airwaves of the radio station WEEI, and, instead we were cut off by Paul Benziquen.

For permission to remain here in the U.S.A. and to demand the right of asylum, Mr. Lewandowski had begged the police department in Salem, Mass., from where we were connected with the Immigrant-Bureau in Boston, and, there we spent six long hours, before we had communicated with the State Department in Washington, and then the decision was made there that Mr. Lewandowski would have to be deported.

I was also a witness of this scandal and I had seen with my own eyes at the East Boston port, how the Polish seamen halfway across the bridge, between the landing and the ship that, not only they had beaten him but that they were also kicking him, i.e. Mr. Lewandowski, who crying bitterly, defended himself and refused to be carried away into the hands of the communists.

From the Immigration Bureau we were transported to the port in a police-car, with the assistance of two inspectors, and, I must add, that at the moment when we entered the police car, neither I nor Mr. Lewandowski did not know where we were being taken, but, when I asked where we were being driven, a reply was given that Mr. Lewandowski was going to be deported, but, neither I nor the seaman with us could not believe that such a thing would happen.

We were very frightened, when we reached the port, and, here we saw several inspectors (without uniforms, but, two of them were armed) and they were waiting for our arrival.

When we were informed that Mr. Lewandowski is being deported and must return to his native land aboard a Polish ship, which was anchored at the East Boston seaport, then I and Mr. Lewandowski replied in the negative. In the meantime, when I and Mr. Lewandowski would prefer to jump into the ocean rather than to be handed over to the communist-police, then, several rough policemen in civilian style went up to Mr. Lewandowski and with force he was taken out of the police car.

Our threats of jumping into the ocean were of no avail; three burly inspectors, American, forcibly led him towards the landing-plank, and while he was standing at half-distance between the land and the ship, and there, I stood frozen and the several inspectors who were involved in the scene, were shocked at what we saw, that Mr. Lewandowski, while stubbornly refusing to be hauled away to the ship, was immediately beaten and kicked by the Polish seamen, those communist bandits.

Crying loudly and shouting for help, Mr. Lewandowski was not helped by anyone, instead he was forcefully being deported, and, like the Lithuanian seaman, he was given a severe beating. In such an inhuman and miserable manner human rights and international laws of free asylum were transgressed.

We must add here, that neither WMDH nor the Boston Globe, nor Station WEEI, would not release the facts to the public, although I personally had given them all the information they might have been seeking.

This happened three years ago, and the Salem Police Station as well as the Immigration Bureau in Boston, must have the report in their files, and it would be proper if today the case of the Lithuanian seaman were compared to the refusal of asylum to the Polish seaman, also.

In the name of the Anti-Communist Confederation of the Polish Freedom Fighters in the USA, Inc., we beg of you, Mr. President, to intervene in this case and we believe that you will not refuse our plea.

In the service of God, Freedom and Country.

JOZEF MLOT-MROZ,
President.

SUPPORT FOR MEDICAL SCHOOLS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. CARTER. Mr. Speaker, the schools of medicine at the University of Kentucky and the University of Louisville are among the outstanding schools in the country and these schools provide the greater part of the medical manpower for the State of Kentucky. However, due to the great need for physicians in Kentucky, 35 residents of Kentucky have applied for enrollment in the Georgetown University and the Georgetown University Schools of Medicine. Further, there are approximately 26 physicians graduates of Georgetown and George Washington practicing in Kentucky.

The funds requested in this bill are support funds that I believe to be proper.

In my State of Kentucky the costs of the schools of medicine are for the major part borne by the State of Kentucky.

The shortage of physicians throughout the nation is a great concern to all members of Congress. The closing of these two schools would be a loss to the Nation that it can ill afford in its desperate need for additional physicians.

I have no hesitation in supporting this legislation.

FARMER ON BOTTOM RUNG OF ECONOMY LADDER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. ZWACH. Mr. Speaker, Franl LeRoux, in his book, "1961 to 1970, the Farmers' Worst Nine Years," points out that by almost every conceivable business standard, these years have been the worst for the American farmer than any other period in history.

He points out that the farmer has had:

The lowest share of gross national product;

The lowest return on gross sales;

The lowest return on total capital investment;

The lowest return on capital investment per farm;

The lowest share of the consumer dollar;

The lowest share of the retail food dollar;

The lowest level of parity of income;

The lowest return for farming versus all other major businesses;

The lowest return for farmers versus government salary increases.

We must strive to increase the parity of farm prices if we hope to keep this vast segment of our economy from complete financial ruin. We must do all that can be done here in Washington.

HOUSE OF REPRESENTATIVES—*Tuesday, December 15, 1970*

The House met at 12 o'clock noon.

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

The people who walked in darkness have seen a great light.—Isaiah 9: 2.

Almighty God, who by the birth of the Babe of Bethlehem has given light to those who sit in darkness, love to those who would live with ill will in their hearts, and life to those who walk through the valley of the shadow of death: Grant that in Thy light we may see light clearly, in Thy love may we possess love fully, and in Thy life may we learn to live all our lives.

Guide the citizens of our Nation in the ways of righteousness and the people of the world in the paths of peace. May good will live in all our hearts binding us together in the bond of true brotherhood, to the glory of Thy holy name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; and

H.R. 19888. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purp s

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

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19928) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of West Virginia, Mr. PASTORE, Mr. HOLLAND, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. MCGEE, Mr. YOUNG of North Dakota, Mrs. SMITH, Mr. HRUSKA, and Mr. ABBOTT to be the conferees on the part of the Senate.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19436) entitled "An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. BROOKE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 380) entitled "An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968)," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. MCGOVERN, and Mr. FANNIN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 704) entitled "An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act," agrees to conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BYRD of West Virginia, and Mr. COOPER to be the conferees on the part of the Senate.

The message also announced that Mr. STEVENS was appointed a conferee on the bill (H.R. 17809) entitled "An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes" in lieu of Mr. BOGGS, excused.

RESIGNATION FROM COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following resignation from the Committee on Ways and Means:

WASHINGTON, D.C.,
December 15, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am submitting herewith my resignation as a member of the Ways and Means Committee. I am advising Chairman Mills so that he may make the proper arrangements.

I take this opportunity to tell you how much I have enjoyed your friendship and your leadership in the House, and I thank you for your many kindnesses to me.

With best personal regards, I am,

Sincerely yours,

JACOB H. GILBERT,
Member of Congress.

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

There was no objection.

PRIVATE CALENDAR

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

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

REFERENCE OF H.R. 17968 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called the resolution (H. Res. 108), referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

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

H. RES. 108

Resolved, That H.R. 1390 entitled "A bill to compensate certain silver dealer claimants by authorizing the sale of silver bullion," now pending in the House of Representatives, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims; and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress whether the claims of the silver dealers listed therein are legal or equitable in character and the amount, if any, which may be legally or equitably due to each claimant from the United States to be satisfied by the sale of silver bullion, as provided in section 2 of the bill.

With the following committee amendment:

Page 1, lines 1, 2, and 3: Strike "H.R. 1390 entitled 'A bill to compensate certain silver dealer claimants by authorizing the sale of silver bullion'" and insert "H.R. 17968 entitled 'A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion'."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill H.R. 12990, Private Calendar No. 262, be recommitted to the Committee on the Judiciary.

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

There was no objection.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudcie.

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

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be passed over without prejudice.

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

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 11676) for the relief of Philip C. Riley and Donald F. Lane.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 15864) for the relief of Robert L. Stevenson.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARION OWEN

The Clerk called the bill (H.R. 15865) for the relief of Marion Owen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 16276) for the relief of William E. Carroll.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CARLO BIANCHI & CO., INC.

The Clerk called the bill (H.R. 17853) for the relief of Carlo Bianchi & Co., Inc.

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

H.R. 17853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carlo Bianchi and Company, Incorporated, the sum of $149,617.36 as determined by the Court of Claims in its judgment entered May 9, 1962 (157 Ct. Cl. 432), in favor of said Carlo Bianchi and Company, Incorporated, as the amount due it in satisfaction of its claims against the United States based upon the additional costs incurred by it because of changed conditions and delays suffered during the construction of a tunnel in connection with the performance of a contract numbered W-30-180-eng-398 with the Army Corps of Engineers in Steuben County, New York, in the period from July 1946 to July 1949. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That jurisdiction is hereby conferred upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi and Company, Inc. for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with performance of contract numbered W-30-180-eng-398 with the Army Corps of Engineers in Steuben County, New York. Application for reconsideration of the claim as provided in this Act shall be made within one year of the effective date of this Act, and in connection with such reconsideration the Corps of Engineers Board of Contract Appeals is authorized and directed to consider all evidence previously considered by the Board in connection with the claim and all evidence presented to the Court of Claims in connection with the proceedings of that Court in the case of *Carlo Bianchi and Company, Inc.* v. *The United tSates,* No. 466–54 (144 Ct. Cl. 500, 157 Ct. Cl. 432), together with any additional evidence which may be submitted to the Board in accordance with its rules."

The committee amendment was agreed to.

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

JAMES E. MILLER

The Clerk called the bill (S. 878) for the relief of James E. Miller.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that bill be passed over without prejudice

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

There was no objection.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 14703) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

IRENE SADOWSKA SULLIVAN

The Clerk called the bill (S. 1785) for the relief of Irene Sadowska Sullivan.

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

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That notwithstanding any provisions of title II of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017–2017p), limiting the period within which claims may be filed thereunder, including section 211 of such Act (50 U.S.C., App. 2017j), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Irene Sadowska Sullivan, of Scottsdale, Arizona, filed within six months after the date of enactment of this Act, relating to the loss of a tenement building owned by her father, a United States citizen, in Warsaw, Poland, as if such claims had been filed within the time and in the manner provided in such Act, the said Irene Sadowska Sullivan having filed a valid claim relating to such building prior to the date of expiration of the general war claims program, but not having been able to complete her documentation of such claim until after such date; and (2) to certify to the Secretary of the Treasury its determination as to the amount of any award to which the said Irene Sadowska Sullivan would have been entitled on the basis of such claims if they had been filed within the time and in the manner provided in such Act.

SEC. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money now or hereafter deposited in the War Claims Fund, to the said Irene Sadowska Sullivan, the amount of any award so certified by the Commission: *Provided,* That not part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

WILLIAM R. KARSTETER

The Clerk called the bill (H.R. 11895) for the relief of William R. Karsteter.

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

H.R. 11895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Karsteter, of Redlands, California, the sum of $900 in full settlement of all his claims against the United States arising out of the arrangements made by the United States Army Transportation Corps for the moving of his household possessions from Paris to England in 1956 and 1957 in connection with his transfer of employment from the Joint Construction Agency (Department of Defense, United States European Command) to the Headquarters of the Third Air Force.

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

With the following committee amendments:

Page 1, line 6, strike "$900" and insert "$884.55".

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

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

CAPT. CLAIRE E. BROU

The Clerk called the bill (H.R. 14235) for the relief of Capt. Claire E. Brou.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

FIXING THE TIME OF ASSEMBLY OF THE 92D CONGRESS

Mr. ALBERT. Mr. Speaker, I offer a privileged joint resolution (H.J. Res. 1416) fixing the time of assembly of the 92d Congress, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution as follows:

H.J. RES. 1416

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Ninety-second Congress shall assemble at noon on January 21, 1971.

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

FIXING THE TIME OF FILING OF THE PRESIDENT'S ECONOMIC REPORT TO THE CONGRESS AND THE JOINT ECONOMIC COMMITTEE'S REPORT THEREON

Mr. ALBERT. Mr. Speaker, I offer a joint resolution (H.J. Res. 1417) fixing the time the President shall transmit the Economic Report to the Congress and fixing the time the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1417

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 1, 1971, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5 (b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1971.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that Members will not be recognized to make 1-minute speeches today but the Chair will recognize Members to extend their remarks and for 1-minute speeches when the Member yields back the balance of his time.

APPOINTMENT OF CONFEREES ON H.R. 19928 SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

The Chair hears none, and appoints the following conferees: Messrs. MAHON, ROONEY of New York, PASSMAN, EVINS of Tennessee, BOLAND, NATCHER, FLOOD, STEED, Mrs. HANSEN of Washington, Messrs. BOW, JONAS, RHODES, MICHEL, CONTE, and DAVIS of Wisconsin.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19590, DEFENSE DEPARTMENT APPROPRIATIONS, 1971

Mr. MAHON. 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. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. RHODES reserved all points of order on the conference report.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 6778, TO AMEND THE BANK HOLDING COMPANY ACT OF 1956

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers on

the part of the House have until midnight tonight to file a conference report on H.R. 6778, to amend the Bank Holding Company Act of 1956, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91-1747)

The committee of conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Bank Holding Company Act Amendments of 1970".

TITLE I—BANK HOLDING COMPANIES

SEC. 101. (a) Section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 (a)) is amended to read as follows:

"SEC. 2 (a) (1) Except as provided in paragraph (5) of this subsection, 'bank holding company' means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) Any company has control over a bank or over any company if—

"(A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company;

"(B) the company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

"(C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

"(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any company which directly or indirectly owns, controls, or has power to vote less than 5 per centum of any class of voting securities of a given bank or company does not have control over that bank or company.

"(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2)(C) of this subsection, a company may not be held to have had control over any given bank or company at any given time unless that company, at the time in question, directly or indirectly owned, controlled, or had power to vote 5 per centum or more of any class of voting securities of the bank or company, or had already been found to have control in a proceeding under paragraph (2)(C).

"(5) Notwithstanding any other provision of this subsection—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraphs (2) and (3) of subsection (g) of this section. For the purpose of the preceding sentence, bank shares shall not be deemed to have been acquired in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto; except that this limitation is applicable in the case of a bank or company acquiring such shares prior to the date of enactment of the Bank Holding Company Act Amendments of 1970 only if the bank or company has the right consistent with its obligations under the instrument, agreement, or other arrangement establishing the fiduciary relationship to divest itself of such voting rights and fails to exercise that right to divest within a reasonable period not to exceed one year after the date of enactment of the Bank Holding Company Act Amendments of 1970.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation.

"(D) No company is a bank holding company by virtue of its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition.

"(E) No company is a bank holding company by virtue of its ownership or control of any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of its owners, and deposits of public moneys.

"(F) No trust company or mutual savings bank which is an insured bank under the Federal Deposit Insurance Act is a bank holding company by virtue of its direct or indirect ownership or control of one bank located in the same State, if (i) such ownership or control existed on the date of enactment of the Bank Holding Company Act Amendments of 1970 and is specifically authorized by applicable State law, and (ii) the trust company or mutal savings bank does not after that date acquire an interest in any company that, together with any other interest it holds in that company, will exceed 5 per centum of any class of the voting shares of that company, except that this limitation shall not be applicable to investments of the trust company or mutual savings bank, direct and indirect, which are otherwise in accordance with the limitations applicable to national banks under section 5136 of the Revised Statutes (12 U.S.C. 24).

"(6) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company."

(b) Section 2(b) of such Act is amended—

(1) by inserting "partnership" after "corporation";

(2) by striking out "(1)";

(3) by striking out ", or (2) any partnership"; and

(4) by adding after the period a new sentence as follows: " 'Company covered in 1970' means a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date."

(c) The first sentence of section 2(c) of such Act is amended to read as follows: " 'Bank' means any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans. Such term does not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization which does not do business within the United States except as an incident to its activities outside the United States."

(d) Section 2(d) of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company with respect to the management or policies of which such bank holding company has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board, after notice and opportunity for hearing."

(e) Section 2 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(i) The term 'thrift institution' means (1) a domestic building and loan or savings and loan association, (2) a cooperative bank without capital stock organized and operated for mutual purposes and without profit, or (3) a mutual savings bank not having capital stock represented by shares."

