Mailliard
Cohelan	Griffiths	Mann
Conable	Hall	Marsh
Conte	Hamilton	Martin
Conyers	Hanley	Mathias
Corbett	Hansen, Idaho	Matsunaga
Corman	Hansen, Wash.	Meeds
Coughlin	Harrington	Melcher
	Harsha	
	Harvey	

Michel	Rees	Symington
Mikva	Reid, Ill.	Taft
Miller, Calif.	Reid, N.Y.	Talcott
Miller, Ohio	Reuss	Taylor
Minish	Rhodes	Teague, Calif.
Mink	Riegle	Thompson, N.J.
Minshall	Robison	Thomson, Wis.
Mizell	Rodino	Tiernan
Mollohan	Roe	Udall
Monagan	Rogers, Fla.	Ullman
Morgan	Rooney, N.Y.	Vander Jagt
Morse	Rooney, Pa.	Vanik
Mosher	Rosenthal	Vigorito
Murphy, N.Y.	Rostenkowski	Waldie
Myers	Roth	Wampler
Natcher	Ruppe	Ware
Nedzi	Ruth	Whalen
Nelsen	Ryan	Whalley
Obey	Scheuer	White
Olsen	Schneebeli	Whitehurst
O'Neill, Mass.	Shriver	Widnall
Patten	Sikes	Wiggins
Pelly	Sisk	Williams
Pepper	Slack	Wilson, Bob
Perkins	Smith, Calif.	Wilson, Charles H.
Pettis	Smith, N.Y.	Winn
Philbin	Springer	Wold
Pickle	Stafford	Wright
Pike	Staggers	Wydler
Pirnie	Steed	Wylie
Podell	Steele	Wyman
Poff	Steiger, Wis.	Yates
Pollock	Stephens	Yatron
Preyer, N.C.	Stokes	Young
Price, Ill.	Stratton	Zablocki
Pryor, Ark.	Stubblefield	Zwach
Quie	Stuckey	
Railsback	Sullivan	

NAYS—58

Abernethy	Gross	Randall
Andrews, Ala.	Grover	Rarick
Ashbrook	Gude	Sandman
Bevill	Hagan	Satterfield
Brinkley	Henderson	Saylor
Burleson, Tex.	Hunt	Schadeberg
Camp	Jarman	Scherle
Chappell	Jonas	Schmitz
Clancy	Kyl	Schwengel
Collier	Landgrebe	Scott
Collins, Tex.	Lennon	Sebelius
Colmer	Mayne	Smith, Iowa
Davis, Ga.	Mills	Snyder
Dickinson	Montgomery	Thompson, Ga.
Fisher	Nichols	Waggonner
Flowers	O'Neal, Ga.	Watson
Flynt	Passman	Whitten
Fountain	Poage	Zion
Goodling	Price, Tex.	
Griffin	Quillen	

NOT VOTING—102

Adair	Evans, Colo.	May
Alexander	Evins, Tenn.	Meskill
Anderson, Tenn.	Farbstein	Mize
Annunzio	Fascell	Moorhead
Aspinall	Feighan	Morton
Ayres	Findley	Moss
Baring	Ford, William D.	Murphy, Ill.
Belcher	Foreman	Nix
Berry	Fulton, Tenn.	O'Hara
Biaggi	Garmatz	O'Konski
Blackburn	Gettys	Ottinger
Bolling	Giaimo	Patman
Bow	Gibbons	Powell
Brock	Gilbert	Pucinski
Broomfield	Gubser	Purcell
Burke, Fla.	Haley	Reifel
Burton, Utah	Halpern	Rivers
Bush	Hammer-schmidt	Roberts
Button	Hanna	Rogers, Colo.
Carey	Hébert	Roudebush
Celler	Heckler, Mass.	Rousselot
Chisholm	Horton	Roybal
Clausen, Don H.	Ichord	St Germain
Clay	Jones, N.C.	Shipley
Collins, Ill.	Kee	Skubitz
Cunningham	King	Stanton
Daddario	Kuykendall	Steiger, Ariz.
Davis, Wis.	Landrum	Teague, Tex.
Dennis	Langen	Tunney
Devine	Leggett	Van Deerlin
Donohue	Long, La.	Watts
Dowdy	McCarthy	Weicker
Dwyer	McCulloch	Wolff
Edwards, La.	McKneally	Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Long of Louisiana with Mr. Findley.
Mr. Edwards of Louisiana with Mr. Foreman.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Donohue with Mr. Don H. Clausen.
Mr. Biaggi with Mr. Halpern.
Mr. Annunzio with Mr. Gubser.
Mr. Jones of North Carolina with Mr. Burke of Florida.
Mr. Moss with Mr. Hammerschmidt.
Mr. O'Hara with Mr. Wyatt.
Mr. Fulton of Tennessee with Mr. Broomfield.
Mr. Garmatz with Mrs. Heckler of Massachusetts.
Mr. Gettys with Mr. Brock.
Mr. Haley with Mr. Ayres.
Mr. Shipley with Mr. Rousselot.
Mr. St Germain with Mr. Blackburn.
Mr. Rivers with Mr. Bow.
Mr. Pucinski with Mr. Mize.
Mr. Moorhead with Mr. Horton.
Mr. Celler with Mr. Clay.
Mr. Carey with Mr. Nix.
Mr. McCarthy with Mrs. Chisholm.
Mr. Wolff with Mr. Weicker.
Mr. Teague of Texas with Mr. Burton of Utah.
Mr. Alexander with Mr. McCulloch.
Mr. Anderson of Tennessee with Mr. Belcher.
Mr. William D. Ford with Mr Button.
Mr. Hanna with Mr. Skubitz.
Mr. Roybal with Mr. Bush.
Mr. Roberts with Mr. Devine.
Mr. Murphy of Illinois with Mr. Berry.
Mr. Watts with Mr. Dennis.
Mr. Van Deerlin with Mr. O'Konski.
Mr. Ichord with Mr. Davis of Wisconsin.
Mr. Kee with Mr. Cunningham.
Mr. Aspinall with Mr. Kuykendall.
Mr. Landrum with Mr. Steiger of Arizona.
Mr. Gibbons with Mr. Morton.
Mr. Leggett with Mr. McKneally.
Mr. Farbstein with Mr. Reifel.
Mr. Patman with Mr. Meskill.
Mr. Daddario with Mr. Stanton.
Mr. Fascell with Mr. Roudebush.
Mr. Evans of Colorado with Mrs. May.
Mr. Feighan with Mr. Langen.
Mr. Baring with Mr. Purcell.
Mr. Gilbert with Mr. Collins of Illinois.
Mr. Tunney with Mr. Rogers of Colorado.
Mr. Ottinger with Mr. Giaimo.

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 8298, WATER CARRIER MIXING RULE

Mr. STUCKEY, on behalf of Mr. STAGGERS, filed the following conference report and statement on the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein:

CONFERENCE REPORT (H. REPT. NO. 91-1744)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, 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 amendments of the Senate numbered 1, 3, 5, and 6 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and insert in lieu thereof the following: "The exemption afforded under this subsection to the transportation by a water carrier of commodities in bulk shall not be lost by the concurrent transportation in the same vessel of other commodities. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel."

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. The amendment made by the first section of this Act shall expire at the end of the three-year period beginning on the date of its enactment. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation, including information on amounts actually charged for the movement of dry bulk commodities; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, could be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act, and to submit such independent and separate comments and views as those agencies deem appropriate. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act."

And the Senate agree to the same.

Amendment to the title:

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
ERNEST F. HOLLINGS,
WINSTON PROUTY.
HOWARD H. BAKER, Jr.,
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. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, 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 Nos. 3, 5, and 6 made conforming changes in the House bill. With respect to these amendments the House recedes.

REQUIREMENTS AS TO RATE FILING

Amendment No. 1: The bill passed by the House required that water carriers operating under the exemption contained in section 303(b) of the Interstate Commerce file rates for the movement of dry bulk commodities under section 306 of that act. Senate amendment No. 1 removes this requirement for rate filing. The House recedes.

REQUIREMENTS AS TO MIXING OF COMMODITIES

Amendment No. 2: The bill as passed by the House provided that dry bulk commodities could be mixed with other commodities without losing the exemption provided under section 303(b) of the Interstate Commerce Act. The House bill also retained the concept that a carrier could not mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. Senate amendment No. 2 struck out the House language permitting the mixing of dry bulk commodities with other commodities and also struck out the language contained in the House bill which limited a carrier to mixing not more than three dry bulk commodities in a single tow. The effect of the Senate amendment is to permit the mixing of not more than three dry bulk commodities in a single barge, without regard to the number of barges in a tow.

The House recedes with an amendment. Under the language of the conference agreement the House approach with respect to the requirements as to the mixing of dry bulk commodities is retained, as is the concept that a carrier cannot mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. The language agreed to make it clear that dry bulk commodities may be mixed with other commodities in the same tow without losing the exemption provided under section 303(b) of the Interstate Commerce Act.

EXPIRATION DATE AND STUDY

Amendment No. 4: The bill as passed by the House provided that the legislation would expire 2 years after the date of its enactment. It also required the Interstate Commerce Commission to report to the Congress on the effects of the legislation on the water carriers not less than 90 days before the expiration date of the legislation. Senate amendment No. 4 struck out the expiration date contained in the House bill making the legislation permanent. The amendment also transferred the study from the Interstate Commerce Commission to the Department of Transportation and broadened the scope of the study to include the movement of dry bulk commodities by all modes of transportation. It also required the Interstate Commerce Commission and the Secretary of the Army to cooperate in the study. A report was required within 2 years after enactment of the legislation.

The House recedes with an amendment. Under the language of the conference agreement the legislation will expire 3 years after its enactment. The Department of Transportation must report to the Congress within 2 years after such date of enactment. The study follows the broad scope outlined in the Senate amendment but the Interstate Commerce Commission and the Secretary of the Army are directed to submit such independ-

ent and separate comments and views as they deem appropriate. It also requires the Secretary of Transportation to examine amounts actually charged for the transportation of dry bulk commodities, and he has ample authority to require exempt water carriers to file such reports containing such information as he may prescribe to carry out the study.

AMENDMENT TO THE TITLE

The Senate also amended the title of the House bill to make it clear that the bill provides for more than just the amendment to section 303(b) of the Interstate Commerce Act.

The House recedes.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SMITH 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. SMITH of California. Mr. Speaker, I am today inserting in the RECORD my thoughts regarding changes in the House rules which will be effective next session based upon the Legislative Reorganization Act of 1970. They are broken down as to the provisions affecting committee procedures and provisions affecting floor procedures.

I realize that I will not be in your chair, Mr. Speaker, nor will I at any time be the Chairman of the Committee of the Whole House on the State of the Union, nor will I be serving as Parliamentarian. Thus, the changes as they appear to me will be subject to the ruling of the Chair. I hope, however, that they will be of some help to the Members in attempting to understand all of the changes we have made.