SEC. 102. Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) by adding at the end of subsection (a) a new sentence as follows: "For the purpose of the preceding sentence, bank shares acquired after the date of enactment of the Bank Holding Company Act Amendments of 1970 shall not be deemed to have been acquired in good faith in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto, but in such instances acquisitions may be made without prior approval of the Board if the Board, upon application filed within ninety days after the shares are acquired, approves retention or, if retention is disapproved, the acquiring bank disposes of the shares or its sole discretionary voting rights within two years after issuance of the order of disapproval.";

(2) by adding at the end of subsection (b) a new sentence as follows: "In the event of the failure of the Board to act on any application for approval under this section within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."; and

(3) by adding at the end thereof the following new subsection:

"(e) Every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act."

SEC. 103. Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

(2) after two years from the date as of which it becomes a bank holding company, or in the case of a company which has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, or, in the case of any company which becomes, as a result of the enactment of the Bank holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, after December 31, 1980, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than (A) those of banking or of managing or controlling banks and other subsidiaries authorized under this Act or of furnishing services to or performnig

services for its subsidiaries, and (B) those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph: *Provided*, that a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on June 30, 1968 (or on a date subsequent to June 30, 1968 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since June 30, 1968 (or such subsequent date). The Board by order, after opportunity for hearing, may terminate the authority conferred by the preceding proviso on any company to engage directly or through a subsidiary in any activity otherwise permitted by that proviso if it determines, having due regard to the purpose of this Act, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices; and in the case of any such company controlling a bank having bank assets in excess of $60,000,000 on or after the date of enactment of the Bank Holding Company Act Amendments of 1970 the Board shall determine, within two years after such date (or, if later, within two years after the date on which the bank assets first exceeded $60,000,000), whether the authority conferred by the preceding proviso with respect to such company should be terminated as provided in this sentence. Nothing in this paragraph shall be construed to authorize any bank holding company referred to in the preceding proviso, or any subsidiary thereof, to engage in activities authorized by that proviso through the acquisition, pursuant to a contract entered into after June 30, 1968, of any interest in or the assets of a going concern engaged in such activities. Any company which is authorized to engage in any activity pursuant to the preceding proviso or subsection (d) of this section but, as a result of action of the Board, is required to terminate such activity may (notwithstanding any otherwise applicable time limit prescribed in this pargaraph) retain the ownership or control of shares in any company carrying on such activity for a period of ten years from the date on which its authority was so terminated by the Board.";

(2) by striking out "period" in the last sentence of subsection (a) and inserting in lieu thereof "two-year period";

(3) by striking out that part of the text of subsection (c) which precedes the first numbered paragraph and inserting in lieu thereof the following: "The prohibitions in this section shall not apply to any bank holding company which is (i) a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, or (ii) a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on June 30, 1968, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors; and such prohibitions shall not, with respect to any other bank holding company, apply to—";

(4) by striking out paragraph (8) of subsection (c) and inserting in lieu thereof the following:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern;";

(5) by striking out paragraph (9) of subsection (c) and inserting in lieu thereof the following:

"(9) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest;";

(6) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon, and by adding after paragraph (10) the following:

"(11) shares owned directly or indirectly by a company covered in 1970 in a company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of this section, but nothing in this paragraph authorizes any bank holding company, or subsidiary thereof, to acquire any interest in or the assets of any going concern (except pursuant to a binding written contract entered into before June 30, 1968, or pursuant to another provision of this Act) other than one which was a subsidiary on June 30, 1968;

"(12) shares retained or acquired, or activities engaged in, by any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, or by any subsidiary thereof, if such company—

"(A) within the applicable time limits prescribed in subsection (a)(2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and

"(B) complies with such other conditions as the Board may by regulation or order prescribe; or

"(13) shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest.

In the event of the failure of the Board to act on any application for an order under paragraph (8) of this subsection within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted. The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each activity approved by it by order or regulation under such paragraph during the period covered by the report."; and

(7) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) a new subsection as follows:

"(d) To the extent that such action would not be substantially at variance with the purposes of this Act and subject to such conditions as it considers necessary to protect the public interest, the Board by order, after opportunity for hearing, may grant exemptions from the provisions of this section to any bank holding company which controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

SEC. 104. (a) Section 11(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)) is amended—

(1) by striking out "this Act" the first two times it appears and inserting in lieu thereof "section 3";

(2) by inserting "approved under section 3" in the second sentence immediately before "shall be commenced"; and

(3) by inserting "approved under section 3" in the last sentence immediately before "in compliance with this Act".

(b) Section 11(c) of such Act (12 U.S.C. 1849(c)) is amended by striking out "pursuant to" and inserting in lieu thereof "under section 3 of".

SEC. 105. With respect to any proceeding before the Federal Reserve Board wherein an applicant seeks authority to acquire a subsidiary which is a bank under section 3 of the Bank Holding Company Act of 1956, to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act, or to engage in an activity otherwise prohibited under section 106 of this Act, a party who would become a competitor of the applicant or subsidiary thereof by virtue of the applicant's or its subsidiary's acquisition, entry into the business involved, or activity, shall have the right to be a party in interest in the proceeding and, in the event of an adverse order of the Board, shall have the right as an aggrieved party to obtain judicial review thereof as provided in section 9 of such Act of 1956 or as otherwise provided by law.

SEC. 106. (a) As used in this section, the terms "bank", "bank holding company", "subsidiary", and "Board" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956. For purposes of this section only, the term "company", as used in section 2 of the Bank Holding Company Act of 1956, means any person, estate, trust, partnership, corporation, association, or similar organization, but does not include any corporation the majority of the shares of which are owned by the United States or by any State. The term "trust service" means any service customarily performed by a bank trust department.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition or requirement—

(1) that the customer shall obtain some additional credit, property, or service from such bank other than a loan, discount, deposit, or trust service;

(2) that the customer shall obtain some additional credit, property, or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company;

(3) that the customer provide some addi-

tional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service;

(4) that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of such bank holding company; or

(5) that the customer shall not obtain some other credit, property, or service from a competitor of such bank; a bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit. The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purposes of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as possible, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and subpenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b), subpenas for witnesses may run into any district, but no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the prior permission of the trial court upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without regard to the amount in controversy, and shall be entitled to recover three times the amount of the damages sustained by him, and the cost of suit, including a reasonable attorney's fee.

(f) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of a violation of subsection (b), under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity and under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) (1) Subject to paragraph (2), any action to enforce any cause of action under this section shall be forever barred unless commenced within four years after the cause of action accrued.

(2) Whenever any enforcement action is instituted by or on behalf of the United States with respect to any matter which is or could be the subject of a private right of action under this section, the running of the statute of limitations in respect of every private right of action arising under this section and based in whole or in part on such matter shall be suspended during the pendency of the enforcement action so instituted and for one year thereafter: *Provided*, That whenever the running of the statute of limitations in respect of a cause of action arising under this section is suspended under this paragraph, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the four-year period referred to in paragraph (1).

(h) Nothing contained in this section shall be construed as affecting in any manner the right of the United States or any other party to bring an action under any other law of the United States or of any State, including any right which may exist in addition to specific statutory authority, challenging the legality of any act or practice which may be proscribed by this section. No regulation or order issued by the Board under this section shall in any manner constitute a defense to such action.

TITLE II—PROVISIONS RELATING TO COINAGE

SEC. 201. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"SEC. 101. (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"(b) Any coin minted under authority of subsection (a) shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 45 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"(c) (1) The dollar shall be 1.500 inches in diameter and weigh 22.68 grams.

"(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"(3) The quarter dollar shall be 0.955 inch in diameter and weigh 5.67 grams.

"(4) The dime shall be 0.705 inch in diameter and weigh 2.268 grams.

"(d) Notwithstanding the foregoing, the Secretary is authorized to mint and issue not more than one hundred and fifty million one-dollar pieces which shall have—

"(1) a diameter of 1.500 inches;

"(2) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

"(3) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

SEC. 202. For the purposes of this title, the Administrator of General Services shall transfer to the Secretary of the Treasury twenty-five million five hundred thousand fine troy ounces of silver now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) which is excess to strategic needs. Such transfer shall be made at the value of $1.292929292 for each fine troy ounce of silver so transferred. Such silver shall be used exclusively to coin one-dollar pieces authorized in section 101(d) of the Coinage Act of 1965, as amended by this Act.

SEC. 203. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower, and on the other side thereof a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

SEC. 204. Half dollars, as authorized under section 101(a) (1) of the Coinage Act of 1965, as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

SEC. 205. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

SEC. 206. The last sentence of section 3517 of the Revised Statutes, as amended (31 U.S.C. 324), is amended by striking the following: ", except that coins produced under authority of sections 101(a)(1), 101(a)(2), and 101(a)(3) of the Coinage Act of 1965 shall not be dated earlier than 1965".

SEC. 207. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note), is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

SEC. 208. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458) are repealed.

SEC. 209. Coins produced under the authority of section 101(d) of the Coinage Act of 1965, as amended by this Act, shall bear such date as the Secretary of the Treasury determines.

And the Senate agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
J. WILLIAM STANTON,
Managers on the Part of House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS,
WALLACE F. BENNETT,
JOHN G. TOWER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for minor and nonsubstantive provisions, and technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

GENERAL STATEMENT

Early in this Congress, on February 17, 1969, a bill H.R. 6778, was introduced which was designed to bring under the coverage of the Bank Holding Company Act of 1956 all one bank holding companies.

In the late 1960's, a large number of banks

began converting themselves into one bank holding companies in order to avoid regulation by the Federal Reserve Board under the Bank Holding Company Act. In addition, many significant nonbank corporations, including major conglomerates, began acquiring one bank, thus mixing banking and nonbanking in complete contravention of the purpose of both Federal banking laws going back to the 1930's and the Bank Holding Company Act of 1956.

This wave of one bank holding company creations alarmed many people on Capitol Hill, in the Administration, at the Federal Reserve Board and significant professional observers of the American economic system. Indeed, President Nixon stated on March 24, 1969, that:

"The Secretary of the Treasury, with my approval, has today transmitted to the Congress proposed legislation on the further regulation of bank holding companies.

"Legislation in this area is important because there has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

"The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

"To protect competition and the separation of economic powers, I strongly endorse the extension of Federal regulation to one bank holding companies and urge the Congress to take prompt and appropriate action."

H.R. 6778, as originally introduced, in addition to plugging the so-called one bank loophole, accomplished a number of other important objectives for tightening the present Bank Holding Company Act:

(1) It removed the partnership exemption;

(2) It provided that the Federal Reserve Board could find actual control of a bank by a company even though that company controlled less than 25 percent of the stock of the bank;

(3) It retained the 1956 definition of what constituted a permissible bank-related activity for bank holding companies to engage in;

(4) It contained no grandfather clause exemption;

(5) It contained an anti-tie-in provision applying to all insured banks, whether or not it is part of a holding company system; and

(6) It removed the exemption in the 1956 Act for bank stock held in trust by a bank.

It is interesting to note that after almost two years of detailed, thorough and protracted consideration of this legislation by both the House of Representatives and the Senate, the version of the bill that is now being presented by the conferees to the House for consideration is substantially similar to the bill originally introduced in February of 1969.

The amended H.R. 6778 being presented here as agreed to by the House and Senate conferees eliminates the partnership exemption; authorizes the Federal Reserve Board to find actual control of a bank where a company holds less than 25 percent of its stock; essentially retains the 1956 standard for determining what bank-related activities a bank holding company may engage in; subjects to potential Federal Reserve Board jurisdiction under the Bank Holding Company Act one bank holding companies, no matter when created; contains an anti-tie-in provision covering all banks, bank holding companies and subsidiaries of bank holding companies; gives to nonbank competitors of bank holding companies standing to challenge before the Board and in the courts applications filed under the Bank Holding Company Act; and removes the exemption in the future for substantial blocks of bank stock held by bank trust departments with sole power to vote that stock.

Because of the complexities of this legislation and the rather complicated legislative history of the bill over the last two years, it seems appropriate to set forth in particular detail the explanation of the bill agreed to by the conference.

The major points to be discussed are (1) the bank-related activities language, also known as the language of Section 4(c)(8) of the Bank Holding Company Act; (2) exemptions that are or may be granted from the Act; (3) the anti-tie-in provisions; (4) the provisions relating to standing for competitors and others; and (5) the coinage provisions.

Bank related activities—Section 4(c)(8)

The House passed H.R. 6778 containing a rewritten section 4(c)(8) test which permitted a bank holding company to engage in any nonbanking activity that is "functionally related to banking" and also could be reasonably expected to produce certain enumerated public benefits that would outweigh enumerated adverse effects. In addition, in order to more carefully define the above-stated test, the House bill contained a list of six specific activities which were either prohibited to bank holding companies or which they could engage in only to a limited extent.

The Senate bill, on the other hand, contained the "functionally related" and public benefits test in a similar form to the House bill, but, significantly, failed to include any list of specific activities prohibited to bank holding companies or in which their participation is limited.

Since section 4(c)(8) is the exclusive authorization for bank holding companies to conduct nonbank businesses except in the few instances where a specific activity is authorized elsewhere in this statute (e.g. Section 4(c)(1)(B), which authorizes a safe deposit business) or in other relevant statutes, this was a crucial issue in resolving all of the differences over this important piece of legislation.

Because of this very important difference in the two versions of H.R. 6778, it became very difficult for the conference to resolve this issue. The problem was resolved by inserting substitute language for the pertinent provisions of both versions of H.R. 6778.

Aside from the question of applying the Bank Holding Company Act of 1956 to one bank holding companies—the basic issue presented to the Congress by the dramatic growth of one bank holding companies in the last few years—the most important and controversial issue was over the question of whether to retain or substantially change the 1956 definition as to what the Federal Reserve Board could permit regulated bank holding companies to engage in outside their strictly banking activities. The 1956 Act provided in Section 4(c)(8) the following language (describing nonbanking holdings not prohibited by the Act):

"(8) shares of any company all the activities of which are or are to be of a financial, fiduciary, or insurance nature and which the Board after due notice and hearing, and on the basis of the record made at such hearing, by order has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act."

The language agreed to by the conferees for amending Section 4(c)(8) reads as follows:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing, has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

As can be seen by comparing the language of the present Act with the language agreed to by the conferees, seven specific changes were made. Discussing these changes in the order of which they appear in Section 4(c)(8), the first change was to remove the word "all." No great significance should be attached to the removal of this word. Whether the word "all" is in the sentence or not seems of little importance, since the Board must find that the activities of the company must meet the tests stated elsewhere in Section 4(c)(8) in order for the Board to approve them as a proper activity to be carried on by a subsidiary of a bank holding company.

The next change made in Section 4(c)(8) was to delete the phrase "of a financial, fiduciary, or insurance nature". Tracing the history of this phrase through the legislative process prior to the conference action, it is not revealed very clearly what the various contending forces had in mind by deleting the phrase (as in the House Committee reported version and the Senate version) or modifying it (as in the version that passed the House and the Administration version introduced by Congressman Widnall and Senators Sparkman and Bennett on March 24, 1969). It would be virtually impossible to fairly attribute any clear or precise intention to Congress in finally deleting the "financial, fiduciary or insurance" language.

It should be pointed out, however, that the report of the Senate Banking and Currency Committee on H.R. 6778 seems to concur with the view of the House conferees in agreeing to delete the "financial, fiduciary and insurance" language as being redundant and having little substantive effect independent of the specific tests to be applied in determining whether a particular nonbank activity should be permitted under the tests set forth in section 4(c)(8). The Senate report states in regard to the deletion of the "financial, fiduciary or insurance" language from the Senate version:

"The deletion of these shall not be construed as indicating the Committee's intent that these activities be no longer permitted. To the contrary, *these* activities are 'functionally related to banking' and *are included* under the new provision adopted by the Committee to *the full extent they were permitted under the existing act*, and to such additional extent as the Board may find it desirable under the new criteria established." [Emphasis supplied.]

Of course, as discussed below, the new criteria of "functionally related to banking", referred to by the Senate report, was re-

jected by the conferees. Therefore, the activities permitted under the section 4(c)(8) language as adopted by the conference are the same whether the words "financial, fiduciary, or insurance" appear in the text or not.