The material follows:

LEGISLATIVE REORGANIZATION ACT OF 1970

PROVISIONS AFFECTING COMMITTEE PROCEDURES

The Rules of the House apply to Committees. Each Committee is urged to adopt its own rules, in addition to the Rules of the House.

SEC. 102—Each committee shall fix a regular meeting day—at least one meeting a month.

a. The Chairman may call any additional meetings.

b. At least three members may call a special meeting by filing a demand in writing with the clerk.

c. If the Chairman is not present at any meeting, the ranking majority member who is present shall preside.

SEC. 103—Business meetings shall be open, except when the committee, by majority vote, determines otherwise.

SEC. 104—Rollcall votes shall be made available to the public for inspection. This information shall include a description of the amendment, motion, order, etc., and the name of each member and how he voted, (whether by proxy, in person, and names of members not voting). Any record vote on a motion to report shall be printed in the report showing the total votes for and against.

SEC. 105—Reports approved by a committee shall be filed within 7 calendar days (excluding days the House is not in session), after a written demand by a majority of the members has been filed with the clerk of the committee requesting the filing of such report.

SEC. 106—There will be no proxy votes unless a committee adopts rules regarding proxies. Such rules shall provide that the proxy must be in writing and designate the person to execute it. The proxy must also specify the measure or matter for which it is given and it will apply to any amendments or motions thereto.

SEC. 107—At the time a measure is approved by a committee, if a member gives notice that he wishes to file his supplemental, minority or additional views with the clerk, he shall have at least three days to file such views, which must be in writing and signed. Reports of the committee including such views shall be so stated on the cover of the report. (Does not preclude report being filed immediately if no request is made or the filing of supplemental reports for technical errors.)

SEC. 108—Measures or matters reported by a committee (except Appropriations, House Administration, Rules and Standards of Official Conduct) may not be considered in the House unless the report has been available for three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration. Hearings should also be available, if possible.

No general appropriations bill shall be considered until printed hearings *and* report are available at least three calendar days (excluding Sat., Sun., and legal holidays).

SEC. 109—If, within seven calendar days after a measure has, by resolution, been made in order for House consideration it has not been called up by the chairman of the legislative committee, the Speaker may recognize a member authorized by the committee to call it up.

SEC. 110—Except for the Committee on Appropriations, there shall be one primary expense resolution for a committee, providing funds for the expenses of that committee for the year, from the contingent fund of the House. Such resolution shall not be considered by the House unless the printed report accompanying such resolution has been available to members of the House for at least one calendar day prior to its consideration. The report shall include: (1) the total amount of funds for anticipated committee activities and programs, (2) a general statement regarding estimated foreseeable expenditures, to provide the House with a basic understanding of the committee's program, to the extent practicable.

After the adoption of one primary expense resolution, additional funds may be procured by one or more additional expense resolutions. Such an additional resolution must include the total amount of additional funds and the need for such funds. The reason for failure to procure the additional funds in the primary resolution must be shown.

The minority party is entitled, if they request, to not less than one-third of the funds provided for the appointment of committee staff personnel under such resolutions.

SEC. 111—Committees must announce hearings at least one week in advance, unless the committee determines that there is good reason to begin earlier. (Excludes Rules Committee) Such notice must also be published in the Daily Digest.

SEC. 112—Hearings shall be open to the public except when the committee, by majority vote, determines otherwise.

SEC. 113—Requires, so far as practicable, that each witness shall file in advance of his appearance, a written statement and shall limit his testimony to a brief summary of his prepared statement.

SEC. 114—The Minority may call witnesses of its choice to testify during at least one day of hearings on any measure or matter under consideration by the committee.

SEC. 115—A point of order may be made in the House by any member of the legislative committee if, in the committee, the point of order was timely made and improperly overruled or not properly considered (applies to hearing procedures of the committees).

SEC. 116—Broadcasting of open hearing by radio, TV, and photographers is permitted when authorized by a majority vote of the committee, and if media coverage is carried out in accordance with provisions of this section.

SEC. 117—All committees may sit without leave while the House is in session, except when a bill is being read for amendment under the five-minute rule. (Exempts Appropriations, Internal Security, Rules, and Standards of Official Conduct, which may continue to sit at any time.)

SEC. 118—Standing committees shall submit to the House not later than January 2nd of each odd-number year (beginning Jan. 1973) a report of its legislative review activities during that Congress. To assist the House each standing committee shall review and study, on a continuing basis, the application, administration, and execution of laws and subjects within its jurisdiction. (Exempts Appropriations, House Administration, Rules, and Standards of Official Conduct.)

SEC. 125—Conference reports shall be printed as a report of the House and accompanied by an explanatory statement prepared jointly by conferees. It shall not be considered unless such report and statement have been printed in the Record at least three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration in the House. (Does not apply during the last six days of session.) Copies of the report and statement shall be available on the floor. Debate time will be equally divided between the majority and minority parties. Conferees may not include language in conference report which concerns a subject not committed to conference, nor may conferees amend any matter beyond the scope of the differing versions of the bill sent to conference.

SEC. 129—The Resident Commissioner from Puerto Rico shall be elected to standing committees just as any elected Member and allowed to vote in committee.

SEC. 201—The Secretary of the Treasury and the Director of the Office of Management and Budget shall set up and maintain a standardized data processing system for Federal budgetary and fiscal data.

SEC. 202—The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General, shall develop, establish and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies. The Secretary of the Treasury and the Director of the Office of Management and the Budget shall submit a report to Congress on or before September 1st of each year, outlining progress made in the development of classifications.

SEC. 203—The Secretary and Director shall furnish to committees, upon request, information on the location and nature of available data on Federal programs, activities, receipts and expenditures.

SEC. 204—The Comptroller General shall review and analyze results of Government programs and make cost benefit studies. The Comptroller General shall make available to congressional committees GAO experts to assist in analyzing cost benefit studies made by Federal agencies or to assist in analyzing cost benefit studies of programs under a committee's jurisdiction.

SEC. 205—The Comptroller General shall establish a division within GAO to assist him in his responsibilities under Title II. He shall include in his annual report to the Congress information on the performance of his functions and duties.

SEC. 231—The GAO shall, upon request, assist congressional committees with their proposed legislation and committee review of Federal programs and activities.

Sec. 233.—The GAO shall funish to all committees, upon request, copies of its reports to the Congress.

Sec. 234—The Comptroller General shall prepare a monthly list of its reports and make the list available to all committees. Upon request, a copy of these reports shall be sent to the committee.

Sec. 235—The Comptroller General may not assign an employee for full-time duty to the Congress for more than one year.

Sec. 236—Whenever the GAO makes recommendations to any Federal agency, it shall submit a written statement to the Committees on Government Operations as to action taken by such agency within 60 days.

Sec. 252—Committee reports on all measures must include five-year cost estimates for the programs contained in the legislation. (Exempts House Administration, Appropriations, Rules and Standards of Official Conduct.)

Sec. 253—Each standing committee shall review each continuing program within its jurisdiction for which appropriations are not made annually, and shall endeavor to make authorizations on an annual basis.

Sec. 302—Each standing committee may appoint six permanent professional staff members, two of which shall be selected by a majority of the minority members of the committee, if requested. Each standing committee may appoint six clerical staff members, one of which shall be selected by the minority members of the committee, if requested. All employees shall be hired and fired by a majority vote of the full committee. (Exempts Appropriations and Standards of Official Conduct)

Sec. 303—Each standing committee, with approval of the Committee on House Administration, may hire temporary individual consultants or organizations for not more than one year.

Sec. 304—Each standing committee, with approval of the Committee on House Administration, may authorize special training for professional staff members whenever the committee determines that such training will aid the committee in its duties.

Sec. 321—The Legislative Reference Service renamed the Congressional Research Service. Shall assist all committees on a regular and continuing basis in the analysis of legislative proposals and alternatives to:

a. determine advisability of enacting proposals

b. estimate probable results of proposals and alternatives thereto

c. evaluate alternative methods for accomplishing results

d. beginning of each Congress, make available each committee lists of programs and activities being carried out under existing law scheduled to terminate during that Congress within the committee's jurisdiction.

e. make available to each committee, at beginning of each Congress, list of subjects and policy areas which the committee might profitably analyze in depth

f. upon request, or on its own, make available data within each committee's jurisdiction

g. prepare summaries and digests of bills and resolutions of public, general nature introduced in Senate and House

h. upon request, prepare concise memo with respect to one or more legislative measures upon which hearings have been announced

Sec. 331—After completion of parliamentary precedents, they shall be updated at lease once every five years thereafter.

Sec. 332—The Parliamentarian shall produce a condensed and updated version of the House precedents, commencing with the Ninety-third Congress.

PROVISIONS AFFECTING FLOOR PROCEDURES

Sec. 108—Measures or matters reported by a committee (except Appropriations, House Administration, Rules and Standards of Official Conduct) may not be considered in the House unless the report has been available for three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration. Hearings should also be available, if possible.

No general appropriations bill shall be considered until printed hearings *and* report are available at least three calendar days (excluding Sat., Sun., and legal holidays).

Sec. 109—If, within seven calendar days after a measure has, by resolution, been made in order for House consideration and it has not been called up by the chairman of the legislative committee, the Speaker may recognize a member authorized by the committee to call it up.

Sec. 110—Except for the Committee on Appropriations, there shall be one primary expense resolution for a committee, providing funds for the expenses of that committee for the year, from the contingent fund of the House. Such resolution shall not be considered by the House unless the printed report accompanying such resolution has been available to members of the House for at least one calendar day prior to its consideration. The report shall include: (1) the total amount of funds for anticipated committee activities and programs, (2) a general statement regarding estimated foreseeable expenditures, to provide the House with a basic understanding of the committee's program, to the extent practicable.

After adoption of one primary expense resolution, additional funds may be procured by one or more additional expense resolutions. Such an additional resolution must include the total amount of additional funds and the need for such funds. The reason for failure to procure the additional funds in the primary resolution must be shown.

The minority party is entitled, if they request, to not less than one-third of the funds provided for the appointment of committee staff personnel under such resolutions.

Sec. 115—A point of order may be made in the House by any member of the legislative committee if, in the committee, the point of order was timely made and improperly overruled or not properly considered (applies to hearing procedures of the committee).

Sec. 117—All committees may sit without leave while the House is in session, except when a bill is being read for amendment under the five-minute rule. (Exempts Appropriations, Internal Security, Rules and Standards of Official Conduct, which may continue to sit at any time.)

Sec. 118—Standing committees shall submit to the House not later than January 2nd of each odd-numbered year (beginning Jan. 1973) a report of its legislative review activities during that Congress. To assist the House, each standing committee shall review and study, on a continuing basis, the application, administration, and execution of laws and subjects within its jurisdiction. (Exempts Appropriations, House Administration, Rules and Standards of Official Conduct.)

Sec. 119—Ten minutes' of debate shall be allowed on any amendment offered on the floor which has been printed in the RECORD at least one day before floor consideration (applies even when a limitation on debate has been agreed to).

Sec. 120—Upon request of 1/5 of a quorum, teller votes may be taken by clerks or electronic devices, by name, for and against.