Another strong indication that no substantive significance should be attached to the deletion of the "financial, fiduciary or insurance" language is found in a statement in the Prevailing Views signed by a majority of the House Banking and Currency Committee and appearing in the House Committee report on H.R. 6778. In these Prevailing Views supporting the position of changing the "closely related" language of Section 4(c)(8) to the "functionally related" test first suggested by Chairman William McChesney Martin of the Federal Reserve Board, Chairman Martin is quoted in support of this change. Following this quotation, the Prevailing Views state:

"A majority of the Committee agreed [with Chairman Martin's position] and rewrote Section 4(c)(8) of the 1956 Act accordingly, *utilizing the key words of Chairman Martin. The rewritten proposal in pertinent part provides that* with Federal Reserve Board approval *a bank holding company may retain or acquire shares in any company performing any activity that* the Board has determined *'is functionally related to banking* in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.'" [Emphasis supplied.]

Although H.R. 6778 as reported from the House Banking and Currency Committee with the support of those signing the Prevailing Views deleted the term "financial, fiduciary, or insurance", the Prevailing Views gave no significance to that deletion, those views stressing that the key words were "functionally related". This certainly is consistent with the feeling of those who supported the substantial amendments to the Committee-reported bill which were adopted on the floor of the House.

In light of the above discussion, any attempt to attach great significance to the deletion of the "financial, fiduciary or insurance" language would not be consistent with the legislative history which clearly indicates that Congress intended no great significance to be given to this deletion from present law.

The third change in Section 4(c)(8), replacing the language "due notice and hearing" with "due notice and *opportunity* for hearing", was made at the recommendation of the Federal Reserve Board so that the Board would not be required to hold hearings in all cases involving Section 4(c)(8) applications, but should hold hearings in all cases where a contest is raised.

The inclusion of the term "(by order or regulation)" was made to indicate that the Board could act under Section 4(c)(8) either by order in specific cases or by regulation in a general classification or category of cases in order to provide maximum flexibility as a procedural matter in administering this section.

Another change made in the existing Section 4(c)(8) is the deletion of the phrase "the business of". This deletion was made after consideration of the Federal Reserve Board's suggestion that it be deleted, because prior interpretations of the Board indicated that the retention of this term could lead to continued interpretation encouraging tie-in arrangements which Congress clearly intends to prohibit under these amendments to the Bank Holding Company Act. Under previous rulings of the Board, the term "the business of" had been interpreted as meaning that there had to be some specific business relationship between a customer of a bank subsidiary of a holding company before the Board would allow a business relationship between the customer and a nonbank subsidiary of the same holding company. The reasoning to which the conferees directed their attention in eliminating the term "the business of" was well stated in a letter from Chairman Arthur Burns of the Federal Reserve Board, dated November 23, 1970, directed to the attention of the Conference during its deliberations. The letter states in pertinent part:

"If the conferees prefer to keep 'closely related' in the language of the statute, our objective would be served by changing the words 'the business of banking or of managing or controlling banks' to read 'banking or managing or controlling banks'. We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved."

The above reason stated by Chairman Burns for deleting the term "the business of banking" states very well the clear intention of the Conference in deleting that term.

Another change made in Section 4(c)(8) from the language of present law is to remove the last clause of that provision, "and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act." This, it is clear without any question, was removed because it adds absolutely nothing to the meaning of the provision and has almost never been considered by the Board in its interpretations to have any significance in interpreting Section 4(c)(8). Therefore, it is redundant and was eliminated.

A significant change in Section 4(c)(8) agreed to by the Conference is the addition of two completely new sentences to the current section. These sentences read:

"In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

The factors to be considered by the Board under the so-called public benefits test quoted above in authorizing bank holding company ownership or control of companies already found by the Board in a proceeding to be closely related activities to banking under Section 4(c)(8) (as well as in determining whether it is necessary to terminate the authority to engage in certain activities conferred on bank holding companies by the proviso in new Section 4(a)(2)), include the dangers of undue concentration of resources, decreased or unfair competition, conflicts of interest and unsound banking practices.

The danger of undue concentration of economic resources and power is one of the factors which led to the enactment of this legislation, and constitutes a significant threat to the continued healthy evolution of our free economy. American trade has always operated on the principle that relationships between businessmen, large and small, should be founded on economic merit rather than monopoly power. Our national policies of limited governmental regulation and interference in trade and commerce, however, do make it possible for undue concentrations of resources and economic power to override fundamental fairness and economic merit when responding to the profit motive. This possibility is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy. The dangers may be more pronounced where resources are more easily capable of being marshalled, or where the course of business is likely to lead to the constant realization of the existence of power by buyers and sellers in the marketplace. The dangers of undue concentration of resources include, but are not limited to, specific competitive effects, which are themselves relevant factors under the Act. It should be clear that this legislation directs the Board to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under Section 4.

The Board is also directed to examine the possibility of decreased or unfair competition when considering the merits of bank holding company activities. Where a bank holding company seeks to engage in related activities through acquisition, in whole or in part, of a going concern, the elimination of existing competition will be an important negative factor, for other subsidiaries of the bank holding company, or the company itself, may already be providing the products and services in the market served by the company to be acquired. In such circumstances, where the possible benefits to the public of bank holding company activity are already being provided, the elimination of an independent competitive alternative will weigh heavily in the balance against approval. In view of the great variety of products and services which are presently being provided by banking subsidiaries of bank holding companies, the Board will have to carefully scrutinize a number of markets and submarkets for competitive effects.

Equally important will be adverse competitive effects which may result from a bank holding company's acquisition of a going concern with which it may not presently compete. One of the asserted justifications for permitting bank holding companies to engage in activities that the Board has determined independently to be closely related to banking, is to permit the introduction of new innovative and competitive vigor into those markets which could benefit therefrom. Where a bank holding company enters a market through acquisition of a major going concern, it may not have the incentive to compete vigorously, thereby bringing the possible benefits into play, as it would immediately succeed to what it might consider its fair share of the market. On the other hand, where a bank holding company enters a new market *de novo*, or through acquisition of a small firm, as opposed to acquisition of a substantial competitor, its desire to succeed in its new endeavor is more likely to be competitive. This legislation specifically emphasizes the importance of the manner in which a bank holding company may enter new activities. Such considerations will be particularly important in the context of expansion by bank holding companies into new geographic markets.

Other competitive effects that the Board must consider in connection with Section 4(c)(8) applications will include the potential dangers of tie-ins and reciprocity. Tie-ins occur where a customer is forced or induced to accept other products and services along with that product which he seeks. Such tie-ins may result from actual coercion by a seller or from a customer's realization that he stands a better chance of securing a scarce and important commodity (such as credit) by "volunteering" to accept other products or services rather than seeking them in the competitive market place. In either case, competition is adversely affected, as customers no longer purchase a product or service on its own economic merit.

Reciprocity, which involves the induced provision of products and services by the customer rather than his acceptance of other

products and services, may also come about in these involuntary or "voluntary" manners.

Section 106 of the bill, which has come to be known as the anti-tie-in section, will largely prevent coercive tie-ins and reciprocity. But the dangers of "voluntary" tie-ins and reciprocity are basically structural and must be dealt with by the Board in determining the competitive effects of bank holding company expansion into fields closely related to banking when considering applications under Section 4(c)(8). These will be difficult questions, for assurances of good faith and the intention not to engage in tie-ins and reciprocity by the applicant bank holding companies will largely be irrelevant to the just as serious dangers of "voluntary" tie-ins and reciprocity. The Board must, in any case, consider these problems in carrying out its responsibilities under the Act.

The Board must also consider adverse competitive effects which may result from bank holding company activities in a given industry where its subsidiary banks hold substantial voting control over other competitors in their trust departments. Similarly, shareholder, director and officer interlocks between bank holding companies and other competitors in a field which a bank holding company seeks to enter should be analyzed for any possible adverse competitive effects. These possible effects, and those discussed above should not be considered an exhaustive list. It is probable that other types of competitive effects will arise, and this legislation gives the Board ample authority, and indeed the responsibility, to take them into consideration.

In interpreting the public benefits test, special mention should be made of the inclusion of the "unfair competition" factor in the bill as agreed to by the Conference. This factor was included in the House passed bill, but was not in the Senate version. The conferees agreed to include the "unfair competition" factor in the final version.

Unfair competition is a broad legal concept having its origin in the common law. It is also found in a significant number of state and Federal statutes. It is an important factor for the Board to consider in its broadest context, especially in light of the testimony concerning the potential for unfair competition to be carried on by bank holding companies against small independent businesses. Some, but by no means all, of the kinds of problems that the Board should consider in giving weight to this factor are the potential for (a) intimidation of customers to cause them to refrain from buying a competitor's products; (b) commercial espionage with the purpose of procuring confidential information that could be used unfairly in competing with a nonbank competitor (this is peculiarly applicable to banking institutions since they deal to a very great extent with confidential information obtained from customers); (c) including breach of contract; (d) enticing away competitor's employees in order to cripple his business; (e) price discrimination; (f) selling a service below cost or offering a service for no cost in order to obtain a business for another subsidiary; (g) harassing practices such as intimidating customers and/or competitors.

In addition to the competitive factors discussed in detail above, the Board must also consider the potential for conflicts of interest or unsound banking practices that are likely to arise from permitting a bank holding company to engage in a particular bank-related activity given the circumstances of its existing operations. The Board should look carefully at these factors, as well as the competitive factors.

In connection with the overall application of the public benefits test, it is important to emphasize that the bank holding company making application under Section 4(c)(8) must bear the burden of proof in showing that its carrying on of a particular nonbank activity would produce benefits to the public that outweigh any adverse effects. This was made very clear in the Senate report which stated:

"He [the Assistant Attorney General, Antitrust Division] concluded that such a provision would '* * * permit banks to demonstrate now or in the future that their entry into these activities in a given manner would be in the public interest.' Later he stated that the approval of a particular application would be '* * * dependent upon an affirmative finding of public benefit by the regulatory authority, which suggests that bank holding companies seeking to engage in given activities bear the burden of demonstrating positive benefits therefrom.'"

The above discussion describes in some detail each individual change made in Section 4(c)(8) as compared with existing law. What has not been discussed is how in an overall sense this key provision is to be interpreted by the Federal Reserve Board.

The basic content and the essential test found in the 1956 Act, that is that an activity must be "so closely related to banking or managing or controlling banks as to be a proper incident thereto", is retained in the new Section 4(c)(8). It is clear from the legislative history of this bill that at every stage, including in the House Committee, on the House Floor, in the Senate Committee on the Senate Floor, attempts were made to significantly broaden Section 4(c)(8) by the adoption of a new test. One such attempt was the so-called Administration proposal which was to rewrite section 4(c)(8) to read in pertinent part, "to be financial or related to finance in nature or of a fiduciary or insurance nature. . . ." Another proposed standard being advocated by the Federal Reserve Board, beginning with Chairman Martin's testimony before the House Committee, and continually supported before the Senate Committee and to Members of the Conference by Chairman Burns of the Federal Reserve Board, as well as by various spokesmen for the Administration and the banking industry, was the so-called "functionally related" test. The "closely related" test was characterized by these and other witnesses as being too narrow, too rigid and too confining. They strongly and repeatedly urged that a new, broader test be adopted.

It is clear that all who advocated adoption of the "functionally related" test regarded it as a more liberalized and expansive granting of discretion by the Congress to the Federal Reserve Board, designed to indicate an approval of the desire by advocates of the change to allow bank holding companies to engage in certain activities which have not been considered traditional banking activities and which heretofore have not been permitted by the Federal Reserve Board under the existing law. The following are a few illustrations of such references out of many that could be cited:

In a letter to Chairman Sparkman of the Senate Banking and Currency Committee on June 2, 1970, Comptroller of the Currency William B. Camp states, "This is in reference to Senator Proxmire's request during our testimony on May 15, 1970, for specific instances of desirable bank holding company activities now restricted by the 1956 Act which could properly be permitted under the expanded statutory standard, such as the one contained in S. 1664.

"Dr. Burns, in his testimony on May 14, 1970, listed those activities which the Board feels might be appropriate as holding company subsidiaries and intimated that some broadening of the *present standard* was necessary before the Board could fully implement this list. . . . The Board apparently feels, and we agree, that a broadening of the present definition is *necessary* in order to permit approval of a significant number of the activities listed above as desirable." [Emphasis added]

In testimony presented on behalf of the Association of Registered Bank Holding Companies (Senate Hearings at page 956 and 957), Mr. J. Harvie Wilkinson, Jr., stated:

"Under the present language of § 4(c)(8) of the Act, which would be continued by S. 1052, the Board has the discretion to determine what activities of a financial, fiduciary or insurance nature are 'so closely related to banking' . . . 'as to be a proper incident thereto' and therefore permissible for bank holding companies. Former Federal Reserve Board Chairman Martin testified before the House Banking Committee that the phrase 'so closely related to banking' was 'unnecessarily constricting' and suggested that the 'functionally related' language contained in H.R. 6778 be substituted. We are delighted that Federal Reserve Chairman Burns endorses this approach and that it is acceptable to the Justice Department. We agree that the present language of § 4(c)(8) is very restrictive and *does not give the Board sufficient discretion to keep pace with the development of new banking services.* Our amendment [the functionally related language] is set forth in Exhibit 3." [Emphasis added]

In the final analysis, the broader "functionally related" test was rejected and, with the changes discussed in detail above, essentially the "closely related" test of the 1956 Act was agreed to by the conferees.

How would one define the test that has been agreed to by the Conferees for the guidance of the Federal Reserve Board and the courts? Chairman Martin of the Federal Reserve Board, in testifying before the House Banking and Currency Committee on this bill, stated:

"On the basis of the language of the statute and its legislative history, the Board has interpreted the Section 4(c)(8) exemption to mean that there must be a direct and significant connection between the proposed activities of the company to be acquired and the business of banking, or of managing and controlling banks, as conducted by the bank holding company or its banking subsidiaries."

With the elimination of the term "the business of", as discussed above, the first sentence of the new Section 4(c)(8) should be interpreted to mean that there must be a direct and significant connection between the activities of the company proposed to be acquired and banking as generally carried on, or between the activities of the company proposed to be acquired and managing or controlling banks as generally carried on. Under the new language of section 4(c)(8), there no longer need be a relationship between the particular activities of the company proposed to be acquired and the business of the particular bank holding company seeking approval of an acquisition under section 4(c)(8). In other words, under the new section 4(c)(8) there must be a direct and significant connection between the proposed activities and the kinds of activities that banks generally now carry on, i.e., closely related to banking in general.

The agreement reached by the Conferees with respect to the provisions of section 4(c)(8) of the Act perhaps gets closest to the basic issue of how the Conferees decided to continue delineating between banking and commerce. The decision of the Conferees to reject the "functionally related test" advocated by those witnesses who argued for a more liberal and expansive approach by the Federal Reserve Board in authorizing nonbank activities for bank holding companies is intended to be construed to mean that the Congress was not convinced that such expansion and liberalization was justified. Consequently, the Congress intends that those activities which the Board and other witnesses claim would have been permitted

under the "functionally related test", are not authorized by our decision to retain the "so closely related" test, which is considerably less expansive and liberal than the rejected "functionally related test". The significance of the Conferees' decision regarding the language finally adopted for section 4(c)(8) is enhanced by the fact that the Congress, for the first time since the enactment of the Bank Services Corporation Act, has examined and reaffirmed its determination to keep bank holding companies in banking and in only those areas which are so closely related to banking as to be proper incident thereto.

Another important question is the relationship between the "closely related" test and the public benefits test found in the second sentence of the newly written Section 4(c)(8). The effect of section 4(c)(8) as a whole is to establish, in effect, two tests for the Federal Reserve Board to use in deciding cases under section 4(c)(8). First, the Board must determine whether the particular activity sought to be engaged in is "so closely related to banking or managing or controlling banks as to be a proper incident thereto." And, secondly, in determining whether a particular activity is "a proper incident" to banking or managing or controlling banks, the Board must determine whether the public benefits outweigh the adverse effects, such as the ones enumerated in the second sentence of section 4(c)(8). Even if the activity is found by the Board to be closely related to banking, it must also determine whether it meets the public benefits test. In that sense, the Board may find in a particular case that it cannot approve a proposed activity for a specific bank holding company because it fails to meet the second test even though it may determine that it is closely related to banking.