Sec. 121—Electronic equipment for recording the votes in the House will be made available through the contingent fund and may be used to record all quorum calls and record votes.

Sec. 122—Once a quorum is obtained, the call may be ended. For a period of thirty minutes from the beginning of the call, members may answer by signing a tally sheet.

Sec. 123—Ten minutes' debate on a motion to recommit with instructions shall be provided, with time equally divided between the member making the motion and a member opposed.

Sec. 124—All amendments offered shall be copied, with five copies sent to the majority table and five to the minority table. Also, one copy each to majority and minority cloak rooms.

Sec. 125—Conference reports shall be printed as a report of the House and accompanied by an explanatory statement prepared jointly by conferees. It shall not be considered unless such report and statement have been printed in the RECORD at least three calendar days (Excluding Sat., Sun., and legal holidays) prior to consideration in the House. (Does not apply during the last six days of session.) Copies of the report and statement shall be available on the floor. Debate time will be equally divided between the majority and minority parties. Conferees may not include language in conference report which concerns a subject not committed to conference, nor may conferees amend any matter beyond the scope of the differing versions of the bill sent to conference.

Sec. 126—Upon request of any Member, a separate vote, after 40 minutes debate, equally divided, shall be had upon any nongermane amendment added by the Senate to a House-passed bill. This procedure also applies to any motion or rule to dispose of such nongermane amendments.

Nor may House conferees agree to such an amendment unless the House first authorizes such action.

Sec. 127—The Journal shall not be read unless the Speaker so orders, or unless a motion, supported by a majority of the Members so demands.

Sec. 128—During a call of the House, the doors shall not be closed unless so ordered by the Speaker.

Sec. 331—After completion of parliamentary precedents, they shall be updated at least once every five years thereafter.

Sec. 332—The Parliamentarian shall produce a condensed and updated version of the House precedents, commencing with the Ninety-third Congress.

AFTER BUFFALO AND THE FAMILY MILK COW CAME FOOD STAMPS

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

Mr. MELCHER. Mr. Speaker, with the food stamp bill coming before the House of Representatives this week it seems in order to consider some of the historic changes in American food procurement and distribution.

Before the Plains Indians adapted their livelihood to the use of the horse, hunting the buffalo was often accomplished by the use of "Buffalo Jumps," many of which, archeologists tell us, were in use 2,500 years ago. The Indians devised a variation in a usual buffalo trail where a herd could be stampeded off of a cliff or down a sharp incline where many of the buffalo would be killed or injured as a result of the descent. Using a funnel-like terrain Indians hid along the sides and closed in behind the herd, shouting, waving robes, and created a great commotion stampeding the herd toward the narrow end of the funnel where the momentum of the buffalo running behind the leaders forced them off the cliff. The buffalo that were injured but still alive when they reached the bottom of the hill were dispatched by Indians waiting with clubs, spears, and arrows.

Everyone ate—old, young, crippled—all shared. Later horses gave great mobility to Plains Indians and they hunted vast areas for buffalo—their principal source of food.

When the buffalo were gone the Plains Indians fell into hard times.

The great fire in Chicago—then a metropolis of 350,000—legend tells us was caused by Mrs. O'Leary's cow kicking over the lantern.

In a metropolitan area in 1871, a family milk cow and chickens were common adjuncts to family living and hungry families were few.

The return of the buffalo to the Great Plains so those native Americans of the Plains can again eat their fill of buffalo is not going to happen. The return of the conditions of Chicago of the 1870's where family milk cows and chickens were common is not going to happen either. The system changed. The commercial food industry of this country has succeeded beyond all expectations so that it takes only 16 percent disposable income for us to provide the best food in the world for ourselves and our families.

But for those hungry Americans, whether they are Indians on reservations or are citizens living in cities, towns, or countryside who do not have adequate purchasing power, the system has left them behind with hunger the result.

The spectrum of these hungry Americans in a land of plenty flaunts the success we have made in producing, processing, and distributing food. The young, the handicapped, and the elderly who are malnourished receive our sympathy. But all who are hungry or malnourished should be given the opportunity to overcome this basic handicap so that other social problems can be corrected.

Through the food stamp program—simplified and broadened, we can share with our fellow Americans that food which divine providence has so generously bestowed upon this Nation. The buffalo are gone, the family milk cow is a rarity, but the Nation's hunger pockets are blights that food stamps can correct.

PRIORITIES FOR AIR SAFETY

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

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation's air carrier airports should be built and owned by the States, with 90 percent Federal financing of construction and access transportation, and 100 percent Federal financing of site preparation necessary for navigation aids.

One month ago today, when death came to 75 fine young Marshall University football players, coaches, and prominent citizens of Huntington, W. Va., and the pilots and crew of the chartered DC–9, these wonderful people came from 12 different States in the Union—Ohio, South Carolina, Georgia, Virginia, Florida, New Jersey, Texas, Alabama, New York, North Carolina, Kentucky, and West Virginia.

The time has come in this great Nation of ours to recognize the fact that air travel and air safety are indeed national priorities of national concern. Why should any air passenger, from any State, who may be forced to fly into an inferior airport pay the price by jeopardizing his safety or his life simply because a local community is in the mountains or cannot raise the funds to reduce the margin of safety error?

In the State of West Virginia, God blessed our land with rugged mountains. It is easy and relatively inexpensive to build an airport at Dulles or down in Texas, where the land is flat and it does not cost much to move the dirt. But in West Virginia we are doubly handicapped. We neither have flat land nor do we have the local financing—even with the supplements provided by the Appalachian Regional Commission—to construct airports at the locations which reduce the margin of safety error to an absolute minimum.

It is not enough for the Federal Government to set certain safety standards for airports, aircraft or navigation aids, nor is it enough to provide 100 percent Federal financing for such items as a glide slope for the airports. Glide slope equipment is cheap—on the order of $10,000 or $20,000, while the site preparation which requires massive local funding runs up into the millions of dollars in West Virginia.

I strongly support an amendment to the supplemental appropriations bill offered by my West Virginia colleague, Hon. ROBERT C. BYRD, which has passed the Senate Appropriations Committee and is pending before the Senate. This amendment would make available $8.5 million for safety improvements at Appalachian airports and also waive the requirement that at least 20 percent of airport improvements be paid with local funds.

This is a very useful stop-gap measure. The trust fund which has been established to finance airport improvements is also a bold step forward. But we cannot stop until every passenger who boards an airplane can be guaranteed a higher degree of safety, whatever his destination or wherever he lands en route. It is inconceivable in this modern day and age that the life and safety of any air passenger could be needlessly jeopardized just because some areas of the country have difficult terrain or are unable to raise sufficient matching funds to make flying much safer than it now is.

For years now, many responsible citizens in West Virginia have advocated a single regional airport, located halfway between West Virginia's two largest cities of Huntington and Charleston. These cities are 50 miles apart and joined by an interstate highway, and both cities have airports which pilots have repeatedly condemned as unsafe and virtually impossible to improve to a level of safety which would rate them as superior airports. The Federal Aviation Administration has for 3 years strongly advocated the construction of a single regional airport, an adequate site has been selected by the FAA. Two counties, including the county in which this midway regional airport is to be located, have voted the necessary local funds, but the third county has not voted the funds so the optimum safe airport has not been built.

This is only one example of what must be done if we are to insure a higher relative degree of safety for every air passenger, no matter where he boards a plane or no matter where his home State may be. I am convinced that this higher relative degree of safety can only come if airports are built and owned by States, with 90 percent Federal financing of access transportation, and 100 percent Federal financing of site preparation and all expenses incident to the installation of necessary navigation aids.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Americans are known for their attendance at competitive sporting events. In 1969, 27,498,000 Americans attended baseball games, 36,960,000 football games, and over 4 million watched professional basketball exhibitions.

THE SIMAS KUDIRKA CASE AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, when the news broke out concerning the repatriation of the Lithuanian sailor, Simas Kudirka, to Soviet Russian enslavement, in total astonishment and with a sense of outrage every friend of the captive nations and every American honoring our treasured principle of political asylum whom I know, took to the phone or the pen to inquire into this unbelievable incident and to bring it to public account. Americans of Lithuanian background, the National Captive Nations Committee, the U.S. Committee for Refugees, the Ukrainian Congress Committee of America, and scores of other groups strongly protested this repatriation outrage and are still seeking an adequate account of it, as well as an enduring example of punishment for a basic violation of human rights.

THE CASE IS NOT CLOSED

We, in the U.S. Congress, commend the President for his response to this nationwide protest, in calling for an investigation and also in setting guidelines for the treatment of persons seeking asylum in the United States. However, at this stage I am not satisfied by the probes that have taken place nor by the confused testimonies that have been given. This case cannot by any stretch of the imagination be considered closed. To attribute this gross violation of human rights, as some of the participants apparently do, to a breakdown in bureaucratic communications is the height of

folly. The significance and ramifications of this blemishing incident are too broad and too meaningful for a rationalization of this or any similar kind.

Mr. Speaker, as I have pointed out to numerous inquirers concerned with this case these past 2 weeks, this additional blemish on our national record is a repeated microcosm of the senseless repatriation of hundreds of thousands whom we sent back to the U.S.S.R. at the close of World War II. Now the U.S.S.R. got another slave back, and only the Good Lord knows whether Simas Kudirka is above the surface today. Furthermore, I wish to reiterate here that this scandal has done great damage to our image abroad, and you can rest assured that our enemies will capitalize on it heavily in their persistent anti-American propaganda.

The aspects of this case, as so far disclosed, are almost unbelievable. Did the captain of the *Vigilant* really believe the typical Russian invention of a criminal charge against Kudirka? Was the defector supposed to jump into the water before he could be assured asylum? What was the hurry in executing a stupid order that clearly contradicted the very essence of freedom we stand for? The answers given so far are not satisfactory to me and others who are closely following this case.

It amazes me, as well as others, that the President should have to set guidelines in the matter of granting asylum to any defector from the Red empire or elsewhere. By virtue of our tradition, in line with our demonstrated principles, by sheer American instinct alone, any competent American authority—no matter where, on a ship, in water, in the air, or on land, and in whatever circumstances—is obligated dutifully and automatically to extend the benefit of asylum to a defector and to hold him in custody pending further investigation.

THE STATUE IS STILL THERE

Mr. Speaker, this is what the inscription on our Statue of Liberty is all about, even if some in their training have never learned it:

Give me your tired, your poor
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me;
I lift my lamp beside the golden door.

That Presidential guidelines have to be set for behavior and a reaction that we have always considered automatic and instinctive indicate in themselves the spiritual state we are in today. The damage that has been done is great and incalculable. We are awaiting the definitive results of the probes being undertaken. In any case, an example beyond guidelines for the future—superfluous in themselves—must be set, extending from the cutter to the State Department itself. The Nation's honor demands it; the captives in the Red empire must be reassured.