In this sense, then, the new section 4(c)(8) may be considered to be a more difficult standard than that found in the present law. This is so because under the previous language of section 4(c)(8) there was no public benefits tests. Therefore, there may be circumstances where the Board would turn down an application under the second test—the public benefits test—that it would have had to approve under the old test because the only significant element in that standard was the "closely related" one. Now both tests must be met.

Exemptions

From the beginning of the consideration of this bill, great attention and concern has been directed at the problem of existing exemptions to the Bank Holding Company Act, as well as exemptions proposed by various groups in order to meet special problems that they claimed existed. Of course, to the greatest extent possible, laws should apply generally to all within a class intended to be covered, with as few specific exemptions as possible permitted.

The specific exemptions agreed to by the conferees can be briefly summarized as follows: (1) retention of the exemption from Section 4 of the Act for labor unions and agricultural and horticultural organizations (in the Senate version); (2) exemption from Section 4 of the Act for any company controlling a bank 85 percent or more of whose voting shares was collectively owned on June 30, 1968, and continuously thereafter by members of the same family (in the Senate version); (3) exemption for any federally-insured trust company or any mutual savings bank which owns one bank if owned on the date of enactment of the bill and such ownership is authorized by state law (in the Senate version); (4) exemption from coverage of the Act for any company which is chartered as a bank but which does not make commercial loans (in the Senate version); (5) exemption from the Act, subject to Federal Reserve Board approval and conditions, for any company controlling a bank operated for the purpose of facilitating transactions in foreign commerce if the Board determines that such control is not at substantial variance with the purposes of the Act and would be in the public interest (agreed to as in Senate version but similar provision in House version); (6) exemption from regulation under section 4 of the Act for (a) any company the greater part of whose business is conducted outside of the United States and (b) any company doing no business in the United States, in both situations as long as such business is an incident to foreign business, if the Federal Reserve Board finds that the exemption would not be substantially at variance with purposes of the Act and is in the public interest (in substance in both versions of H.R. 6778); (7) exemption from coverage of the Act for any bank controlled through a company wholly owned by thrift institutions, if the bank restricts itself to the acceptance of deposits from thrift institutions, deposits in connection with the corporate business of its owners and deposits of public monies (in the House version). The bill also continues two exemptions found in the 1956 Act relating to the underwriting of bank stock and proxy solicitations.

It will be seen that many of the exemptions outlined above are neither permanent nor automatic, since the Board has the authority to withdraw, modify or condition the exemptions in order to conform them to the purposes of the Bank Holding Company Act and be consistent with the public interest. Others apply to a very small number of special cases that, it is felt, require special treatment. The Board should interpret these exemptions as narrowly as possible in order that all bank holding companies which should be covered under the Act in order to protect the public interest will, in fact, be covered.

In addition to these specific exemptions, two categories of one bank holding companies not covered under existing law may continue to operate in the future without being covered by the Act under certain circumstances set forth in the Act as being amended. One such amendment, which becomes Section 4(d) of the new Act, was adopted to cover situations existing with respect to one bank holding companies that have controlled over a long period of years one small bank, usually in a small town where some particular hardship may be created if the holding company were forced to divest itself of its bank.

No similar provision was contained in the House version of H.R. 6778. On the other hand, the Senate version contained a provision (not in the House bill) that would have exempted from section 4 of the Bank Holding Company Act any one bank holding company in existence when the bill is enacted if (1) the net worth of the subsidiary bank does not exceed $3 million or (2) the net worth of the subsidiary bank is not greater than $50 million and is less than 25 percent of the net worth of the entire company. This provision is not included in the conference substitute. Instead, the substitute would authorize the Federal Reserve Board to grant exemptions for one bank holding companies formed before July 1, 1968, if such action would not substantially be at variance with the purposes of the Act, and it is determined that the exemption is justified in any one of three kinds of situations.

First, exemptions are authorized to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or the communities they serve.

The conferees were reminded that some one bank holding companies came into existence even before the Bank Holding Company Act of 1956 was enacted, and little or no evidence exists that any harm has resulted from these long-standing affiliations. In one example the affiliation of a large manufacturing company with a small local bank resulted from a successful effort in the 1920's to save the bank from failure. Another instance was a bank acquired in the 1930's by a private school located in the same town, which also controls large non-banking business activities. A grandfather clause that freezes the grandfathered company into the lines of business it was in on the grandfather date would have forced such companies to divest themselves of their bank, since it is clearly more important to these companies to have the right to expand into new non-banking lines than it is to keep their bank. In most instances where a large nonbank enterprise owns a bank, particularly where it acquired the bank in recent years, the bank can be sold without hardship. Thus, this exemption is not intended to apply to that type of situation. The conferees recognize that the equities are far stronger in favor of special consideration where the relationship has existed over a long period of years.

Reinforcing this equity argument in some cases is the possibility that if the company were forced to sell the bank, it could not find a local buyer. Other things being equal, it is clearly preferable to maintain local ownership of small community banks. Accordingly, the conference substitute would authorize exemptions where necessary to avoid the forced sale of a small, locally-owned bank to purchasers who are not representative of community interests. However, the Board should examine carefully the question of whether there is a good faith effort made to dispose of the bank to purchasers representative of community interests so that the question of a forced sale is a real problem.

Finally, it seems unlikely that a bank that is quite small in relation to the overall size of the parent holding company could be used in any meaningful way to advance the interests of other affiliated companies. There would seem to be no real threat, therefore, that retention of the bank would contribute to undue concentration of economic power in the holding company system. Where the bank is also relatively small in terms of the banking market it serves—so that there is no possibility of its achieving a dominant position that would lead to the kinds of involuntary tie-ins that Assistant Attorney General McLaren has warned against in his testimony on this legislation—exemption from the divestiture requirement may also be justified. This is the third situation in which the conference substitute would authorize exemptions.

Exemption under this third clause requires among other things that a retained bank be "so small in relation to the banking market to be served as to minimize the likelihood that the bank's power to grant or deny credit be influenced by a desire to further the holding company's other interests."

Committees of Congress have in recent years been seriously concerned about the basic dangers of monopoly power often enjoyed by banks in local markets. Such power rests on a number of considerations, including regulatory policy, scarcity of alternatives, and the difficulties that borrowers tend to have in shopping around for credit or finding alternative banking services.

If a bank which is owned by a holding company has a substantial position in a local market, and thus has power in that market, it may be tempted to try to use that power to further the interests of other holding company subsidiaries, either through reciprocal arrangements or by conditioning the availability of credit or services on the use of some other products or services offered by other subsidiaries of the holding company.

In addition, even without affirmative action

or coercion by the bank or holding company, the mere existence of market power may influence potential customers of the bank to choose to deal with other holding company affiliates in order to increase their chances of obtaining credit on favorable terms from the bank.

The question of whether a bank is "small in relation to its market" must depend primarily on the structure of the local banking market involved, for these considerations reflect its market power. A bank which is small in absolute terms may nevertheless be substantial in a small or isolated market where other alternatives are not conveniently available. This is a point that the Supreme Court stressed in its recent *Phillipsburg* decision and should be applied by the Board in enforcing this provision.

The most appropriate way to deal with the issue of the size of a bank in relation to its market is to use the type of market share analysis developed by economists and already applied by the Board and the courts in bank acquisition cases. In most cases, a bank with more than 10 percent of the bank deposits in its local market cannot be regarded as being "small in relation to its market". Of course, even a bank with less than 10% of a very large metropolitan market may be a large bank in absolute terms, and, in these circumstances, its retention by a large non-bank-related enterprise would be likely to be "substantially at variance with the purposes of this Act", and would thus not be entitled to an exemption under this provision.

The Board faces a difficult problem in administering this provision. If, for example, it authorizes an exemption for a company which acquired its bank forty years ago, the Board may find it difficult to resist applications for exemptions in the case of more recent acquisitions. We recognize that the Board may have to draw an arbitrary line—for example, limiting the first stated exemption to relationships in existence for fifteen years or more—in order to keep this exemption from becoming such a large loophole that it would be substantially at variance with the purposes of the Bank Holding Company Act. Such lines must be drawn if the prohibitions in the Act against combining bank and nonbank businesses in a holding company system are to be effective; the exemptive authority must not become the basis for wholesale exemptions that would undermine the Act and place those companies that must comply with it at an unfair competitive disadvantage.

The Board is authorized to make these exemptions "subject to such conditions as it considers necessary to protect the public interest." For example, the Board should make sure that an exemption granted to a company that owns a small bank will terminate if the bank later exceeds the applicable size limit. And an exemption based on inability to find a local buyer should terminate whenever such a buyer appears who is prepared to purchase the bank on reasonable terms.

Grandfather clause

The conference also agreed that, in lieu of a grandfather clause provision which would have completely exempted certain bank holding companies from coverage under the Bank Holding Company Act either because they became a one bank holding company prior to a certain date (in the case of the Senate bill, prior to July 1, 1968), or a combination of a date and the size of the bank holding company and its subsidiary bank (in the case of the House bill, prior to May 9, 1956, with banking assets of less then $30 million and nonbank assets of less than $10 million), it would substitute a somewhat different kind of provision.

This provision brings under the potential coverage of the Act all bank holding companies regardless of size or date of creation.

Section 4(a) would permit a company brought within the provisions of the Act in 1970, as amended, to engage in those activities which were permitted on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June, 1968, of another company engaged in such activities at the time of the acquisition), provided the activities have been continuously engaged in since June 30, 1968, or such subsequent date. However, the right to engage in these activities, which are in addition to activities otherwise permitted under the Act, is not absolute.

The conference committee was greatly concerned that certain activities permitted by this exemptive provision could result in detriment to the public interest, and thereby defeat the purposes of the Act. It was further recognized that this potential detriment was more likely to occur in the case of a bank holding company owning a bank with substantial assets than in the case of banks with relatively small assets. Indeed, the principal justification for providing a grandfather clause was to protect the traditional small town bank holding company which some felt provided a special service to the community. Accordingly, the amended provision permits flexibility in determining which activities the Board will allow to be continued and which must be terminated.

With respect to bank holding companies which control bank assets in excess of $60 million, the Board is required under the Act to reach a determination, within two years of the enactment of these amendments, as to whether the benefits of the grandfather clause are to be accorded to each such company. A decision by the Board to withdraw these benefits is required by the Act unless it can be established that there would not be undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices, if the company were to retain control of one or more of the affiliates in question. With respect to all one bank holding companies, the Board, at any time, may terminate the exemption using the same test.

This test is similar to the second test required to be used by the Board in applications under the new section 4(c)(8) of the Act, the so-called public benefits test. An analysis similar to that outlined in the discussion above concerning the meaning of this public benefits test should be made by the Board in determining whether to continue exemptions from the Act under the provisions of this section.

The fact that the statute requires the Board to act within two years concerning the exemptions involving one bank holding companies controlling banks with over $60 million in assets in no way implies that the Board should feel restrained from pursuing determinations on exemptions for holding companies each of whose banks have assets of less than $60 million.

Thus, the Board is required to conduct continuing surveillance over the privilege accorded to certain bank holding companies to conduct activities which are otherwise prohibited by the Act. This gives the Board flexibility, while providing safeguards against abuses which the Act is designed to prevent. It is recognized that these exemptive privileges could defeat the purposes of this Act, and therefore it was determined to permit them only when it was clearly in the public interest to do so.

Therefore, the Board should within a reasonable amount of time examine all one bank holding companies created prior to July 1, 1968, to determine whether, under the stated test, any of them are entitled to exemptions from the Act. Congress merely wishes the Board to take expeditious action in the immediate future on the larger and, therefore, potentially more dangerous one bank holding companies created before June 30, 1968, before examining the propriety of continuing the exemption for the under $60 million category.

Also, the Board should give no presumption of entitlement to exemption to a one bank holding company in the future, even though the Board has initially made a determination to allow the exemption to stand.

Determinations made by the Board under this provision require the consideration of public interest criteria with respect to a given bank holding company and an adjudication of facts relative to the operation, service area, competition, etc., in question, and the characteristics of that bank holding company and the nature of the activity concerned. The Board should also consider the size of the bank in relation to the assets of the holding company, as well as the size of the bank in relation to the other banks in the market area, and the scope of the activities of the nonbank affiliate in the market area of the bank.

Proceedings with respect to bank holding companies with bank assets in excess of $60 million should be initiated promptly by the Board and a determination must be made within two years. Proceedings permitted with respect to companies with bank assets of less than $60 million may be initiated by the Board either on its own motion or on the motion of any party in interest upon good cause shown. Since the issues in both types of proceeding would be basically factual, and the Board's order may have a significant impact on the business of a given bank holding company or on the competitors of the bank holding company affected by the order, fundamental fairness requires that such proceedings be conducted through the established adjudicatory process, including adequate notice, opportunity for hearing, and a determination made by order of the Board.

The Board must decide whether to terminate or not to terminate the authority in accordance with the record before it and fully substantiate its finding by relying on the record. The Board may order the termination of such an activity in whole or in part or with respect only to certain activities and not with respect to others. Further, with respect to any activities that the Board may sanction to be continued, the Board shall by its order impose such terms and conditions on the continuation of that activity so as to provide safeguards against future dangers which may arise from the conduct of that activity. Further, the Board under this provision has continuing authority to review its prior decisions and, after further proceeding hereunder when appropriate, terminate activities, even though it had previously sanctioned their continuation. Nothing in this provision would prohibit the Board, after careful consideration and experience in dealing with specific cases under this provision, from establishing general guidelines for determining whether to terminate exemptions.

One further point related to the matter of exemptions should be made. The House receded to the Senate concerning the question of how such exemptions from the Act permitted by the Board or otherwise permitted by the Act would be terminated under certain circumstances. Any one bank holding company in existence before June 30, 1968 whose exemption has not been terminated by the Board under Section 4(a) would not be permitted to retain its exemption under any circumstance if it attempted to carry on a new activity subsequent to June 30, 1968 not permitted under the Act. Likewise, it would not be permitted to retain its exemption if it acquired a going concern engaged in an activity not permitted under the Act but was being carried on by the holding company prior to June 30, 1968. In ad-

dition, certain Senate provisions were agreed to by the conference permitting a reasonable amount of flexibility in changing corporate structure and permitting new acquisitions by one bank holding companies being covered by the Act for the first time if they elect to divest themselves of their banks (thus giving up their status as bank holding companies) within the 10-year divestiture period provided for in this legislation. This flexibility, however, is subject to conditions which the Board may prescribe. The Board, under these provisions, should not permit any acquisitions or other structural changes in one bank holding companies electing to divest themselves of their bank within 10 years which are contrary to the purposes of the Act.

Anti-tie-in provisions

H.R. 6778, as originally introduced, contained an anti-tie-in provision. However, this provision was not included in the bill when it was referred to the Senate. The Senate version did contain an anti-tie-in provision which was agreed to in the conference. The Senate anti-tie-in provision provides the following.

It prohibits a bank from providing any credit, property, or service for a customer on the condition that he obtain from the bank some additional credit, property, or service, or that he provide to the bank some additional credit, property, or service. Exempted from this prohibition are transactions exclusively involving two or more of four specified traditional banking services—loans, discounts, deposits, or trust services.

It prohibits any subsidiary bank from providing any credit, property or service for a customer on the condition that he must obtain from, or provide to, the holding company or any other subsidiary thereof some additional credit, property or service.

It prohibits any requirement that the bank's customer must not obtain some other credit, property or service from a competitor of the bank, its parent, or a sister subsidiary, other than a reasonable requirement to assure soundness of credit.

It authorizes the Board to provide exceptions to the prohibition, the Department of Justice to enforce the prohibitions and private parties to sue if injured by a violation of the prohibition. For purposes of this anti-tie-in provision the term "company" includes "person".