THE NEED FOR A SPECIAL COMMITTEE ON CAPTIVE NATIONS

Mr. Speaker, a popular consciousness of what exists—the millions of captives in the Red empire who crave for the opportunity that Simas Kudirka unsuccessfully seized—would, I am sure, have precluded this scandal. Such a necessary consciousness will not be attained until we establish a Special Committee on the Captive Nations. Even some in the armed services will begin to understand the meaning of such a committee. Among its many other tasks, this committee could begin to extend this case to its proper conclusion, and it could also begin to investigate the alleged denials of asylum by our Embassy in Tokyo to dozens of employees at Red pavilions in Japan's Expo this past year. Our Embassy there has in significant timing just granted asylum to a Cuban defector, but what of those from captive Eurasia who sought it in the past year? No matter how one views it, the problem of defection is tied in with the problem of the captive nations, and it is high time that a special committee be created to deal effectively with these and cognate problems.

I append to my remarks the latest communication to the President on this matter by the National Captive Nations Committee and also a letter by Professor Menges of Columbia University:

NATIONAL CAPTIVE NATIONS COMMITTEE,
Washington, D.C., December 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the incredible case of the forced repatriation of the Lithuanian sailor, Simas Kudirka, has been of the deepest concern to us in this recent period. Since our early interventions to focus national attention on this outrageous incident we have followed closely the disclosures of the two inquiries into it and find, so far, that the explanations given on communications breakdown, prescribed leap into the water for asylum and the like are thoroughly unsatisfactory.

Your demand for these probes and your guidelines for the future have our highest praise. However, by virtue of the heavy damage done to our image abroad and the adverse effect of this scandal upon the captive nations, we urge that examples be made of those who, for whatever specious reason, violated both our Nation's precious principle of automatic political asylum and a basic human right. Moreover, because this and many future defections from the Red Empire are intimately tied up with the general problem of the captive nations, we also urge your support for the creation of a Special Committee on the Captive Nations in the House of Representatives in the 92nd Congress.

With warmest personal regards and best wishes, I remain,

Sincerely,

LEV E. DOBRIANSKY,
Chairman.

WASHINGTON DEPOT, CONN.,
November 30, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: We are deeply shocked by the act of gross violation of all human rights committed by a crew of the U.S. Coast Guard with the arbitrary extradition, upon negligent inaction on the part of certain origins of the State Department, of a Soviet radio technician who had sought asylum as a political refugee on a vessel of the U.S. Coast Guard.

We want to ask the following questions:

1. Is the U.S. still to be considered a country that grants asylum to the persecuted?

2. How and upon what orders can the crew of a U.S. Coast Guard vessel located within the territorial waters of the U.S.A. admit aboard representatives from a Soviet vessel?

3. How can this same crew tolerate the atrocious beating of the person who sought asylum and quietly look on while this act of bestiality is perpetrated on the refugee?

4. How could the same crew permit the abduction of the refugee?

5. What was the role of the Sttae Department before or during this procedure?

We hope that your good Offices will give this incredible matter of great national and international significance its foremost attention.

We belong to the Silent Majority that voted for you since it believed that you would restore a state of law and order in this country and on the international scene put an end to Western subservience to Soviet aggression and subversion.

Very Respectfully and Devotedly Yours,
Prof. and Mrs. KARL H. MENGES.

CLEANING UP THE UNITED MINE WORKERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, although nearly a year has passed since the brutal murders of Joseph A. "Jock" Yablonski, his wife, and his daughter, the wheels of justice have ground with intolerable slowness. Only within the past few days has the first of the five suspects charged with the murders been extradited from Ohio to Pennsylvania for trial.

Meanwhile, over a year has elapsed since the Department of Labor turned over to the Department of Justice and Internal Revenue Service information "for possible criminal prosecution." Nine months have elapsed since the Department of Labor went to court to void the corrupt "election" staged by the United Mine Workers of America, shortly after which the Yablonski murders occurred.

The sordid story of delay and oppression are graphically told in the following articles, including an editorial from the December 14, 1970, Washington Daily News, a press statement of December 8, 1970, by Joseph A. Yablonski and Joseph L. Rauh, Jr., and an earlier article prior to Claude Vealey's extradition which appeared in the Washington Daily News under the byline of Scripps-Howard Staff Writer Powell Lindsay. Also included are several other newspaper articles which tell the story of the uphill fight by the Miners for Democracy to combat oppression within the United Mine Workers of America.

[From the Washington Daily News, Dec. 14, 1970]

THE YABLONSKI CASE

It is almost a year since Jock Yablonski, his wife and daughter were murdered in their home at Clarksville, Pa.

It is more than a year since the Federal Labor Department officially alleged mismanagement in the United Mine Workers union and turned its information over to the Justice Department and the Internal Revenue Service "for possible criminal prosecution."

It has been nine months since the Labor Department went to court to void the union election of last December on grounds of irregularities.

It has been almost a year since a Senate

subcommittee started an avowed investigation of the miners' union—but there hasn't been a hearing in six months.

Several grand juries at one time or another were reported to be looking into one or another aspects of the mine union.

Only one of five suspects in the murder case has been extradited from Ohio to Pennsylvania where the trial is to be held. And that extradition has just lately been arranged.

There have been allegations of serious misdoings within the union, many of them made by Mr. Yablonski, some of them by the Labor Department. These allegations either are true or refutable. The answer should be determined either in court or by other responsible inquiry.

Catching murder suspects and proving their guilt is sometimes difficult. In this case, the truth so far has been frustrated mainly by legal tactics. The delay in resolving the charges against the union itself is even more of a mystery.

But the questions and the suspicions are not going to go away. The courts, the Labor Department, the Justice Department and all others concerned had better have good answers—and soon.

STATEMENT OF JOSEPH A. YABLONSKI AND JOSEPH L. RAUH, JR.

In the name of the thousands of oppressed coal miners crying out for rescue from the tyranny of their union, we call upon President Nixon to remove Labor Undersecretary Silberman and to replace him with someone genuinely dedicated to a wholesale UMWA housecleaning. In the year since the December, 1969 "election," Mr. Silberman has compounded his pre-election refusal to act with a post-election policy that wavers between inaction and obstruction.

Mr. Silberman, first as Solicitor of Labor and then as Undersecretary, has been the architect of the do-nothing-against-Boyle policy of the Department. During the six and a half months campaign in 1969, Mr. Silberman prevented even an investigation of the crookedest election campaign in labor history. Then, guilt-ridden by the realization that Labor's failure to investigate may have contributed to the murders, he has sought to sweep UMWA corruption under the rug for fear its full impact will expose the enormity of Labor's dereliction of duty.

In the year since the December, 1969 election the Labor Department has:

1. Failed to press the suit to upset the election.

2. Resisted the efforts of Miners For Democracy to intervene in the election suit and thus press it with vigor (despite the willingness of Justice to permit the intervention).

3. Refused to petition the Court for a monitorship of the UMWA (despite Mr. Silberman's commitment to the Senate Labor Committee and the position of the Justice Department).

4. Refused to act against the continuing use of the UMWA Journal as a Boyle campaign instrument.

5. Looked the other way while the UMWA used and uses its "dual unionism" campaign to intimidate Miners For Democracy.

6. Stood by inertly as the Boyle forces repeated their illegal pattern of 1969 in the District 5 election campaign of 1970.

7. Continuously asserted that the murders were not "election-connected" despite the participation therein of a UMWA local president and the position of the federal and state authorities to the contrary.

8. Failed to get the six-year-old case against the UMWA trusteeship even to trial.

9. Refused to intervene in the suit to clean up the UMWA Welfare and Retirement Fund.

10. Permitted the UMWA to continue its practice of late filing of LMRDA reports.

This ten-point uniform and calculated refusal to take any action against America's most corrupt and tyrannical union calls for a new Undersecretary pledged to enforce the labor laws of the nation.

[From the Washington Daily News]

ANSWERS STILL SLOW ON YABLONSKI DEATH

(By Powell Lindsay)

Who killed Joseph A. "Jock" Yablonski the star-crossed union official who bid for and lost the presidency of the rough and tumble United Mine Workers Union? Did the killing have anything to do with the union election? Was the election an honest one?

The answers, if there are to be any answers, are slow in coming. Another winter is all but here since these questions first were raised after Mr. Yablonski was found murdered last New Year's eve.

Five suspects arrested in Ohio and charged with Mr. Yablonski's murder are still in Ohio jails fighting extradition to Washington, Pa., near where Mr. Yablonski, his wife and his daughter were found shot to death.

A Labor Department suit to void the election, in which Mr. Yablonski failed to unseat UMW president W. A. "Tony" Boyle, is bogged down in federal court here.

A Senate subcommittee investigating the union hasn't held a hearing in six months.

A newly impaneled federal grand jury here is looking into the union's financial affairs, but there is no known direct link between this investigation and the union election or Mr. Yablonski.

The FBI is still searching for the * * * "murder fund," which law enforcement officials say was used to pay off Mr. Yablonski's alleged assassins.

A year ago this week, Mr. Yablonski lost his bid to oust Mr. Boyle from the leadership of the UMW. The margin was a decisive one, but Mr. Yablonski vowed to take his charges to court in an effort to prove that the election was fraudulent.

Three weeks later the Yablonskis were found dead in their home in Clarksville, Pa.

For a couple of months thereafter, events moved swiftly. An FBI-led investigative blitz turned up five suspects, who were indicted on first-degree murder charges. The Labor Department sought to invalidate Mr. Boyle's election on grounds of irregular voting procedures.

Then the lawyers took over.

The five persons charged with the Yablonski slayings are all natives of or former residents of the hard-scrabble Kentucky-Tennessee coal mining areas. They are Claude E. Vealey, 27; Aubran Wayne Martin, 22; Paul E. Gilly, 37; his wife, Annette Gilly, 30, and Mrs. Gilly's father, Silous Huddleston, 62, president of a UMW local in LaFollette, Tenn.

TRY THEM SEPARATELY

The special prosecutor in the case, Richard Sprague of Philadelphia, plans to try them separately, beginning with Mr. Vealey.

A Cleveland, Ohio, common pleas court judge last August ordered Mr. Vealey sent to Pennsylvania to stand trial but stayed his order to permit Mr. Vealey's lawyer to appeal. The appeal is still lodged in Ohio's eighth district court of appeals.

Mr. Sprague recently said such a delay is "shocking," but Judge Jack Day, chief judge of the district's appellate court, said the court's docket is jammed. "We'll get to it (Vealey's appeal) as soon as we can," Judge Day said. Vealey can appeal an unfavorable ruling to the Ohio Supreme Court, opening the way for further delay.

A source close to the prosecution said that a conviction of Vealey and a possible death sentence for him may jolt other figures in the case into volunteering information about the source of the alleged "murder fund."

The Labor Department last March filed its suit seeking to void Mr. Boyle's election with much public fanfare. But no hearing has yet been set on the case. A Labor Department spokesman said it's another case of "crowded court dockets and lawyers using delaying tactics, filing motions and taking depositions."

A darker view is taken by attorney Joseph L. Rauh Jr., who represented Mr. Yablonski in a number of anti-Boyle lawsuits and now represents an anti-Boyle UMW faction called "Miners for Democracy."

"The Labor Department has been one big cover-up for Tony Boyle," said Mr. Rauh. "They have a guilty conscience because they wouldn't do anything during the (UMW election) campaign last year."

Mr. Yablonski had repeatedly sought Labor Department intervention in the election, but the department held that it was powerless to do so at the time.

Mr. Rauh and Yablonski backers find it bitterly ironic that the specifications of the Labor Department's suit seeking a new union election are in many respects echoes of Mr. Yablonski's campaign charges last fall: intimidation of UMW members, irregular and unlawful voting procedures, the use of union funds to promote Mr. Boyle's candidacy.

NO KNOWN LINK

The department still takes the position that there is no known link between the Yablonski slayings and the union election, a position also held by Mr. Boyle and the UMW leadership.

Meanwhile, Sen. Harrison A. Williams Jr., D-N.J., said his Senate Labor subcommittee investigators are still gathering data in the subcommittee's "on going investigation" of the UMW election and the UMW pension fund, which Mr. Yablonski charged was illegally manipulated during the election campaign in order to sway UMW pensioners to vote for Boyle.

"I am fully determined to press as intensive an inquiry as I can," said Sen. Williams. "I am not going to comment on the investigation while it is in progress. When we have all the information needed, the information itself will dictate what course we will take."

[From the New York Times, Dec. 5, 1970]

ELECTION BATTLE IS ROUGH IN U.M.W.—COAL MINERS IN PITTSBURGH AREA TO VOTE TUESDAY

(By Ben A. Franklin)

PITTSBURGH, December 4.—"Communists seek U.M.W. takeover," says the headline in Michael Budzanoski's four-page campaign newspaper, "Previous efforts failed."

Another United Mine Workers of America election campaign is under way here, and there is wide agreement that it is one of the roughest.

The incumbent president of the union's Pittsburgh-area District 5 is Mr. Budzanoski, a 54-year-old loyalist of W. A. Boyle, the mine workers' international president.

Mr. Budzanoski's predecessor, Joseph A. Yablonski, challenged Mr. Boyle for the union presidency last year and was defeated. Later, Mr. Yablonski and his wife and daughter were murdered.

The belief seems to be strong among the miners opposing Mr. Budzanoski for reelection that the 1969 campaign and the slaying were related.

CORRUPTION CHARGED

Miners for Democracy, a pro-Yablonski faction backing the campaign to oust Mr. Budzanoski, charges that the union is infested with corruption, violence, nepotism and embezzlement. Mr. Budzanoski said the killings "certainly tend to lead credence to the allegations."

District 5 comprises 69 locals in a sprawling, 10-county section of the western Pennsylvania coal fields and a sizable fraction

of the union's total membership—14,000 out of about 100,000. The election will be held Tuesday.

Mr. Budzanoski's challenger is Louis Antal, 50, a former Yablonski supporter. Even Mr. Budzonoski says the dissidents may give him trouble on election day.

"There is antagonism among the vociferous young" in the district, Mr. Budzanoski said in an interview. "I have more support among the pensioners than among the active members."

Pensioners, who receive $150 a month from the union, can vote along with the workers.

According to data subpoenaed for a continuing investigation of the union by the Senate Labor Subcommittee in Washington, men on union pension here outnumber active miners by about 2,400—8,329 to 5,898.

Mr. Budzanoski disputes these figures, but his campaign strategy seems tailored to woo the crucial pensioner vote.

Rank and file voters for the first time in a U.M.W. district election have been allowed to cast absentee ballots. About 1,370 of them are already in the custody of John Seddon, Mr. Budzanoski's running mate for district secretary-treasurer.

In a televised debate with Mr. Budzanoski last night over WQED, Pittsburgh's educational television channel, Mr. Antal charged that his observers had seen Mr. Seddon earlier this week in his office "with piles of absentee ballots, a razor blade and a paste pot."

CHARGE ANSWERED

Mr. Budzanoski did not challenge Mr. Antal's description of the scene during the debate. He explained to newsmen, however, that the secretary-treasurer had been placing ballot materials in manila envelopes for safekeeping.

"You know how the glue on those envelopes never sticks, so they were pasting the flaps down," he said.

Mr. Antal maintains "that Mike Budzanoski is stealing the election from us with absentee ballots before it even happens."

In the debate last night. Mr. Antal returned Mr. Budzanoski's charge that the dissidents are Communists by charging that the district president has "Communists on his payroll" and demanding the Federal Bureau of Investigation "clean them out."

Mr. Budzanoski and Mr. Seddon are under Federal indictment for alleged falsification of union expense vouchers.

Mr. Boyle has sent a special three-man commission into the district to investigate the alleged "dual unionism" of the Miners for Democracy movement. Dual unionism, the organization of a competing group in the ranks, is a ground for expulsion from the union under the U.M.W. constitution.

[From the Wall Street Journal, Dec. 10, 1970]

DISSIDENT UMW GROUP SEEMS TO HAVE WON IMPORTANT ELECTION VICTORY IN KEY DISTRICT

PITTSBURGH.—Miners for Democracy, a dissident faction within the United Mine Workers union, appears to have scored a significant election victory in one of the UMW's key districts. The results could have far-reaching implications for the miners' union and for the coal industry, which must bargain over a new contract next fall.

Excluding absentee ballots, the vote-count from UMW District five with 69 local unions showed insurgent Louis Antal with 4,436 votes, leading district president Michael Budzanoski, who had 3,922 votes. A victory by Mr. Antal, who is a sharp critic of UMW president W. A. (Tony) Boyle, would remove from District 5 a staunch Boyle ally in Mr. Budzanoski. The district, centered in western Pennsylvania, includes about 15,000 union members, about 8,000 of whom are working.

The outcome is far from assured, however. There remain 1,192 absentee ballots to be counted, mostly from retired or pensioned miners, a group in which Mr. Budzanoski claims to have substantial strength.

The dissident faction claims that Mr. Boyle and the national leadership hasn't been responsive to demands of the union's rank-and-file members. One of its chief complaints is that the leadership hasn't pressed for rigid enforcement of the safety laws and that, in general, it is too close to leaders in the coal industry.

Others on the Miners for Democracy slate also were ahead. Joseph Daniels led incumbent secretary-treasurer John Seddon by 4,447 to 3,778, while Nick de Vince ran ahead of executive board member Francis McCallister by 4,282 to 3,925.

Mr. Budzanoski said, "It is my personal opinion that I will win through absentee ballotes and that so will Mr. McCallister." He was less optimistic about Mr. Seddon's chances. He said the secretary-treasurer has "a good chance" to win.

The election was particularly hard-fought between Mr. Antal and Mr. Budzanoski, who faced each other for the $22,000-a-year post four years ago when Mr. Budzanoski won by better than two-to-one.

Coal industry sources say it's too early to definitely assess the apparent results, but one says "this will give the dissidents a power base, and a place to speak their demands." He adds that "this is too important a district" for Mr. Boyle to ignore the big anti-incumbent vote, and that the UMW president "will be under tremendous pressure" at the bargaining table next year. The UMW chief is on record as wanting to raise daily wages to $50 and to double the employer payment to the UMW welfare and pension fund to 80 cents a ton of coal mined, up from 40 cents.

District 5 was the home district of Joseph (Jack) Yablonski, the insurgent UMW leader who was murdered in December 1969. Shortly before his death, he had sought to wrest control of the UMW from Mr. Boyle in the union's presidential election. He lost by a margin of almost two to one, but the Labor Department has sued to overturn the outcome and order a new election on the ground of alleged irregularities.

Coal industry officials suggested that the District 5 outcome might encourage other Anti-Boyle miners elsewhere. District 5 is the only one of the UMW's 23 geographic districts where all the officers are elected by the rank and file. In only four districts are any officers elected; in the rest, they're appointed by the union's international leadership and executive board. For more than six years, however, Federal suits have been pending that could give some of the districts local autonomy. Included are some West Virginia districts where anti-Boyle sentiment has surfaced in the last two years.

It will be several days before the final election outcome is known. Antal forces have insisted on seeing every request for an absentee ballot and the certified mail receipt showing that each ballot was sent to the person requesting it. They have checked one of three sub-districts, UMW officials said, and when all the receipts are checked, the counting will begin.

Each side has indicated it will contest the results, if unfavorable, and the Antal forces seem likely to zero in on the absentee ballots. A spokesman for Mr. Boyle said the UMW president wouldn't have any comment on the balloting.

[From the Washington Post, Dec. 10, 1970]

INSURGENTS LEAD UMW DISTRICT VOTE

PITTSBURGH, December 9.—A vote count showed today that 1,200 absentee ballots will decide control of the 15,000-member United Mine Workers District 5 in the bitter election battle between the established leadership and an insurgent group.

Miners for Democracy, an off shoot of last year's unsuccessful bid by murdered Joseph A. (Jock) Yablonski to gain control of the UMW's international leadership, held leads of 300 to 700 votes over the incumbent forces in the election for District 5 officers.

The absentee ballots, most of them cast by retired and pensioned miners, were expected to be counted by the end of the week. They were expected to favor the incumbents in District 5, the only one of 23 UMW districts that elects officers by vote of the entire membership.

Tallies from all 69 locals in Tuesday's election, with absentee ballots still to be counted, gave Louis Antal of the MFD in his race for District 5 president, 4,436 votes to 3,922 for incumbent Michael Budzanoski.

Other races:

For secretary-treasurer: Joseph Daniels, MFD, 4,447; John Seddon, incumbent, 3,778.

For International Executive Board member: Nick Devince, MFD, 4,282; Francis McCallister, incumbent, 3,925.

The incumbents had the support of the UMW international leadership, headed by President W. A. (Tony) Boyle.

Budzanoski would need 70 per cent of the absentee vote to win the election. He said he expected to get a majority of the absentee ballots.

Antal, who accused the incumbent leadership of tampering with ballots, said "win or lose" he would protest the absentee count to the Labor Department. He charged that absentee ballots were removed from their envelopes by election tellers.

Miners for Democracy was organized by Yablonski's attorney sons, Kenneth and Joseph, to carry on their father's fight to wrest control of the miners union from the Boyle forces.

The elder Yablonski, his wife and daughter were shot to death last New Year's Eve in their house at Clarksville, Pa. Five persons have been indicted on murder charges and face trial.

[From the New York Times, Dec. 10, 1970]

MINE REBEL LEADS IN PENNSYLVANIA—ABSENTEE BALLOTS VIEWED AS KEY TO UNION CONTEST

(By Ben A. Franklin)

PITTSBURGH, December 9.—Louis Antal, the candidate of a rebel group in the United Mine Workers of America, held a 514-vote lead here today in a bitter contest with Michael Budzanoski, the incumbent, for presidency of the union's District 5.

Still untabulated, however, were 1,200 absentee ballots cast by retired miners drawing the union's $150-a-month pension. These votes were expected to overwhelmingly favor Mr. Budzanoski, who is supported by the U. M. W. president, W. A. Boyle.

Mr. Antal, the anti-Boyle candidate of the Miners for Democracy movement, plans to challenge the validity of the absentee voting, used in this election for the first time in the union's history. The outcome of the election, therefore, may depend upon the legal challenge, which may not be settled in the courts for months.