The House conferees agreed to this provision, particularly because of the necessity for protecting small independent businessmen from unfair and predatory business practices by banks, bank holding companies and subsidiaries thereof. This provision covers all insured banking institutions, as well as bank holding companies.

The Senate conferees assured the House conferees during the conference on one very important point that the House conferees felt was not clear either from the language of the Senate anti-tie-in provision or from the legislative history of this provision in the Senate.

The Senate anti-tie-in provision was amended on the Floor of the Senate to exclude from its coverage certain specific so-called traditional banking services, i.e. loans, discounts, deposits and trust services. The Senate conferees stated in response to questions put by the House conferees that this exemption only applied where all of the components of a particular transaction fell into the category of loans, discounts, deposits and trust services. If any of these traditional banking services were tied to another service offered by a bank, a bank holding company, or another subsidiary of a bank holding company, the exemption would not apply.

In addition, the Senate conferees assured the House conferees that, even within the four exempted traditional bank services, nothing in the Senate anti-tie-in provision exempted them from coverage under the provisions of existing antitrust law dealing with tie-ins.

Standing for competitors and others

Another major provision of H.R. 6778, which was in the Senate version but not in the House version, was the provision giving standing to competitors of bank holding companies to enter proceedings as parties in interest before the Board and in the courts. This provision allows a present or potential competitor the right to join as a party in interest before the Board and to appeal any decision of the Board if it renders a decision adverse to him in any proceeding before the Board where an applicant seeks authority to acquire a banking subsidiary under Section 3, to engage in a nonbanking activity pursuant to Section 4 or to engage in a business practice otherwise prohibited under the anti-tie-in provision.

While it is understood that the Board has in recent years taken a properly liberal attitude concerning the right of competitors of banks and bank holding companies to have standing before the Board in its proceedings, this provision is intended to state that position in the law. It is not in any way to be interpreted, however, to restrict the participation of interested parties in proceedings before the Board only to those types of proceedings enumerated in the standing provisions of this legislation.

If it would be appropriate to allow the entrance of interested parties in other proceedings held in connection with subjects covered by this legislation, or if standing is given under other provisions of Federal law, including but not limited to the Administrative Procedure Act, the provisions of this legislation are in no way intended to narrow the right to standing. In other words, the broadest possible forum should be allowed for adversary proceedings to take place in order that all issues may be aired completely.

More specifically, this provision does not limit the standing of any party in any proceeding before the Board, who, under the holdings in recent Supreme Court decisions (*ADAPSO v. Comptroller of the Currency* and *Arnold Tours v. South Shore National Bank*) would be deemed to be affected by the result in that proceeding, and which party's interests are relevant to the purposes of the Act.

Title II—Provisions relating to coinage

The House receded to the Senate and accepted an amendment related to U.S. coinage.

All but one of the provisions of this amendment have been passed by the House in the form of H.R. 14127 on October 15, 1969.

This legislation, incorporated as Title II of the conference bill, provides that (1) there would be a phasing out by January 1, 1971, of the use of silver in half dollars and the authorization of a cupro-nickel 50-cent coin of the same composition as the quarter and the dime; (2) a new cupro-nickel clad coin of $1 denomination is authorized to be minted for general circulation, bearing the likeness of the late President of the United States, Dwight David Eisenhower, and, on the other side, a design emblematic of the symbolic Eagle of Apollo 11 landing on the moon; and (3) machinery is established for the orderly and equitable sale to the public, at market value, of approximately three million silver dollars remaining in Treasury vaults, mostly rare and numismatically valuable coins from the old Carson City Mint. These approximately three million valuable silver dollars will be offered to the public in a manner recommended by the Joint Commission on the Coinage at its meeting of March 12, 1969. At that time the Joint Commission on the Coinage agreed to an auction procedure for the sale of these rare silver dollars by the General Services Administration. Under this procedure, the GSA would establish a minimum price for each class of rare coin. An individual could bid for a coin at that minimum price or at a price in excess of the minimum price established by GSA.

In addition, Title II, Section 203, of the conference bill provides for the minting of 150 million of the new $1 pieces to be 40 percent silver content. To help accomplish this purpose, 25½ million fine troy ounces of silver would be transferred to the Treasury from the defense stockpile to be used exclusively for the special silver coins.

It is understood by the conferees that 130 million of the new silver coins will be manufactured and sold as uncirculated commemoratives and 20 million of them as proof coins, under administrative arrangements through the Treasury Department assuring their widest possible distribution among citizens interested in acquiring a few each.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
Managers on the Part of the House.

APPOINTMENT OF JOHN CONNALLY AS NEW SECRETARY OF THE TREASURY

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, it would be difficult to recall an instance where a Chief Executive has shown more inspired bipartisanship than President Nixon has with his appointment of John Connally as his new Secretary of the Treasury. When one considers that Mr. Connally is a lifelong active member of the Democratic Party who did not support President Nixon in 1968, then one is forced to the conclusion that this is a remarkable—and admirable—appointment.

In a word, President Nixon has shown statesmanship in his willingness to appoint a stanch Democrat to such a key position in his administration. No less should be said for former Governor Connally who has also demonstrated true bipartisanship in his willingness to accept this position.

It is quite obvious that President Nixon and Secretary-designate Connally are setting examples of leadership that deserve to be followed. What this appointment says is that the need for a strong national economy should be above politics. That the need of every American for a decent job and a decent standard of living is a need that transcends politics.

Mr. Speaker, the President has taken a giant new stride in his efforts to bring us together.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 410]

Adair	Ford,	Mize
Aspinall	William D.	Moorhead
Ayres	Foreman	Morton
Baring	Forsythe	Moss
Blackburn	Fraser	Murphy, Ill.
Blanton	Giaimo	O'Konski
Boiling	Gilbert	Ottinger
Brock	Goldwater	Patman
Burke, Fla.	Gray	Pollock
Burton, Utah	Hébert	Powell
Button	Heckler, Mass.	Pryor, Ark.
Byrnes, Wis.	Horton	Purcell
Chisholm	Jarman	Reifel
Clark	Karth	Rivers
Clay	Kee	Rogers, Colo.
Cramer	Long, La.	Rooney, Pa.
Cunningham	Lowenstein	Rosenthal
Daddario	Lujan	Roudebush
Daniel, Va.	McCarthy	Scheuer
Dorn	McCulloch	Stokes
Dowdy	McDade	Thompson, N.J.
Edwards, La.	McKneally	Tunney
Evans, Colo.	May	Weicker
Fallon	Meskill	Wolff
Farbstein	Miller, Calif.	

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

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

CAPT. CLAIRE E. BROU

Mr. COLMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14235), for the relief of Capt. Claire E. Brou.

The Clerk read the title of the bill.

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

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand that this bill which was just passed over by unanimous consent under the Private Calendar is being called up again, and if so is it with or without amendment?

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

Mr. HALL. I am glad to yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, with reference to my colleague's question, the gentleman who objected to this matter when it was on the Private Calendar and while I was unavoidably detained in the Rules Committee trying to get the final bills on the calendar considered so that we could adjourn this Congress at some time—I was not here to make my position and the position of the claimant clear. When I spoke to my friend and colleague the gentleman from Tennessee (Mr. DUNCAN), who had objected, he very graciously advised me that if I was able to get the bill up again he would not object.

I should like to say a word with reference to the amount. The Senate Judiciary Committee reported this bill out with a provision for $100,000. The House committee reported the bill out with a provision for $200,000.

Mr. Speaker, this claimant is suffering. She is now, as I advised my friend, in London seeking further assistance, having suffered this unfortunate incident. In order to get the matter disposed of, I intend to offer an amendment, if I am permitted to do so, to reduce the amount in the House bill to $100,000 to bring it in line with the Senate bill.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. Would such an amendment be in order in this case to reduce the amount as suggested by the gentleman from Mississippi?

The SPEAKER. An amendment would be in order.

Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, under the reservation, I recognize, having studied this report in detail, that this is one of the disasters of modern medical times. There is a real reservation in my mind as to whether it should be settled in this manner, seeking unanimous consent, or not; because, in fact, there is no proof that the cerebrovascular accident suffered by this worthy servant of the armed services, Captain Brou, was caused by any malfeasance, negligence, or otherwise, on the part of the armed services.

Be that as it may, because she is grasping at a last straw and seeking to rehabilitate herself—and we pray for success—and in view of the gentleman's intended amendment, I shall withdraw my reservation.

Mr. COLMER. I thank my good friend, the gentleman from Missouri (Mr. HALL), for whom I have the highest regard.

As my friend knows, like he, I am no reckless spender. But I can assure him that this is a most meritous case. Otherwise, I would not propose it.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 14235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Claire E. Brou (Retired, United States Air Force ([redacted]), of Ocean Springs, Mississippi, the sum of $200,000 in full settlement of all her claims against the United States arising in connection with injuries she sustained in April 1968, while undergoing a diagnostic study at the Walter Reed Army Medical Center. Such injuries left her partially paralyzed and permanently disabled.

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

With the following committee amendments:

Page 2, line 4, strike "in excess of 10 per centum thereof."

Page 2, after line 11, add the following:

"SEC. 3. The payment of the amount provided for in this Act shall not be interpreted as interfering with or barring any rights of the said Claire E. Brou to compensation or benefits as a retired officer or accruing to her by reason of her military service, and its acceptance by her shall be in addition to any such rights to compensation or other benefits from the United States."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. COLMER

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

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 1, line 7, strike out "$200,000" and insert "$100,000".

The amendment was agreed to.

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

CONFERENCE REPORT ON H.R. 17809, PAY SYSTEM FOR PREVAILING RATE EMPLOYEES

Mr. DULSKI submitted the following conference report and statement on the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1746)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring ex-

perience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and

"(D) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) of this title; and

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the United States shall be bona fide residents of the United States, unless the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by paragraphs (7), (8), and (14) of that section.

"§ 5343. Prevailing rate determinations; wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years. The Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. The regulations shall provide—

"(1) that wages surveyed be those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4)(A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that, when it is determined that there is an insufficient number of comparable positions in private industry to establish the wage schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have 4 steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, and the fourth step at 108 percent of the prevailing rate, except that a special wage schedule under paragraph (6) of this subsection shall have not less than 4 steps;

"(B) that, with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) 26 calendar weeks of continuous service in step 1;

"(ii) 78 calendar weeks of continuous service in step 2; and

"(iii) 104 calendar weeks of continuous service in step 3; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules including, but not limited to, supervisory schedules and industry oriented schedules, as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually severe hazards;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as appropriate), and other similar changes in employment status; and

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

"(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, an increase in the rate of basic pay referred to in subsection (a) of this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment of equivalent tenure in the excepted service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of 1 workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not excede the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is 3 grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his rate of basic pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. In carrying out this subsection, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistently with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the 4 Executive agencies (other than the Civil Service Commission), and military departments designated by the Chairman of the Civil Service Commission from time to time as having the largest number of prevailing rate employees;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) 5 representatives, appointed by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees in the service of the Government of the United States.

"(b) In making appointments of representatives of employee organizations under subsection (a)(4) of this section, the Chairman of the Civil Service Commission shall appoint, as nearly as practicable, a number of representatives from a particular employee organization in the same proportion as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees in the Government of the United States and the government of the District of Columbia. However, in any case there shall not be more than 2 representatives from any one employee organization nor more than 4 representatives from a single council, federation, alliance, association or affiliation of employee organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) serve without additional pay. Employee organization members are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. Crews of vessels

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.".

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

SEC. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544(a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

SEC. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period of the end thereof.

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5,

United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154(b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

SEC. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between departments and agencies of the Government of the United States, or subdivisions thereof, and organized employees. It is the intent of this Act that through negotiations between the Commission, the heads of those agencies referred to in clauses (1)–(viii) of section 5102(a)(1) of title 5, United States Code, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

SEC. 10. The provisions of sections 1–9 of this Act are effective on the first day of the first pay period which begins on or after 90 days after the date of enactment of this Act except that, in the case of those employees referred to in section 5342(a)(2) (C) and (D) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first pay period which begins on or after one hundred and eighty days after such date of enactment or on such earlier date (not earlier than ninety days after such date of enactment) as the Civil Service Commission may prescribe.

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
MORRIS UDALL,
ROBERT J. CORBETT,
Managers on the Part of the House.

GALE W. MCGEE,
RALPH YARBOROUGH,
JENNINGS RANDOLPH,
H. L. FONG,
TED STEVENS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute text. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the House bill and the Senate amendment and that the Senate agree to the same.

Except for technical drafting changes, the differences between the House bill and the conference substitute are explained below.

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

Nonappropriated fund employees

The House bill, under section 5342(a)(2)(C), defines "prevailing rate employee" for purposes of this legislation to include "an employee of a nonappropriated fund instrumentality".

The conference substitute restricts the definition in this particular case to an employee of a nonappropriated fund instrumentality employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, or as a foreman or a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement.

The broad definition in the House bill would require employees in executive, clerical, managerial, and merchandising positions to be paid under prevailing rate procedures which would be inconsistent with the practice ordinarily used in wage board systems. The executive and management employees have had their rates of pay based on rates comparable to the rates paid under the General Schedule. The conference substitute will permit the continuation of the existing practice and will apply the provisions of the bill only to employees under the trades, crafts, and labor occupations.

The House bill includes a specific requirement, in the second sentence of the new section 5343(a), that the pay of prevailing rate employees of nonappropriated fund instrumentalities located within the several States or the District of Columbia, and of the Veterans' Canteen Service, be fixed and adjusted in accordance with prevailing rates determined by a survey of wages paid to employees in a representative number of retail, wholesale, service, and recreational establishments in the local areas engaged in activities similar to those of the instrumentality or the Canteen Service.

The conference substitute omits the particular sentence involved but includes provisions in paragraph (6) of the new section 5343(c) of the conference substitute which authorizes special industry oriented schedules. It has been the practice under the wage board system to establish special industry oriented schedules for employees who perform printing and lithographing services, motion picture service, and officers and members of crews of vessels. Paragraph (6) of the conference substitute is intended to authorize the establishment of a special wage schedule for nonappropriated fund employees and, if appropriate, to permit such special schedule to be based on a special survey of rates paid to employees in retail, wholesale, service, and recreational establishments.

Also, the conference substitute, by omitting the reference to instrumentalities located within the several States or the District of Columbia, makes it clear that the provisions apply to United States citizen employees overseas.

Within-grade steps

The House bill requires, under section 5343(c)(5), that the regulations to be issued by the Civil Service Commission provide that each grade of a wage schedule have 5 steps, the first step at 96 percent of the prevailing rate with graduated increases to 112 percent of the prevailing rate for the 5th step.

The conference agreement provides that each grade of a wage schedule have 4 steps except that special wage schedules established under paragraph (6) of the new section 5343(c) shall have not less than 4 steps. The language of the conference agreement removes any question that may exist against continuing the current practice under which special wage schedules for supervisors are established with 5 within grade steps.

Night differentials

The House bill, under section 5343(c)(8)(B) and (C), provides for a nationwide uniform 7½ percent night differential for the three o'clock shift, and a 10 percent night differential for the eleven o'clock shift.

The conference agreement does not contain comparable provisions.

Effective date

The House bill, under section 9(c), provides an effective date as the first day of the first pay period which begins on or after the one hundred and eightieth day after date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least ninety days after the date of enactment.

The conference agreement, under section 10, provides an effective date as the first day of the first pay period which begins on or after ninety days after the date of enactment except that it is one hundred and eighty days in the case of nonappropriated fund employees and Veterans' Canteen Service employees.

Premium pay

The House bill, under section 10, provides nonappropriated fund employees and Veterans' Canteen Service employees with a 25 percent additional premium pay for Sunday work, and double pay for holiday work.

The conference agreement does not contain comparable provisions.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
MORRIS UDALL,
ROBERT J. CORBETT,
Managers on the Part of the House.

REVISED EDITION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 236) authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—analysis and interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

The Clerk read the title of the Senate joint resolution.