The union's tally of balloting among about 14,000 coal miners in 10 counties of Western Pennsylvania was 4,436 votes for Mr. Antal and 3,922 for Mr. Budzanoski.

Mr. Antal is a leader of the reform movement that grew out of the union's national election last year. The rebel candidate then, Joseph A. Yablonski, was murdered with his wife and daughter at their Clarksville, Pa., home three weeks after losing to Mr. Boyle.

Mr. Yablonski had accused the Boyle organization of running a "dictatorship" marked by violence, intimidation, fraud and embezzlement. Mr. Budzanoski has been one of the strongest Boyle loyalists.

REBEL VICTORY IS FELT

Mr. Antal, meeting reporters in the reception room of the District 5 office today, and "I feel that we have won the election."

"Boyle and his henchmen was what this was all about." Mr. Antal said. "Budzanoski is just the figurehead and this is a symbolic gesture of the working miners—how they feel about the U.M.W. leadership."

Mr. Budzanoski, speaking to newsmen in his office after a nearly sleepless night, said:

"I talked to President Boyle today. He said he was disappointed that the membership let me down this way after all my hard work for them. He acknowledged the fact that the Yablonski tragedy had stirred up the men."

Mr. Boyle could not be reached for comment.

Mr. Yablonski's son, Kenneth, a lawyer for the Miners For Democracy faction in Washington, Pa., said he expected to file a formal election fraud complaint with the Labor Department by tomorrow concerning the absentee ballots and also what he described as "a number of irregularities at the polling places spotted by our observers."

The reform group had posted over 100 volunteer college students as observers at local union polling places. The students included about 20 from Columbia University.

The Labor Department last March said its own investigation of the Boyle-Yablonski election had disclosed enough evidence of illegal activity to warrant its going into Federal court to invalidate Mr. Boyle's victory and to seek a federally supervised re-run of the balloting. The department's election suit has not yet been tried.

Mr. Budzanoski and the District 5 secretary-treasurer, John Seddon, are under Federal indictment for alleged falsification of union expense vouchers. Mr. Budzanoski said today that the indictments had "helped the opposition a lot."

AMERICAN TECHNOLOGY IS BECOMING SECOND RATE

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, some of the arguments being used against the continued development of the supersonic transport are the same that are heard against other technological programs of the United States. And, if those who are so vocal in opposing the SST and other similar programs are heeded, American technology certainly will be behind that of many other nations of the world.

For example, Mr. Speaker, these same people oppose Navy ship construction, and all the while the Russians are challenging the United States on the high seas with a fleet of new, fast, and efficient vessels which is swiftly relegating America to second-class status.

These same people oppose spending for a merchant marine while Russia has as one of major goals to expand substantially its foreign trade, particularly with the Western world. A rapidly growing maritime establishment is a vital ingredient in that program.

According to a recent article in U.S. News & World Report, the Communists are outstripping us economically and militarily. Yet, those in opposition to the development of an American SST would once again relegate the United States to a second or third position by giving the Russians the opportunity to sell SST's to Japan and other foreign countries when we need economic growth for our balance-of-payment program. Why, Mr. Speaker, should we give our competition this chance and force our own airlines to buy foreign-made planes because we do not have one developed?

In space, we did not act; we reacted following the Soviet launching of Sputnik. In the development of missiles, there is evidence that Russia not only is outproducing the United States, but they are developing more sophisticated and more accurate rockets.

Japan has challenged the United States in trade and is winning.

Frankly, Mr. Speaker, the United States has taken a back seat in every industry where she once proudly led the world except in the production of commercial aircraft. And, the opponents of the SST are saying, in essence, let us go ahead and toss in the towel in this industry, too.

Their desire for more money for social programs is shared by many. But, to date far too many of these programs have proved to be wasteful gestures that have solved little.

Mr. Speaker, I say that what we need in America is employment; jobs in a free-enterprise system to rid ourselves of poverty, and the SST program is a job-producing program that not only will touch the pocketbooks of 150,000 workers, but will strengthen our commercial airplane-producing industry and keep us in the No. 1 position we have worked so hard to accomplish.

I might add that all the arguments in favor of the SST have been clearly expressed in the Senate by the senior Senator from Washington (Mr. MAGNUSON), yet his words have fallen on many deaf ears.

I urge in the strongest way, Mr. Speaker, support for the American SST program. I want America to be foremost in military, scientific, and economic positions, and the decision on the SST interties with all of these. The decision is before us now, and I intend to support the advancement of American technology.

WHO IS APATHETIC ABOUT CANCER?

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am proud to be a sponsor in the House of the legislation developed by Senator YARBOROUGH's subcommittee in the other body to create a National Cancer Authority to make a massive final attack on the most dreaded disease in the land.

Two recent news items came to my attention which I would like to share with our colleagues. One announced the creation of the Vincent T. Lombardi Cancer Research Center in memory of the great coach of the Green Bay Packers and the Washington Redskins who died of cancer at Georgetown University Hospital on September 3. The other told of a candlelight demonstration by the families and neighbors of Elizabeth Perriello who died in Alexandria, Va., last January 25, at the age of 15½ years, thinking she would soon recover from a disease which her family could not bring themselves to tell her was leukemia.

These newspaper stories indicate how cancer threatens the young and the old, the famous and the obscure, the man who has lived a rich, full life of achievement and the teenaged girl on the threshold of a life of love and happiness.

These items also show the deep faith the American people have in the power of medical research to understand the causes of cancer and to develop techniques of prevention and cure.

The newsstory notes that Elizabeth Perriello's father and neighbors have repeatedly come to Capitol Hill to request more funds for cancer research. It quotes her father as saying:

> They (Congressmen) reflect the same apathy that's shown by the public. We're not lobbying for any particular person, or a group. We're lobbying for humanity. I've suffered the loss of someone I loved very much, and I'm indignant and mad that this country is apathetic to finding a solution, when the solution can be bought with money.

Mr. Speaker, I wish to say here that it is not the Members of Congress who must bear alone the reproach of Mr. Perriello. There are many other concerned Americans in positions of great influence who contribute to our lack of adequate support for cancer research by insisting, as many Members of Congress do, that there are other medical problems that require attention and that there is no assurance that a massive research program will enable us to conquer cancer.

In this connection I wish to insert in the RECORD following my remarks, and following the two items I have mentioned, the recent newspaper columns by two distinguished writers for the Washington Star, Mr. Crosby S. Noyes and Miss Judith Randal. These are concerned and very knowledgeable journalists who caution against the legislation which Senator YARBOROUGH and I are sponsoring, caution against responding rapidly to the fervent desire of the American people for more cancer reseach and urge prolonged and thorough study before action is taken on this legislation.

These distinguished journalists are not apathetic about cancer, any more than are the Members of the Congress. But I would suggest that they and we are the victims of excessive caution in the face of a clear will of the people that we try at least to conquer cancer through research in the foreseeable future.

Mr. Speaker, ours is a democratic society and I would not want to be part of a government which could not respond to the wishes of the people in a matter such as this. We may not be able to find an early cure for cancer through the kind of clear-mission approach we adopted to put a man on the moon. But the American people are willing to try, they are willing to spend the money, and it is, after all Mr. Speaker, their money.

I would suggest that a National Cancer Authority makes good sense medically and scientifically. But much more

significantly I think it makes urgent good sense in terms of democratic government and the ability of government to respond to the will of the people. I urge my colleagues to make considerations of this legislation a priority objective in the next Congress. I am convinced that the American people want this kind of legislation to combat cancer and that they are indeed "lobbying for humanity."

The articles follow:

[From the Washington Star, Dec. 10, 1970]

CANCER AGENCY PLAN QUESTIONABLE

(By Judith Randal)

It is difficult to assess the proposal made to the Senate to intensify research against cancer.

On its face, this legislation—which followed the recommendations of a Senate-financed panel of scientists and leading citizens and was introduced by lame-duck Sen. Ralph Yarborough of Texas—contains two features, one laudable and one questionable. Although the legislation stands virtually no change of passage before the coming adjournment of the 91st Congress, both features are worth examining because the bill—or one much like it—undoubtedly will be reintroduced in the 92nd Congress.

The laudable aspect of the proposal, as one panel member explained last week to the Senate Committee on Labor and Public Welfare, is its stated goal of "major progress" in treating certain forms of cancer and some progress "in all forms of cancer within a time-span of five to eight years."

Even if cancer were not second only to heart disease as the cause of death in this country, the objective would be a valid one and the suggested investment of $3 billion to $7.5 billion probably would be money well-spent. It need hardly be said that malignancy is the most dreaded of medical diagnoses.

Although treatment of its various manifestations has, by and large, improved, there still is a very long way to go. Skin cancer, for example, is about 95 per cent curable if treated early, but survival rates from breast cancer have changed little in 50 years.

The questionable aspect of the proposal is more complex. As things now stand, the government's investment in cancer research is centered at the National Cancer Institute, one of the components of the National Institutes of Health, which, in turn, are a part of the Department of Health, Education and Welfare. Under the new plan, a National Cancer Authority—separate from these jurisdictions and answerable directly to the President—would supersede the NCI.

The panelists' idea in proposing the authority was to give the cancer problem the same kind of urgency that was accorded the development of an atomic bomb by the Manhattan Project and landing men on the moon by the Apollo program. The question that must be asked, however, is whether the comparisons have been thought through.

What seems to have been forgotten, for instance, is that special independent agencies were not created to achieve these high-priority objectives. The atom bomb was given to the Corps of Engineers in the then-independent War Department, while the already existing National Aeronautics and Space Administration was charged in 1961 with building an organization to put men on the moon.

The panel obviously was thinking that an autonomous agency would be freer of fiscal constraints than one whose horizons are limited by the budget ceiling imposed on the Department of Health, Education and Welfare. However, that expectation seems naive.

Slice it any way you wish—a national cancer authority, whether in or out of HEW, would be part of the medical research mix, a fact not likely to go unnoticed by the federal Office of Management and Budget which controls the expenditures authorized by Congress and releases no more money to agencies than it deems wise.

Furthermore, if cancer is singled out for autonomy, other disorders are sure to demand equal time. Which would get independent agency status and which would not, would likely depend less on their relative importance than on the relative strengths of the various health lobbies.

There already is a certain amount of internecine warfare among health causes, and if cancer—which already gets top-priority funding at the expense of such relatively negelected disorders as arthritis—became even more privileged, the bitterness would intensify. Indeed, if any one field deserves to be singled out for favored treatment, it probably is genetics, which has a bearing on literally every disorder known to man, cancer included, and on such social problems as the population explosion as well.

Finally, it should be said that the basic research advances which fuel progress in medical technology—i.e., treatment—have a bewildering habit of coming from the most unexpected quarters, suggesting that, if the cancer endeavor were insulated from the rest of medicine by the artificial barriers that its independent status would tend to erect, important leads might go untapped.

In short, although the national cancer authority proposal is clearly well-intentioned and will be hard for politicians to resist, it should be exhaustively investigated before being put to a vote.