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

Mr. HALL. Mr. Speaker, reserving the right to object, on December 7, if my memory serves me well, Senate Joint Resolution 236 was on our list of suspensions to be considered as item No. 26 for that day. I asked that it not be brought up, and I appreciate the courtesy and comity of the gentleman for not calling it at that time, until it could be determined whether or not this request, which is basically for updating the Constitution annotated with the Supreme Court citations through the October 1971 term of that body, is to be prepared by the Library of Congress. It does many other things at considerable expense, which I understand will primarily be recouped into the Treasury by sale of the document and its supporting and automatically updating services over the next 10-year period.

My question at that time, which has still not been answered—and I would ask it again of the distinguished gentleman from Pennsylvania in order to make a legislative record about the value of this is: What will it cost the taxpayers? Why do we need it? More basically why do we need this in addition to the printed code and statutes that is supplied to everyone, which is updated on a weekly basis as a living service? I refer to mine very often.

The legislative assistant is very proud of it and keeps it updated. For the life of me, I cannot see why we should spend another $179,000 of the taxpayers' money, in addition, unless there is some value to the depository libraries.

Mr. Speaker, I yield to the gentleman from Pennsylvania for an answer.

Mr. DENT. For the information of the gentleman and other Members of Congress, what we are trying to do is establish a permanent authority for the printing of an annotated copy of the Constitution. It has been done in a haphazard fashion since 1915. While it is true we do get an updated congressional report, there is a demand throughout the country for this particular publication. It was printed the last time in 1964. The Government Printing Office sold 18,516 copies at $15.50 each, for a total of $286,998. The entire cost, including the printing, preparation, revision, and pocket supplements for this proposed printing would be $204,854. Out of the number of copies that will be printed, there will be 1,500 copies as a Senate document, 4,870 additional copies, of which 2,634 copies will be for the use of Members of the House, each Member receiving six copies, 1,236 copies for the use of the Senate, 12 per Senator, and there will be 1,000 copies for the Joint Committee on Printing, as well as the number of copies to be sold. It is anticipated, of course, that the price will go up, and also it is anticipated by the committee that the full cost of the preparation and printing of this will be returned to the Treasury by sales, because of a huge demand throughout the country for this particular publication.

Mr. HALL. Mr. Speaker, I would further ask the gentleman if the copy I hold in my hand is the pocket supplement to which the gentleman refers.

Mr. DENT. It is similar.

Mr. HALL. However, this, of course, was last printed—according to the flyleaf here—as House Document No. 190 in the first session of the 89th Congress, and presented by our colleague from Texas (Mr. BURLESON) and its price is only 15 cents.

Mr. DENT. That is right.

Mr. HALL. The basic text, with the frequent annotations, is the one the gentleman refers to as costing $15, which will be supplied to depository libraries around the Nation and the world; is that correct?

Mr. DENT. That is right. It is further to be noted that this particular printing provides for pocket insertions which will be updated every 2 years. At the end of 10 years, which has been the normal printing time, a complete library will be contained within this particular annotated copy of all the decisions and changes in constitutional provisions.

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

Mr. HALL. Mr. Speaker, further reserving the right to object——

The SPEAKER. The Chair had agreed to recognize the gentleman from Pennsylvania for not long debate. The Chair, of course, has no control over that.

Mr. HALL. Of course not.

The SPEAKER. But the Chair calls the attention of the gentleman from Pennsylvania to the observation the Chair made.

The gentleman from Missouri reserves the right to object.

Mr. HALL. Mr. Speaker, I am of the opinion that the testimony before the House by the gentleman from Pennsylvania does indicate a need for updating. I am not at all sure that his urgent plea for including the exceptionally large number of Supreme Court decisions which have altered prior interpretations of the Constitution is of great public interest or value. But nevertheless, in view of his persuasive manner and in view of the haste of the Chair, I withdraw my reservation.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 236

Whereas the Constitution of the United States of America—Analysis and Interpretation, published in 1964 as Senate Document Numbered 39, Eighty-eighth Congress, serves a very useful purpose by supplying essential information, not only to the Members of Congress but also to the public at large;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 22, 1964;

Whereas many cases bearing significantly upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 22, 1964;

Whereas the Congress, in recognition of the usefulness of this type of document, has in the last half century since 1913; ordered the preparation and printing of revised editions of such a document on six occasions at intervals of from ten to fourteen years; and

Whereas the continuing usefulness and importance of such a document will be greatly enhanced by revision at shorter intervals on a regular schedule and thus made more readily available to Members and Committees by means of pocket-part supplements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress shall have prepared—

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eight Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

SEC. 2. All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

SEC. 3. There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of the first section and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall, upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

SEC. 4. Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

SEC. 5. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

The Senate joint resolution 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.

CONFERENCE REPORT ON H.R. 17755, DEPARTMENT OF TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS, 1971

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. YATES. Mr. Speaker, reserving the right to object—and I shall not

object—the conferees have cut $80 million out of this appropriation. The Secretary of Transportation, in a letter to the chairman, has stated that any significant reduction in fiscal year 1971 SST funding would increase the program cost on a 2-to-1 ratio. In other words, by cutting the $80 million, the program costs will be increased by $160 million at the end of the program.

I hope the gentleman from Massachusetts, in his explanation of what the conferees did, will make clear to the House how the strange sleight-of-hand compromise reached by the conferees would work; namely, how a $80 million reduction will result in a $160 million cost overrun.

Mr. Speaker, I withdraw my reservation.

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

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, I would merely call attention of the House to this morning's CONGRESSIONAL RECORD, page 41474. I placed in the RECORD an article on a subsonic carrier which the National Aeronautics and Space Administration is developing, which will do everything that the supersonic transport would do at substantially less cost; without the expenditure of $3 billion or $4 billion; without creating sonic booms, and without endangering the outer atmosphere at excessive altitudes.

I invite my colleagues to read this article—it is on page 41474 of this morning's RECORD—before making a decision on this matter.

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

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

Mr. GROSS. So what is being offered here by way of an $80 million cut, as a result of the conference, is in the nature of a SOP so far as the SST is concerned.

Mr. PUCINSKI. What is being offered here, as I understand, is a $210 million additional appropriation which will ultimately become $1.5 billion and which will ultimately become $4 billion or $5 billion to develop a supersonic transport to serve less than 2 percent of the flying public of America. As the article I referred to points out, NASA is developing a new subsonic carrier which it estimates will by 1980 carry the majority of air travelers in America. So we are arguing about spending another $210 million on the SST boondoggle, even though we have reason to believe it will never be certificated and which the British have been trying for years to get out from under, but they cannot. This is an agreement to spend another $210 million here on the SST, and that is all it is.

Mr. GROSS. It is a $80 million reduction from the figure that the House approved, which I say again is in the nature of a SOP to those of us in the House of Representatives who are opposed to further construction of the SST, at least at this time.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. YATES. The gentleman is exactly right. Earlier this year the Department of Transportation appeared before our committee and stated that as a result of the $30 million reduction in SST funding last year there would be an additional cost overrun of $76 million on the SST. That is why the Secretary of Transportation in commenting upon what the conference reduction was likely to be, said that any reduction below $250 million would result in twice the amount of the reduction. So there will be $160 million in addition to this program overall rather than a $80 million reduction.

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

Mr. PUCINSKI. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 11, 1970.)

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

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

There was no objection.

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

Mr. BOLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, nothing significant is to be gained by voting $210 million for the SST instead of $290 million. An appropriation of $210 million still keeps the SST alive; it will still be built and will cost no less in the long run. A year from now we will be urged to go ahead with the SST on the ground that we have put $918 million instead of $998 million into it. The foot in the door will be a size 9 instead of a size 10, but it will still be a foot in the door.

As a matter of fact, the voting of $210 million instead of $290 million will probably subject the SST to greater eventual cost inflation as a result of the longer stretch-out. The small sum also detracts from the argument that the SST is needed to provide employment. The unemployment facing the United States is temporary unemployment—or should be. And any justification of the SST that it is needed to provide jobs should rest on jobs needed in the near future, not the distant future. What we need is full employment gotten from producing things we need rather than a plane that may pollute the upper atmosphere; may make so much noise that it will not be allowed to fly over the United States; may require such take-off and landing distance that few airports can handle it; will cost the taxpayers billions of dollars; will bleed the airlines; and will price its rides so high that only the rich can afford to travel in it.

The Senate-House conference agreement—a cut from $290 million to $210 million—is reminiscent of the surgeon who cuts off a toe when the foot is infected, then cuts off the foot when the infection spreads to the leg. The whole job of amputating the SST should be done this year. It will be less painful and less costly than postponing it until later.

Mr. BOLAND. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, when the time comes there shall have to be a motion to concur with the Senate amendments with respect to an aspect of this bill which puts up $28 million for the purpose of placing armed guards on airplanes in order to prevent them from being hijacked and to prevent air piracy.

This $28 million under the conference report is to be taken from the Airport and Airways Trust Fund.

Mr. Speaker, the Members of the Committee of the Whole House on the State of the Union will recall that H.R. 19444 came up before this body and was passed. However, H.R. 19444 came from the Committee on Ways and Means and included a one-half of 1 percent addition to the tax which builds up the trust fund. So, the amount would be raised from 8 to 8.5 percent.

Now, what happened here is that H.R. 19444 never got any further. It passed this body but it did not pass the Senate. That bill never went to the Interstate and Foreign Commerce Committee because it proposed a tax.

So, what we have here is a bill coming back to us, at least a conference report suggesting a motion to concur with the Senate amendment that completely removes the question of policy; that is, whether or not to tamper with the trust fund, from the proper committee of the House which deals with such matters and that is the Committee on Interstate and Foreign Commerce upon which I serve.

What we have, then, is a raid on that fund with neither a bill in the Senate to support it nor a bill in the House to support it, and a proposal which has never been before this House.

You will recall that H.R. 19444 avoided the Committee on Interstate and Foreign Commerce because it dealt with a tax and, therefore, it would not go into the trust fund which we have established under Public Law 91–258. But, now, we would raid this fund without putting any more money in it, in a program that I feel is, from the standpoint of efficacy, very questionable. But beyond the question of the merits, if we permit a conference committee to write policy with respect to the use of the Airport and Airways Trust Fund, then we absolutely avoid the ordinary processes of the House and of the Senate or considering these policies within the proper committee to make the determination as to whether or not such funds should be so diverted.

Mr. Speaker, this is an act in haste. This is an act which is put together as a last-minute effort to pay for the forces on the airplanes which has not been in any way considered by any appropriate committee of either the House or the Senate.

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

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

Mr. McFALL. Mr. Speaker, I would like to discuss this with the gentleman. I believe that we are both attempting to accomplish the same purpose, to explain to the House what the reasoning was of the members of the subcommittee in putting this money in.

The Senate bill put it in with language that said that it would not be spent until the legislation which has already passed the House, as the gentleman has described, of providing for these guards on airliners, and providing the tax, would be passed.

Mr. ECKHARDT. That is correct.

Mr. McFALL. The money would come out of the trust fund in that case if the legislation is passed. What we have done is take out of the Senate language the requirement that the legislation be passed, but still allowed to stay in the portion that authorizes it to come from the trust fund. We felt the time is now to provide these air carrier guards, and if we should take this money from the trust fund, and if the legislation is passed, then it would be put back in the trust fund.

We feel that it is essential that the House has spoken, and that the House believes it is essential to provide these guards, and we have provided to do it in this way.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLAND. Mr. Speaker, I yield 4 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman for the lucid explanation, but I would like to point out one thing about it. The House never agreed to use the trust fund. The question of policy as to whether or not the trust fund should be depleted is an entirely different question of policy than the question of whether or not the trust fund should be used as a repository of tax funds which are then in turn spent, and replenished.

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

Mr. ECKHARDT. I yield to the distinguished gentleman from Ohio.

Mr. BOW. Mr. Speaker, I quite agree with the gentleman from Texas that we must protect the trust fund, but it seems to me when we were in conference on this matter that the legislation to which the gentleman referred provided it could be used for safety, and it was my impression that by stopping hijacking and trying to prevent hijacking, contributes to safety in the air. It seems to me that when we have hijacking in the air we have an unsafe situation, so that the use of these funds for safety purposes, as far as preventing hijacking, was within the purview of the act.

Mr. ECKHARDT. Let me say this: I am as much defending the jurisdiction of the Committee on Interstate and Foreign Commerce, rather more so, than defending the question I am raising here. If this bill had originally been a bill which did not tax, but affected the fund itself, the bill would have gone to the Committee on Interstate and Foreign Commerce to determine policy with respect to the use of trust fund moneys. The only reason it escaped the purview of the Committee on Interstate and Foreign Commerce was by the tax gimmick, and because there was a tax, the fund would not practically be affected.

I have serious misdoubts about the policy question not being decided by the two committees.

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

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

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding. I think the gentleman has made a good point. If these funds are to be provided they ought to come from the general Treasury, not from the airways and airport bill that passed the House. Nowhere in the language of the bill passed by the House does it provide that we pay for guards on the planes, and there is a serious question in our minds whether there should be a specific tax earmarked for that purpose. It ought to be borne by the public as a whole, not by the users of airlines. It ought to come out of the Treasury, not the trust fund.

Mr. ECKHARDT. That is right. That is what the Senate bill provided for originally. The Senate bill said it will come from the general revenues. The bill we passed over here said it would come from a special tax, but neither the Senate committee nor the Committee on Interstate and Foreign Commerce of the House said the trust fund should be depleted. It came in as a conference committee proposal, and that is the only basis for it; it has never been heard by either of the committees on the Senate side, or on the House side.

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

Mr. ECKHARDT. I yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I suggest to both of the gentleman from Texas that I agree with the gentleman from Ohio, the ranking member of the Committee on Appropriations. Nothing in the bill that the Interstate and Foreign Commerce Committee passed nor the bill that came out of the Ways and Means Committee indicated the specific nature of the safety devices for which the trust funds would be expended, and certainly the use of armed guards as a preventative for highjacking would indicate that we are using this money for safety on the airlines. That certainly is within the spirit or the legislation to which the gentleman has referred.

Mr. BOLAND. Mr. Speaker, the issue is a relatively simple one. This House passed overwhelmingly some weeks ago the bill H.R. 19444 and the stated purpose of that bill was to provide that the amounts in the trust fund should be available, as provided by appropriations acts, to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries, and other expenses of guards having the same powers as U.S. marshals to accompany aircraft operated by air carriers which are U.S. citizens.

The simple fact of the matter is that the bill passed the House, and I would think the protest comes too late from both of the gentlemen from Texas, because I do not recall any objection the day that this bill was on the floor. The gentleman who is now in the chair was handling the bill, and the gentleman from Wisconsin (Mr. BYRNES) agreed to it.

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

Mr. BOLAND. The fact of the matter is that we are now training over 2,500 guards. The cost to provide for 2,500 guards on aircraft and also to survey passengers at the various airports is going to run around $28 million. The bill that the gentleman from Arkansas (Mr. MILLS) presented to this House some weeks ago provided for a one-half of 1 percent increase in passenger taxes.

The question here is whether or not the people who use the airways are going to pay for this safety or are the funds going to be taken out of the general funds of the Treasury, thereby assessing that cost upon the people who never ride the airways. There are millions of people in the United States who never have and who never will fly in passenger aircraft. Why should they pay for security guards?

So it is the contention of this committee that this money ought to come out of the trust fund.

How much money is in the trust fund? As of June 30, 1971, I think the receipts will amount to around $612 million. So should we permit the $612 million to remain there unused and take the $28 million out of the general fund as some would suggest? I do not feel that we should make all of the taxpayers pay for the services that we are giving to those who only fly commercial aircraft.

It is that simple, and I submit that what the committee recommends here is the proper action to take.

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

Mr. BOLAND. I yield to the gentleman.

Mr. ECKHARDT. The gentleman mentions that I did not raise this question at the time of the previous bill. If he will look at the RECORD of September 30, 1970, at page 34325, there is a statement I made at that time on that point in an exchange discussion with Mr. Moss, who also raised the point. What we were raising at that time was what ultimately happened here. We were suggesting that the trust fund was subject to a raid. But at that time the raid was not quite obvious, because it was said that the one-half of 1 percent would replenish the trust fund. Now we are confronted with the situation that is an absolute and direct raid of the trust fund, and which is a matter wholly subject to the jurisdiction of both the Committee on Interstate and Foreign Commerce and the Committee on Commerce in the Senate.