[From the Washington Star, Dec. 10, 1970]

WOULD CRASH PROGRAM FOR CANCER CURE PAY OFF?

(By Crosby S. Noyes)

Who can be against it?

Who can really oppose the idea of conquering cancer? What politician, scientist or ordinary citizen could disagree with a proposal for an intensive effort, patterned on NASA's crash program for putting men on the moon, aimed at ridding mankind of this dreadful disease?

The objective, certainly, is universal. It transcends any interest based on race, creed, national origin or economic status. The rich white man has as much to fear from cancer as the poor black. Leonid Brezhnev, for one, thinks that Russia and the United States should work together on the problem.

In this country, the proposals to date are hardly extravagant.

A few days ago, a 20-member panel, named by the Senate Committee on Labor and Public Welfare to study the problem of cancer research, called for the creation of a new independent agency to take on the job. This National Cancer Authority, reporting directly to the President, would take over the National Cancer Institute—now a part of the National Institutes of Health—and all efforts in the area of cancer research.

The budget of $400 million for the new agency would nearly double the funds available for such research within the next fiscal year, according to the panel's recommendations. Ultimately, the plans call for increasing this backing to between $800 million and $1 billion by 1976, or sooner if possible.

Why not indeed? As the panel points out, cancer now costs the country between $3 billion and $5 billion a year in medical costs, plus perhaps as much as 12 billion more for loss of earnings and productivity. In contrast, as Committee Chairman Ralph Yarborough observed, the nation spends less on cancer research today than it does on ballpoint pens or chewing gum.

There is, in fact, strong backing for the proposal. The panel that made it includes some highly distinguished names in the scientific and business communities. Its reception by the Senate committee was enthusiastic, with Sen. Edward Kennedy promising to introduce the needed legislation in the first session of the new Congress.

Yet, unlikely as it may sound, there also is very serious opposition to the idea of a stepped-up war on cancer. And the proposal to set up a new agency to wage it is certain to cause a major hassle among everyone interested in the area of public health.

Some of the opposition already has weighed in. Dr. Robert Marston, director of NIH, is against taking cancer research away from his agency. Other professionals are reported dismayed at the idea of concentrating so much of the available resources on a single health problem, perhaps at the expense of such things as pollution control, research on other diseases and improved health care for the poor.

Part of this opposition stems from the fairly obvious proposition that, in health research as in everything else, there never is enough money to go around. If the proposed war on cancer really means that new resources will be brought into play, no one could have many objections.

But if it turns out to be merely a diversion of available resources to a single medical objective, the objections would be well founded and the project itself could be self-defeating.

Perhaps the most serious question, however, is whether the problem of cancer research lends itself to the kind of spectacular, all-out effort that the committee is suggesting. The analogy to the moon-landing effort mounted over the last decade has an obvious appeal, but it also could prove to be cruelly deceptive.

The technology for getting to the moon, after all, already existed when President Kennedy set the goal in 1961. Once the decision was made to concentrate the necessary manpower and resources on the moon project, success was virtually assured. The only problem was in deciding whether the result would justify the effort.

The problem of cancer research is altogether different. There is absolutely no assurance that a concentrated effort—at twice, or 5 times, or even 10 times the present rate of spending—will in fact produce a cure for cancer within any foreseeable period of time. And since, as Dr. Marston points out, "cancer research profits from an interplay with other research in the diseases of men," concentration on a single objective could turn out to be an entirely wrong approach.

But also maybe not. It is almost a fundamental article of the American faith that the more money and the more brains are focused on a given objective, the sooner that objective will be reached. In this case, the faith may prove false. But unless the effort is made, who will ever know?

[From the Washington Post, Dec. 12, 1970]

CANDLES BEAM CANCER PLEA

(By William L. Claiborne)

Elizabeth Perriello was 14 when the doctors told her parents she would die of leukemia; she was 15½ last Jan. 25 when she died.

She died, her father said, "believing she had a blood disease that could be cleared up tomorrow." Her parents had made the decision not to tell her she had leukemia.

She was a happy teen-ager until the day she died, her father said. She believed she would be made well because she assumed that everything was being done to guarantee her recovery.

Last night, Elizabeth's parents and the mothers and fathers of dozens of children who have cancer, or have died of it, silently protested, in effect, that Elizabeth's assumption was wrong.

Angelo Perriello, an American Airlines captain who lives at 9031 Greylock St., Alexandria, stepped out into the darkness last night in front of his home and slowly began placing paper bags on his porch.

He weighted them with sand and in each one placed a lighted candle, creating a pattern of luminaries that soon was duplicated in half a dozen other homes in the block.

The luminaries, which are used widely at Christmastime in some Southwestern states, stem from the Spanish tradition of placing festival lights along a roadway leading to a church and lighting them at Christmas mass.

Because of last night's rain, the Perriellos and other families placed the lights on porches. Normally, they will border driveways and streets.

In other homes in Virginia and in Maryland and Washington, families whose lives have been touched by cancer followed suit. Others have pledged to light one candle in the coming weeks.

They are members of an organization called the Candlelighters, and their purpose is to impress upon the federal government and the public their belief that not enough money is being spent on cancer research.

The organization's genesis last April was in the waiting rooms of Children's Hospital, where parents of children dying of cancer shared their most troubled moments and struck an accord of purpose.

Federal spending for cancer research in the past three years has dropped from $183 million in 1968 to $181 million in 1970, the Candlelighters found, while the costs of research have increased each year by 10 per cent.

The result, they say, is a one-third reduction in the amount of research that can be funded. This comes, they note, in a year in which 330,000 Americans will die of cancer, the disease that will kill more children than any other.

"The fact that tremendous strides are being made in cancer research is one thing," said Perriello. "But it's being done with peanuts; imagine what could be done with the kind of money that Congress could afford."

Perriello and other members of the Candlelighters have repeatedly gone to Capitol Hill to request more federal funding for cancer research They say the response has been less than enthusiastic.

"They (congressmen) reflect the same apathy that's shown by the public," said Perriello. "We're not lobbying for any particular person, or a group. We're lobbying for humanity.

"I've suffered the loss of someone I loved very much, and I'm indignant and mad that this country is apathetic to finding a solution, when the solution can be bought with money," said Perriello.

Then, acknowledging mixed feeling for those he says he has failed to impress. Perriello said, "I feel an affinity for the people who will not get behind this, because I know some day they could suffer as my wife and I have."

Not all of the 130 area families who belong to the Candlelighters are setting out luminaries, because many of them have children who don't know that they are dying of cancer of leukemia.

Perriello feels his candles can just as well burn for someone else.

"I've already lost my child, but there are many, many children whose lives are a matter of days and weeks and months. For them time is running out, and I'd be letting my child down if I did anything else," he said.

[From the Washington Post, Dec. 12, 1970]

CANCER UNIT NAMED FOR LOMBARDI

Georgetown University has established the Vincent T. Lombardi Cancer Research Center in memory of the former Green Bay Packers and Washington Redskins coach who died of cancer at Georgetown Hospital Sept. 3.

Mrs. Marie Lombardi, widow of the coach, and the Rev. R. J. Henle, president of Georgetown University, announced the establishment of the center yesterday.

In a statement, Mrs. Lombardi and Father Henle said the center will "provide a multidiscipline approach to research in the field of human cancer. It also will provide facilities of the most sophisticated nature for the diagnosis, care and rehabilitation of cancer patients."

Father Henle indicated planning for a cancer research center at the university has been in progress for nearly two years under a grant from the National Cancer Institute. Planning to determine the physical design and form of the center now is underway, he said.

Mrs. Lombardi will serve as honorary chairman of a national committee to assist in developing resources for the center. Contributions should be sent to Lombardi Memorial-Georgetown, Georgetown University Medical Center, Washington, D.C. 20007.

THE HONORABLE ROSE McCONNELL LONG

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the beginning of my service in the other body in 1936 overlapped briefly that of a great lady who had the distinction of being the beloved wife of one distinguished U.S. Senator and the mother of another.

It was a sad occasion, therefore, for me when Mrs. Rose McConnell Long passed away on May 27 of this year, and is my privilege to rise to pay tribute to her memory.

Mrs. Long was appointed to the Senate in January of 1936 to fill the vacancy caused by the tragic death of her disguished husband, the late Huey P. Long. I was elected to fill a vacancy in November of that year and consequently was her colleague until her term ended in January of 1937.

Through a long and eventful life, Mrs. Long came to embody those qualities of character and integrity which are the heart and soul of America at its best. Modest, self-effacing, kindly in word and deed, she set an example whose influence extended to all who knew her, respected her, and loved her. As the wife of one distinguished U.S. Senator, the mother of another, and herself a Senator, hers is a unique record of family service in the Senate.

To her son, the honorable and distinguished RUSSELL B. LONG, who also was my colleague in the Senate, and to all of the members of her notable family, I extend my sincere condolences in their and our loss. They will be sustained through all the years by the memory of her life and her service to Louisiana and the Nation.

As the wisdom of Solomon reminds us:

The memorial of virtue is immortal . . . for it is known both to God and to men. When it is present, men take example of it, and long for it when it is gone; throughout all time it marches, crowned in triumph, having gotten the victory, striving for undefiled rewards.

APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS—CONFERENCE REPORT

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91–1745)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) "making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes," 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 amendments numbered 16, 18, 20, 25, 26, 27, 28, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 30, and 31 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$353,435,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$166,750,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,875,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,810,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,925,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,980,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$287,500,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$420,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$51,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"PEACE CORPS

"SALARIES AND EXPENSES

"For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $90,000,000, of which $30,000,000 shall be available for administrative expenses."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$6,476,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,649,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 14, 15, 17, and 24.

OTTO E. PASSMAN,
JOHN J. ROONEY,
JULIA BUTLER HANSEN,
JEFFERY COHELAN,
CLARENCE D. LONG,
JOHN J. MCFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
CHARLOTTE T. REID,
DONALD W. RIEGLE, JR.,
FRANK T. BOW.

Managers on the Part of the House.

GALE W. MCGEE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JOSEPH M. MONTOYA,
HIRAM L. FONG,
JAMES B. PEARSON,
MILTON R. YOUNG.

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

Amendment No. 1: Technical assistance: Appropriates $353,435,000 instead of $310,000,000 as proposed by the House and $396,870,000 as proposed by the Senate. This amount will be distributed as indicated in amendments numbered 2, 3 and 4 below.

Amendment No. 2: Appropriates $166,750,000 for world-wide technical assistance instead of $150,000,000 as proposed by the House and $183,500,000 as proposed by the Senate.

Amendment No. 3: Appropriates $82,875,000 for Alliance for Progress technical assistance instead of $75,000,000 as proposed by the House and $90,750,000 as proposed by the Senate.

Amendment No. 4: Appropriates $103,810,000 for Multilateral organizations technical assistance instead of $85,000,000 as proposed by the House and $122,620,000 as proposed by the Senate.

Amendment No. 5: American schools and hospitals abroad: Appropriates $12,895,000 as proposed by the Senate instead of $8,600,000 as proposed by the House.