Mr. BOLAND. Mr. Speaker, the gentleman has made his point, and I hope I made my point.

Once again let me say that as of the end of the current fiscal year, the user tax receipts in that trust fund will amount to better than $600 million. Again, how do you want to pay the secu-

rity guards? Should they be paid out of the trust fund, or should those who do not fly airliners pay the cost of airway safety for those who do fly? It is really that simple.

The airline industry and the commercial carriers are opposed to taking anything out of the Airport and Airway Trust Fund except grants-in-aid for airports, and facilities and equipment. They do not want us even to touch operations, when the basic law establishing the Airport and Airway Trust Fund clearly provides that money shall be used out of the trust fund for the purpose of paying for certain operations of the FAA. It clearly says so.

I would suggest that some members of the other body and some of the Members of this body read the basic act. If we were violating the sanctity of the trust fund, that would be a different matter. But the basic law specifically provides for funding these operations out of the Airport and Airway Trust Fund, and that is the reason why the committee came to the conclusion that it did.

Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. YATES).

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

Mr. YATES. Mr. Speaker, I was very much impressed by the argument of the gentleman from Massachusetts on the last issue that was presented. He said:

> There are millions of people who will not fly the airways. Why should they pay for costs in connection with it?

There will be millions of people who will not fly the SST. Why should they pay for it in their taxes?

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

Mr. YATES. I am delighted to yield to the gentleman from Massachusetts.

Mr. BOLAND. I know the gentleman is going to contest the SST program. However, the SST is not going to be paid for by the taxpayers of the United States. The gentleman from Illinois (Mr. YATES) is completely familiar with the record. It is the judgment of those who support this program, that if we sell 300 of the SST's, we will get the entire $1,300,000,000 back that we will spend for research and development, and that is the only extent to which this Government is being committed. Any number above 300 will bring a royalty, and if we sell 500 of the planes, we will get approximately $1 billion back in royalties.

The gentleman will dispute this, I know. He has done it well in the subcommittee; he has done it well on the floor of the House; he has done it well on the radio, television, and in the newspapers. But that is our contention. The gentleman can disagree, if he wishes.

Mr. YATES. Of course, the gentleman knows very well that it is a long road to the time when the Government will begin to be paid, especially if the Government has to make available the $3 or $4 billion which will be needed to produce the plane. That is the only way the Government will get the royalties, if the royalties ever come in.

Mark my words, the Department of Transportation is going to ask the taxpayers to advance that $3 or $4 billion, and it must be advanced before you ever get the first royalties from any kind of sale of the plane.

But I am here today to talk about this conference report, this strange, this perplexing, this sleight-of-hand conference report, which cuts appropriations at this time only to have the cut restored and doubled at the end of producing the prototype. To my mind, it is worse than the original action of the House in voting the whole appropriation, because striking the entire appropriation is much better than handling the program on this kind of piecemeal basis that will satisfy nobody.

Mr. Speaker, pity the poor taxpayers. To this outrageously expensive program, the conferees by their action have added another $180 million in cost overruns. The $80 million cut by the conference for this fiscal year will require an additional $180 million at the end of the program to complete the prototype. The same tricky procedure took place this year. We cut the program by $30 million last year, and the Department of Transportation came before our committee and said that as a result of our action, another $76 million had to be added to the program in order to complete it. Thus, Mr. Speaker, instead of the $750 million limitation on Government funds placed on this program by President Kennedy when he launched it in 1963, it will be exactly twice what President Kennedy said the Government was going to spend on the program.

We now have a program that will cost $1,500,000,000—exactly twice.

The conference report is equally unsatisfactory to the contractor. To a finely tuned production schedule for an extremely difficult and innovative new aircraft, the conferees have brought by their action disruption and chaos. The production lines will have to be extended in time and the subcontracts renegotiated.

With the subcontractor and the contractor and the suppliers and, yes, the Members of Congress who voted for this program because they wanted to maintain employment, this action of the conferees in their report and the $90 million cut will certainly cause layoffs.

These are not only my views. These are the views of the Secretary of Transportation, Mr. Volpe. In a letter this year on December 9, to the chairman of the committee, this is what Secretary Volpe said would result from the action of the conferees:

> While it is possible to direct severe program reductions—those below $250 million level—conferees should be aware that in essence this would destroy the prototype program as we know it today. Since this is such a drastic reduction of program support by all previous Congresses, we have not analyzed the impact in quantitative details, however, the following points should be understood:
>
> 1. The contracts would have to be renegotiated and it is obvious that the Government's share of the cost would increase significantly.
>
> 2. All subcontracts would be terminated and it is doubtful that other subcontractors could be assembled in light of the depressed situation of our aerospace industry today.

To add insult to injury, the conferees said in the report to the Department and to the contractor—and this is in the report in essence—that this $80 million cut will be made now and we will review to see if we should restore the funds later on. Surely, Mr. Speaker, this is yo-yo financing of the worst kind.

It will be argued that those of us who are opposed to the program want this kind of chaos, this kind of disruption. We do not want this kind of frenetic disruption. We want to bring this program to an end, but we want it killed quickly and cleanly, not in the messy, lingering, painful fashion recommended in this report by the conferees.

Mr. Speaker, this is the time to stop this program—now—before the Government plunges into the second half of its $1,500,000,000 expenditure on these prototypes.

This is the time to stop this program—now—before we tie the Government inevitably to the additional $3 or $4 billion, which will be needed to produce the SST and to pay the royalties the chairman of the subcommittee alluded to.

This is the time to stop the program—now—when the Government is faced with $15 billion in deficit this year.

This is the time to stop this program—now—so that the funds desperately needed for more vital programs will be made available for other purposes.

Mr. Speaker, programs like the drug abuse program, which has been allocated for this fiscal year the amount of $154 million, are the programs I refer to. That is a meager amount which is supposed to take care of all aspects of the drug problem including law enforcement, treatment, rehabilitation, education, training, and research. Is that more important than the SST program? Talk about priorities. The amount allocated for the drug program is only two-thirds of this year's allocation for the SST.

Mr. Speaker, the few hours saved in time by the SST is not the answer to what the American people want in air transportation. They want safety above everything else. They want to eliminate air crashes like the one that took place at Huntington, W. Va., when the Marshall University football team was killed, when the plane crashed into an airport that did not have adequate facilities. That is where the money should go. The American people want to avoid being stacked up in the skies, and they want to be enabled to land. They do not want to be lined up on the airfield unable to take off for long periods of time. The SST will not help that situation.

As a matter of fact, the SST, hurtling through the skies in its time-saving flight, will have to take its place in the stacks of planes in the congestion around the country's major airports, waiting for its chance to land.

Mr. Speaker, earlier this year, on April 22, Members of the Congress joined with students all over the country in celebrating Earth Day. On that day millions of people all over the country expressed their concern about what was being done in this country to degrade the environment.

There was a feeling of rebirth and dedication on that day, of seeking to bring

an end to the pollution of our streams and our waterways, of the pollution of our skies and of the air we breathe, of bringing an end to the noise and to the bedlam that surrounds us in our daily activity. Those who supported the principles of that day oppose the SST program. They consider the SST to be an instrument for further polluting the quality of life on this earth.

Yes, the SST will bring speedier flight, but it will bring an infernal racket. It will bring sonic boom. It will bring possible pollution of the upper atmosphere, the laying of a permanent cloud cover which may alter the temperature of the earth. The Nation's environmental scientists have warned about this.

Mr. Speaker, those who call the SST a step forward ought to take another look at the program. If this is progress we should want no part of it.

Little has been said about the sonic boom. The administration has lulled the Nation into complacency by saying the SST will not fly supersonically over populated areas in this country. That is true today. But that assurance is certainly subject to jeopardy if the SST ever flies, because it is not created for subsonic flight. Requiring it to do so will reduce its earning power. Its economic viability depends upon its full speed. The pressure will be enormous to permit supersonic flight with the boom over land, let us hope and pray that day will never come.

There has been little objection thus far to booms being sounded over the ocean. Now there has been brought to my attention the protest of distinguished oceanographers and marine students and scholars, and it seems to me their view must be given consideration. I attach their views and their names hereto:

OCEANOGRAPHERS AND MARINE SCIENTISTS WARN AGAINST REPEATED SST SONIC BOOMS OVER THE ATLANTIC OCEAN

More than 35 oceanographers and marine scientists from world-famous oceanographic and marine research institutes have gone on record as having serious concern for the wildlife of the North Atlantic Ocean—if hundreds of supersonic transport planes (SSTs) inflict sonic booms on this ocean night and day for decades.

The views of these marine naturalists were solicited on Nov. 28, 1970, by the Citizens League Against the Sonic Boom, and their replies in the form of signed letters of protest were received a few days later. The signed protests read as follows:

TO WHOM IT MAY CONCERN

As one who has been concerned with the oceans and ocean ecology for many years, I wish to protest the assumption by aviation administrators and airline officials that it is permissible to inflict SSTs' sonic booms on a considerable fraction of the North Atlantic, day and night, year after year, for decades. At present no adequate answers are available to questions as to the possible harm of such booms, known to be startling to men and animals, to life above and below the surface of the ocean.

The names of the signers are indicated on the attached list. Included are some of the world's ranking experts on oceanography, ocean ecology, marine biology, animal physiology, etc.

LIST OF PERSONS SIGNING THE LETTERS OF PROTEST

Abbreviations: MBL: Marine Biological Laboratory, Woods Hole, Mass. WHOI: Woods Hole Oceanographic Institute, Woods Hole.

Dr. Eric G. Ball, Trustee of MBL; also Member of faculty of Harvard Medical School, Boston, Mass.

Dr. Lincoln Baxter, II, Applied Physicist in Dept. of Applied Oceanography, WHOI.

Dr. Francis G. Carey, Assistant Scientist in Dept. of Biology, WHOI.

Dr. Francis D. Carlson, Member of Executive Committee of Board of Trustees, MBL.

Dr. Melbourne R. Carriker, Director of Systematics-Ecology Program, MBL.

Prof. James F. Case, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Professor of Biology, Univ. of California, Santa Barbara, California.

Prof. Roderick K. Clayton, Instructor in Dept. of Physiology, MBL; also Professor of Biology, Cornell Univ., Ithaca, N.Y.

Dr. Nathaniel Corwin, Analytical Chemist in Dept. of Biology, WHOI.

Dr. Sears Crowell, Member of Executive Committee of Board of Trustees, MBL.

Assist. Prof. Gary L. Freeman, Instructor in Dept. of Embryology, MBL; also Assistant Professor of Biology, Univ. of California, San Diego, California.

Assist. Prof. Jonathan P. Green, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Assistant Professor of Biology, Brown Univ., Providence, R.I.

Assoc. Prof. Michael J. Greenberg, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Associate Professor of Biology, Florida State Univ., Tallahassee, Fla.

Dr. Robert R. L. Guillard, Associate Scientist in Dept. of Biology, WHOI.

Dr. George R. Hampson, Research Associate in Dept. of Biology, WHOI.

Prof. J. Woodland Hastings, Member of Executive Committee of Board of Trustees, MBL; also Professor of Biology, Harvard Univ., Cambridge, Mass.

Dr. Arthur G. Humes, Acting Resident Systematist, Systematics-Ecology Program, MBL.

Dr. Columbus O'D Iselin, Henry Bryant Bigelow Oceanographer and Acting Chairman of Dept. of Theoretical Oceanography and Meteorology, MBL.

Prof. Antone G. Jacobson, Instructor in Dept. of Embryology, MBL; also Professor of Biology, Univ. of Texas, Austin, Tex.

Dr. Bostwick H. Ketchum, Associate Director, WHOI.

Dr. Andrew Konnerth, Jr., Research Associate in Dept. of Biology, WHOI.

Dr. Charlotte P. Mangum, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Associate Professor of Biology, William and Mary College, Williamsburg, Va.

Dr. Raymond P. Markel, Research Associate, Systematics-Ecology Program, MBL.

Dr. Lawrence R. McCloskey, Research Associate, Systematics-Ecology Program, MBL.

Prof. Clark P. Read, Member of Executive Committee of Board of Trustees, MBL; also Professor of Biology, Rice University, Houston, Texas.

Dr. Sumner Richman, Instructor in Dept. of Marine Ecology, MBL; also Dept. of Biology, Lawrence Univ., Appleton, Wisc.

Dr. Melvin A. Rosenfeld, Manager of Information Processing Center, WHOI.

Dr. Howard L. Sanders, Senior Scientist in Dept. of Biology, WHOI.

Dr. Rudolph S. Scheltema, Assistant Scientist in Dept. of Biology, WHOI.

Dr. Elizabeth H. Schroeder, Research Associate in Dept. of Physical Oceanography, WHOI.

Dr. Lawrence B. Slobodkin, Instructor in Dept. of Marine Ecology, MBL; also Dept. of Biology, State Univ. of New York, Stony Brook, N.Y.

Prof. Malcolm S. Steinberg, Trustee and Instructor in Dept. of Embryology, MBL; also Professor of Biology at Princeton Univ., Princeton, N.J.

Prof. Maurice Sussman, Instructor in Dept. of Physiology, MBL; also Professor of Biology, Brandeis Univ., Waltham, Mass.

Dr. Albert Szent-Györgyi, Director of Institute of Muscle Research, MBL; also Consultant in Dept. of Physiology.

Dr. Andrew G. Szent-Györgyi, Trustee and Instructor in Dept. of Physiology, MBL; also Professor Biology, Brandeis Univ., Waltham, Mass.

Dr. Ralph F. Vaccaro, Associate Scientist in Dept. of Biology, WHOI.

Dr. Walter S. Vincent, Trustee of MBL; also Univ. of Pittsburgh, Pittsburgh, Pa.

Dr. Stanley W. Watson, Associate Scientist in Dept. of Biology, WHOI.

Prof. E. O. Wilson, Instructor in Dept. of Marine Ecology, MBL; also Harvard Univ., Cambridge, Mass.

Prof. David A. Yphantis, Instructor in Dept. of Physiology, MBL; also Professor of Biochemistry and Biophysics, Univ. of Connecticut, Storrs, Conn.

Mr. BOLAND. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, the distinguished ranking minority member of the Subcommittee on Transportation Appropriations.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to commend my distinguished colleague from Massachusetts for his able presentation of the conference committee action on the Department of Transportation appropriation bill.

I shall confine my remarks to a very few brief comments in regard to the bill of special interest to me.

In regard to the SST, I believe we have whipped this issue backward and forward. I will say here today what I said in conference. Three of us signed the report with the exception of the SST, but as I said in conference we could take a vote in 10 seconds, for everyone knows how he is going to vote. Everything which has to be said upon it has been said. I am sure every Member has made up his mind.

In fact, this House, by a 39-vote margin, instructed the conferees to come back with a figure of $290 million rather than $210 million. Therefore, what we say here today, will fall on deaf ears.

So I will concentrate on some other items.

The $28 million was discussed here, to be set aside to meet the growing danger resulting from hijacking and sabotage and other activities endangering the security of civil aviation. I am sure I speak for all of us here when I say that this is a most serious problem which must be dealt with swiftly and effectively. Hopefully these funds will enable all people to use the Nation's airways and to do so with confidence and peace of mind, to which they are entitled.

I agree wholeheartedly with the chairman of the committee on this, and with the conference committee. There was a unanimous vote that this money should come out of the trust fund. H.R. 19444, which bill was passed by the House on September 30, 1970, was most explicit on this point.

The gentleman from Illinois (Mr. YATES) says he does not see why the SST should come from funds of the general taxpayers. Likewise, why should the general taxpayers pay for the safety of people who use the airways? I use the airways every week. I am taxed an excise tax. This should go to provide for my safety and for the safety of other people who use the airways.