The amounts appropriated under this section shall be available solely in accordance with the allocations set forth on pages 10 and 11 of Senate Report No. 91-1370 with the exception of the sum proposed for Igud Leiluf Hanoar which the Committee of Conference has reduced by $500,000. In lieu of the $500,000 reduction mentioned above, the Committee of Conference has included $500,000 for the Hospital and Home for the Aged, Zichron-Yaakov, Israel.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would waive the 1971 and 1972 payments due on certain Public Law 480 loans from the Weizmann Institute and the Bar-Ilan University. The Committee of Conference felt it was sufficiently meritorious to include the Bar-Ilan University in the waiver of certain Public Law 480 loan repayments for 1971 and 1972. This action should not be considered as establishing a precedent for other institutions to follow.

Amendment No. 7: Indus Basin Development Fund, grants: Appropriates $4,925,000 instead of $4,000,000 as proposed by the House and $5,850,000 as proposed by the Senate.

Amendment No. 8: Indus Basin Development Fund, loans: Appropriates $6,980,000 instead of $6,000,000 as proposed by the House and $7,960,000 as proposed by the Senate.

Amendment No. 9: Supporting assistance: Appropriates $414,600,000 as proposed by the Senate instead of $375,000,000 as proposed by the House.

Amendment No. 10: Contingency fund: Appropriates $15,000,000 as proposed by the Senate instead of $12,500,000 as proposed by the House.

Amendment No. 11: Alliance for Progress, development loans: Appropriates $287,500,000 instead of $225,000,000 as proposed by the House and $337,500,000 as proposed by the Senate.

Amendment No. 12: Development loans: Appropriates $420,000,000 instead of $280,000,000 as proposed by the House and $570,000,000 as proposed by the Senate.

Amendment No. 13: Administrative expenses, A.I.D.: Appropriates $51,000,000 instead of $50,000,000 as proposed by the House and $51,125,000 as proposed by the Senate.

Amendments Nos. 14 and 15: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments which would allow deobligated funds from one account to be reobligated to any of the other various appropriation accounts.

Overseas Private Investment Corporation

Amendment No. 16: Overseas Private Investment Corporation, reserves: Appropriates $18,750,000 as proposed by the House instead of $37,500,000 as proposed by the Senate.

Social Development Assistance

Inter-American Social Development Institute

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would allow the Institute to commence operations and place a limitation of not to exceed $10,000,000 to be available to fund this program during the current fiscal year.

The Committee of Conference agrees that no construction of any type should be undertaken by the Institute until proper justification has been presented to and approved by the appropriate committees of the United States Senate and House of Representatives.

Amendment No. 18: Sec. 107: Makes available not to exceed $9,000,000 for research under section 241 of the Foreign Assistance Act of 1961, as amended, as proposed by the House instead of $10,000,000 as proposed by the Senate.

TITLE II—FOREIGN MILITARY CREDIT SALES

Amendment No. 19: Appropriates $200,000,000 instead of $272,500,000 as proposed by the House. According to the Senate Committee report, this item was denied, without prejudice, due to the lack of authorizing legislation. The Senate accepted the recommendation for deletion.

The Committee of Conference agrees that the credit sales program in fiscal year 1971, as provided for above, should fund a program with a credit authorization of not to exceed $235,000,000.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Amendment No. 20: Conforms title number.

Peace Corps

Salaries and Expenses

Amendment No. 21: Appropriates $90,000,000 instead of $94,500,000 as proposed by the Senate. The House deleted this item on a point of order due to the lack of authorizing legislation at the time it was considered by the House. The Peace Corps is now authorized by Public Law 91-352, approved July 24, 1970.

It is also provided that of the amount appropriated above, $30,000,000 shall be available for administrative expenses instead of $31,400,000 as proposed by the Senate.

Department of the Army—Civil Functions

Ryukyu Islands, Army, Administration

Amendment No. 22: Appropriates $6,476,000 instead of $6,000,000 as proposed by the House and $6,952,000 as proposed by the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 23: Appropriates $5,649,000 instead of $5,511,000 as proposed by the House and $5,787,000 as proposed by the Senate.

Funds Appropriated to the President—

International Monetary Fund

Increase in Quota, International Monetary Fund

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would provide for an increase of $1,540,000,000 in the quota of the United States in the International Monetary Fund.

The Committee of Conference has deleted the proviso which stated the appropriation shall be effective only upon the enactment of authorizing legislation. The authorizing legislation has not yet been enacted into law.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Amendment No. 25: Conforms title number.

TITLE V—GENERAL PROVISIONS

Amendment No. 26: Conforms title number.

Amendment No. 27: Section 501: Conforms section number.

Amendment No. 28: Section 502: Conforms section number.

Amendment No. 29: Section 503: Conforms section number.

Amendment No. 30: Section 504: Deletes language proposed by the House which would would have required an audit by the Comptroller General of the United States of any project or activity financed by the International Financial Institutions funded in this bill.

Amendment No. 31: Section 505: Deletes language proposed by the House which would have required detailed justifications to be available to the Senate and House of Representatives on any project or activity financed by the International Financial Institutions funded in this bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$2,710,490,000
Budget estimates of new (obligational) authority, fiscal year 1971	2,876,539,000
House bill, fiscal year 1971	2,220,961,000
Senate bill, fiscal year 1971	2,603,639,000
Conference agreement	2,534,310,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	—176,180,000
Budget estimates of new (obligational) authority, fiscal year 1971	—342,229,000
House bill, fiscal year 1971	[1]+313,349,000
Senate bill, fiscal year 1971	[2]—69,329,000

[1] Consists of a net of (1) $90,000,000 added for the Peace Corps, for which no provision was made in the House bill, (2) $295,849,000 in concessions on various increases made in the bill by the Senate, offset in part by (3) $72,500,000 reduction from the $272.5 million in House bill for military credit sales.

[2] Consists of a net of (1) $4,500,000 reduction from the Senate provision for the Peace Corps, which was not in the House bill, (2) $264,829,000 in reductions below various increases made in the bill by the Senate, offset in part by (3) $200,000,000 increase for military credit sales, for which no provision was made in the Senate bill.

OTTO E. PASSMAN,
JOHN J. ROONEY,
JULIA BUTLER HANSEN,
JEFFERY COHELAN,
CLARENCE D. LONG,
JOHN J. McFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
CHARLOTTE T. REID,
DONALD W. RIEGLE, Jr.,
FRANK T. BOW,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHISHOLM (at the request of Mr. ALBERT), for December 14 and 15, on account of illness.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for the week of December 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLD), to revise and extend their remarks and to include extraneous matter:)

Mr. SCHWENGEL, on Thursday, December 17, for 1 hour.

Mr. PRICE of Texas, today, for 30 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. FLOOD (at the request of Mr. ANDERSON of California) for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CABELL, immediately following the remarks of Mr. MCMILLAN in the Committee of the Whole today on the District Revenue Act.

(The following Members (at the request of Mr. WOLD), and to include extraneous matter:)

Mr. SCHERLE in 11 instances.
Mr. HORTON.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mr. FREY.
Mr. CHAMBERLAIN in two instances.
Mr. SCHMITZ in two instances.
Mr. ZWACH in two instances.
Mr. PRICE of Texas.
Mr. PELLY in two instances.
Mr. FINDLEY.
Mr. ANDERSON of Illinois.
Mr. CARTER.
Mr. WHITEHURST.

(The following Members (at the request of Mr. ANDERSON of California), and to include extraneous matter:)

Mr. RARICK in three instances.
Mr. PUCINSKI in six instances.
Mr. BARING in two instances.
Mr. EILBERG.
Mr. LEGGETT.
Mr. DAVIS of Georgia in two instances.
Mrs. SULLIVAN in three instances.
Mr. MINISH in two instances.
Mr. EDWARDS of California.
Mr. MELCHER.
Mr. O'HARA.
Mr. COHELAN in five instances.
Mr. JOHNSON of California.
Mr. KLUCZYNSKI in two instances.
Mr. ROGERS of Florida in five instances.
Mr. RYAN in two instances.
Mr. LOWENSTEIN in five instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8663. An act to amend the Act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto.

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; and

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

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;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 3867. An act 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;

S. 4536. An act to amend the Small Business Act; and

S. 4557. An act to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

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. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin;

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. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of residence or the State or Subdivision wherein more than 50 per centum of compensation is earned, and for other purposes;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act 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;

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 permanent certain provisions thereunder; and

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 15, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2614. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

2615. A letter from the Acting Secretary of the Interior, transmitting a copy of a proposed concession contract authorizing the continuation of medical, surgical, hospital and related facilities and services for the public within Grand Canyon National Park, Ariz., for a 10-year term ending December 31, 1979, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2616. A letter from the Attorney General, transmitting a report on the award of the Young American Medals for Bravery and Service for the calendar year 1968, pursuant to the act of August 3, 1950; to the Committee on the Judiciary.

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. ICHORD: Committee on Internal Security. Report of inquiry concerning speakers' honoraria at colleges and universities (Rept. No. 91–1733). Referred to the Committee on the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; with an amendment (Rept. 91–1733). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19774. A bill to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; with an amendment (Rept. No. 91–1734). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19627. A bill to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income; with amendments (Rept. No. 91–1735). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19566. A bill to amend the Renegotiation Act of 1951, and for other purposes; with amendments (Rept. No. 91–1736). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19242. A bill to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves; with an amendment (Rept. No. 91–1737). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18693. A bill to amend section 165(1) of the Internal Revenue Code of 1954; with an amendment (Rept. No. 91–1738). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18549. A bill to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met; with amendments (Rept. No. 91–1739). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means on Ways and Means. H.R. 18251. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; with an amendment (Rept. No. 91–1740). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 6742. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; with amendments (Rept. No. 91–1741). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee of Ways and Means. H.R. 17988. A bill to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit; with an amendment (Rept. No. 91–1742). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 17917. A bill to amend the Tax Reform Act of 1969; with an amendment (Rept. No. 91–1743). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 8298 (Rept. No. 91–1744). Ordered to be printed.

Mr. PASSMAN: Committee of conference. Conference report on H.R. 17867 (Rept. No. 91–1745). 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. DADDARIO:

H.R. 19951. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain employment in research facilities operated under contract with the National Defense Research Committee or the Office of Scientific Research and Development, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD:

H.R. 19952. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain suede leather gloves, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 19953. A bill to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19954. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to waive the exclusionary provisions of section 212(a)(19) with respect to certain additional alien relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 19955. A bill to amend title 37 of the United States Code in order to provide certain enlisted members and commissioned officers of the Armed Forces with transportation to and from the homes of their next of kin; to the Committee on Armed Services.

By Mr. STRATTON:

H.R. 19956. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WAMPLER:

H.J. Res. 1415. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 19957. A bill for the relief of Julia Ann Lydon; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 19958. A bill for the relief of Alfredo Fugaccia and his family: Anna Maria Franchi Fugaccia (wife), Alberto Fugaccia (son), Isabella Fugaccia (daughter); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

652. The SPEAKER presented a petition of "D C" Dockery, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.