In regard to the highway beautification program, the conference members placed an obligational limit of $8.5 millin on the program for this purpose. The only reason we limited it to $8.5 million was that the new authorization bill is still in conference. I am certain, considering the discussion we had in the conference and the discussions I have had with the chairman, that when the authorization bill is finally passed by the House and Senate, is out of conference and signed by the President of the United States, if the Department of Transportation comes up with a supplemental bill, we will give serious consideration to raising this limitation, which I feel should be raised.

The House limited the contract authorization for urban mass transit to $214 million. In conference we comprised this limitation to $600 million.

The reason why this was not increased in the full amount of $860 million in the bill is that 6 months of the fiscal year have already gone by, and we felt after discussion all that could be spent in the remaining 6 months of the fiscal year would be $600 million.

I know many Members of the House have spoken to me on this particular item and they are very pleased with this $600 million figure for UMTA.

Mr. Speaker, section 307 is a very important provision, which further prohibits further construction on the Miami jetport or the construction of any other facility in the Everglades National Park until the Department of the Interior and the Department of Transportation study and approve an airport site that will not have any adverse environmental effects on the ecology of the Everglades. This action will help to protect this natural resource and will assure that it will not be subjected to future depredations. At the same time a search for a future airport site to meet the needs of south Florida will be continuing.

Mr. Speaker, with the exception of item 4, I hope the conference report will be approved.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I know the Members of the House recognize the fact that this is a conference report and that there are more programs in it than just the SST. The conferees have brought back a bill with total appropriations of $7,093,636,668. This figure is $159,327,832 below the budget estimates.

With respect to new obligational authority, the conference agreement provides $2,608,134,605, which is a reduction of $133,692,832, or about 5 percent, from the budget estimates. Other comparisons with the conference agreement are shown on page 11 of House report 91–1730 under the statement of the managers on the part of the House.

With respect to the conference agreement, although it is not stated in every instance in the report, it was clearly the intent of the conferees that the positions provided over the House allowance should be proportionate to the additional funds agreed upon.

Mr. Speaker, the SST is certainly the single program included in the scope of the bill which has received the most publicity. It was also the most difficult item to reach agreement on in the conference. The House had originally provided the full $289,965,000 requested for the SST program, and the other body had not provided any funds.

Under the conference agreement, $210 million will be appropriated for the continued development of the SST. I, personally, do not feel that it is wise to reduce this program at this time. There is no question about the fact that, when reductions are made and funding is pushed into later years, costs are going to increase. Nevertheless, if we were going to get final action on an appropriation bill for the Department of Transportation, there had to be some agreement reached in conference on the SST. It was my feeling, and the feelings of a majority of the House conferees, that $210,000,000 was the absolute maximum to which the Senate would agree. This will provide enough funds to continue the prototype development program.

While the SST is the most controversial item in the bill, there are many other important programs whose funding levels will be greatly affected by the final action on this bill. Based on the conference agreement, the total appropriations in the bill, not counting the funds for the SST, will be $6,883,636,668, or nearly $7 billion.

What this means is that a vote for the conference report is also a vote for:

A $600 million urban mass transportation program, or almost a 200-percent increase in this program over the current level;

Funds for 2,265 additional air traffic controllers;

The sum of $190 million for additional facilities and equipment to help meet the growing air traffic congestion and aviation safety problems;

The sum of $4.35 billion for additional highway construction;

Additional funds for highway safety;

The sum of $50 million in subsidy payments to air carriers to help make air transportation available to certain smaller communities that would not otherwise be served;

The sum of $330 million for the Federal share of the Washington, D.C., subway system; and

Funds for many other needed transportation programs.

So, Mr. Speaker, I would hope that the Members of the House will vote to provide the funds needed to continue our Nation's transportation programs by agreeing to this conference report.

Under leave to extend, I place in the RECORD a summary table showing the actions of Congress on the bill:

COMPARATIVE STATEMENT OF ESTIMATES AND AMOUNTS APPROVED FOR 1971

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

Agency and item	[1] New budget (obligational) authority fiscal year 1970	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in House bill	New obligational authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1970	Budget estimate 1971	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses	$12,541,000	[2] $19,510,000	$17,230,000	$17,840,000	$17,535,000	+$4,994,000	−$1,975,000	+$305,000	−$305,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	14,500,000	14,500,000	+3,500,000	−7,500,000		
Grants-in-aid for natural gas pipeline safety		1,000,000		1,000,000	500,000	+500,000	−500,000	+500,000	−500,000
Consolidation of department headquarters	4,520,000	[3] 4,845,000	4,845,000	4,845,000	4,845,000	+325,000			
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000		210,000,000	+125,000,000	−79,965,000	−79,965,000	+210,000,000
Total, Office of the Secretary	113,061,000	337,320,000	326,540,000	38,185,000	247,380,000	+134,319,000	−89,940,000	−79,160,000	+209,195,000
Coast Guard									
Operating expenses	415,967,258	426,740,000	423,500,000	423,500,000	423,500,000	+7,532,742	−3,240,000		
Appropriations for debt reduction	131,370	137,063	137,063	137,063	137,063	−5,693			
Subtotal, operating expenses	415,835,888	426,602,937	423,362,937	423,362,937	423,362,937	+7,527,049	−3,240,000		
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	100,000,000	94,000,000	+26,300,000	−6,000,000	+4,000,000	−6,000,000
Retired pay	58,750,000	64,530,000	64,530,000	64,530,000	64,530,000	+5,780,000			
Reserve training	27,350,152	10,000,000	25,900,000	25,900,000	25,900,000	−1,450,152	+15,900,000		
Research, development, test, and evaluation	14,500,000	24,000,000	19,500,000	23,000,000	22,500,000	+8,000,000	−1,500,000	+3,000,000	−500,000
Oil pollution fund (S. Doc. 91–104)		35,000,000		35,000,000	20,000,000	+20,000,000	−15,000,000	+20,000,000	−15,000,000
Total, Coast Guard	584,136,040	660,132,937	623,292,937	671,792,937	650,292,937	+66,156,897	−9,840,000	+27,000,000	−21,500,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF ESTIMATES AND AMOUNTS APPROVED FOR 1971—Continued

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

Agency and item	[1] New budget (obligational) authority fiscal year 1970	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in House bill	New obligational authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1970	Budget estimate 1971	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—Continued									
DEPT. OF TRANSPORTATION—Con.									
Federal Aviation Administration									
Operations	$845,647,000	$951,885,000	$923,885,000	[4] $951,885,000	$951,885,000	+$106,238,000		+$28,000,000	
Facilities and equipment	224,000,000	190,000,000	190,000,000	190,000,000	190,000,000	−34,000,000			
Research and development	41,280,000	47,500,000	45,000,000	47,500,000	45,000,000	+3,720,000	−$2,500,000		−$2,500,000
Operation and maintenance, National Capital Airports	10,150,000	10,600,000	10,500,000	10,500,000	10,500,000	+350,000	−100,000		
Construction, National Capital Airports	1,900,000	11,000,000	4,000,000	4,000,000	4,000,000	+2,100,000	−7,000,000		
Grants-in-aid for airports	50,000,000					−50,000,000			
Limitation on obligations		[5] (100,000,000)	(220,000,000)		(250,000,000)	(+250,000,000)	(+150,000,000)	(+30,000,000)	(+250,000,000)
Total, Federal Aviation Administration	1,172,977,000	1,210,985,000	1,173,385,000	1,203,885,000	1,201,385,000	+28,408,000	−9,600,000	+28,000,000	−2,500,000
Federal Highway Administration									
Office of the Administrator, salaries and expenses:									
Appropriation	1,813,183	[6] 525,000	500,000	525,000	512,500	−1,300,683	−12,500	+12,500	−12,500
Trust fund limitation (transfer)	(13,865,869)	(14,956,000)	(14,721,000)	(14,826,000)	(14,773,500)	(−907,631)	(−182,500)	(+52,500)	(−52,500)
Bureau of Public Roads: Limitation on general expenses	(63,369,913)	[7] (77,913,000)	(68,488,000)	(70,433,000)	(69,460,500)	(+6,090,587)	(−8,452,500)	(+972,500)	(−972,500)
Federal-aid highways (trust fund—appropriations to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(4,352,390,000)	(4,351,365,000)	(−67,914,000)	(−8,635,000)	(+1,025,000)	(−1,025,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization	(40,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)			
Highway beautification:									
Appropriation	1,100,000	800,000	500,000	500,000	500,000	−600,000	−300,000		
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(16,500,000)	(16,500,00)	(+11,500,000)	(−3,500,000)		
Limitation on obligations	(16,100,000)	[8] (8,552,000)	(5,500,000)		(8,500,000)	(−7,600,000)	(−52,000)	(+3,000,000)	(+8,500,000)
Motor carrier safety	2,510,301	4,118,000	3,443,000	3,718,000	3,580,500	+1,070,199	−537,500	+137,500	−137,500
Forest highways:									
Appropriation to liquidate contract authorization.	(25,000,000)	(20,000,000)	(15,000,000)	(20,000,000)	(17,500,000)	(−7,500,000)	(−2,500,000)	(+2,500,000)	(−2,500,000)
Limitation on obligations	(18,000,000)	[9] (33,000,000)	(22,500,000)	(33,000,000)	(27,750,000)	(+9,750,000)	(−5,250,000)	(+5,250,000)	(−5,250,000)
Public lands highways:									
Appropriation to liquidate contract authorization.	(7,000,000)	(15,000,000)	(13,000,000)	(15,000,000)	(14,000,000)	(+7,000,000)	(−1,000,000)	(+1,000,000)	(−1,000,000)
Limitation on obligations	(8,000,000)	[9] (16,000,000)	(10,000,000)	(16,000,000)	(13,000,000)	(+5,000,000)	(−3,000,000)	(+3,000,000)	(−3,000,000)
Chamizal Memorial Highway	4,000,000					−4,000,000			
Total Federal Highway Administration	9,423,484	5,443,000	4,443,000	4,743,000	4,593,000	−4,830,484	− 850,000	+150,000	−150,000
National Highway Safety Bureau									
Traffic and highway safety:									
Appropriation	30,171,665	[10] 53,075,000	40,435,000	47,601,000	42,935,000	+12,763,335	−10,140,000	+2,500,000	−4,666,000
By transfer	(2,071,221)	(2,611,000)	(2,611,000)	(2,611,000)	(2,611,000)	(+539,779)			
State and community highway safety:									
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(51,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)		
Limitation on obligations	(70,000,000)	[9] (80,000,000)	(70,000,000)	(80,000,000)	(75,000,000)	(+5,000,000)	(−5,000,000)	(+5,000,000)	(−5,000,000)
Total, National Highway Safety Bureau	30,171,665	53,075,000	40,435,000	47,601,000	42,935,000	+12,763,335	−10,140,000	+2,500,000	−4,666,000
Federal Railroad Administration									
Office of the Administrator, salaries and expenses	1,135,000	1,600,000	1,395,000	1,395,000	1,395,000	+260,000	−205,000		
Bureau of Railroad Safety	4,333,000	4,550,000	4,500,000	4,500,000	4,500,000	+167,000	−50,000		
High-speed ground transportation research and development	11,000,000	21,688,000	(*)	21,688,000	18,000,000	+7,000,000	−3,688,000	+18,000,000	−3,688,000
Railroad research	300,000	1,500,000	900,000	1,005,000	950,000	+650,000	−550,000	+50,000	−55,000
Total, Federal Railroad Administration	16,768,000	29,338,000	6,795,000	28,588,000	24,845,000	+8,077,000	−4,493,000	+18,050,000	−3,743,000
Urban Mass Transportation Administration									
Salaries and expenses	1,600,000	4,000,000	3,200,000	3,450,000	3,325,000	+1,725,000	−675,000	+125,000	−125,000
Research, development, and demonstration				20,000,000	6,000,000	+6,000,000	+6,000,000	+6,000,000	−14,000,000
Urban mass transportation fund	[11] 214,000,000					−214,000,000			
Limitation on commitments		[5] (850,000,000)	(214,000,000)		(600,000,000)	(+600,000,000)	(−250,000,000)	(+386,000,000)	(+600,000,000)
Total, Urban Mass Transportation Administration	215,600,000	4,000,000	3,200,000	23,450,000	9,325,000	−206,275,000	+5,325,000	+6,125,000	−14,125,000
St. Lawrence Seaway Development Corporation									
Limitation on administration expenses	(652,000)	(700,000)	(700,000)	(700,000)	(700,000)	(48,000)			
Total, title I Department of Transportation	2,142,137,189	2,300,293,937	2,178,090,937	2,018,244,937	2,180,755,937	+38,618,748	−119,538,000	+2,665,000	+162,511,000

Footnotes at end of table.

Agency and item	[1] New budget (obligational) authority fiscal year 1970	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in House bill	New obligational authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1970	Budget estimate 1971	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II									
RELATED AGENCIES									
National Transportation Safety Board									
Salaries and expenses	$5,478,474	$6,120,000	$6,000,000	$6,000,000	$6,000,000	+$521,526	−$120,000		
Civil Aeronautics Board									
Salaries and expenses	11,395,100	11,134,000	11,134,000	11,134,000	11,134,000	−261,100			
Payments to air carriers	33,500,000	27,327,000	27,327,000	58,300,000	50,000,000	+16,500,000	+22,673,000	+$22,673,000	−$8,300,000
Total, Civil Aeronautics Board	44,895,100	38,461,000	38,461,000	69,434,000	61,134,000	+16,238,900	+22,673,000	+22,673,000	−8,300,000
Interstate Commerce Commission									
Salaries and expenses	27,742,660	25,600,000	27,000,000	27,000,000	27,000,000	−742,660	+1,400,000		
Payment of loan guarantees (S. Doc. 95)		3,313,500		3,216,668	3,216,668	+3,216,668	−96,832	+3,216,668	
Total, Interstate Commerce Commission	27,742,660	28,913,500	27,000,000	30,216,668	30,216,668	+2,474,008	+1,303,168	+3,216,668	
Washington Metropolitan Area Transit Authority									
Federal contribution	126,112,000	[12] 368,039,000	[13] 330,028,000	[13] 330,028,000	330,028,000	+203,916,000	−38,011,000		
Total, title II, related agencies	204,228,234	441,533,500	401,489,000	435,678,668	427,378,668	+223,150,434	−14,154,832	+25,889,668	−8,300,000
Total, titles I and II, new budget (obligational) authority	2,346,365,423	2,741,827,437	2,579,579,937	2,453,923,605	2,608,134,605	+261,769,182	−133,692,832	+28,554,668	+154,211,000
Consisting of—									
Appropriations:									
Fiscal year 1970	(2,132,365,423)					−2,132,365,423			
Fiscal year 1971	(214,000,000)	(2,553,816,437)	(2,429,579,937)	(2,303,923,605)	(2,458,134,605)	+2,244,134,605	(−95,681,832)	(+28,554,668)	(+154,211,000)
Fiscal year 1972		(188,011,000)	(150,000,000)	(150,000,000)	(150,000,000)	(+150,000,000)	(−38,011,000)		
Memorandums:									
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(4,485,365,000)	(−40,914,000)	(−25,635,000)	(+4,525,000)	(−4,525,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(137,063)	(+5,693)			
Grand total	(6,872,775,793)	(7,252,964,500)	(7,060,557,000)	(6,943,950,668)	(7,093,636,668)	(+220,860,875)	(−159,327,832)	(+33,079,668)	(+149,686,000)

[1] Includes Public Law 91-305 2d supplemental, 1970 $29,585,793 (indefinite appropriations) in title III.
[2] Reflects decrease of $610,000 (H. Doc. 91-333).
[3] Includes $595,000 contained in H. Doc. 91-333.
[4] Includes $28,000,000 increase (S. Doc. 91-103).
[5] No limitation proposed. February 1970 budget document indicated an estimated $220,000,000 obligational level. This estimate was subsequently revised to $100,000,000.
[6] Excludes $2,225,000 considered under "Traffic and highway safety" (H. Doc. 91-333).
[7] Includes $289,000 by transfer from "State and community highway safety" (H. Doc. 91-333).
[8] No limitation proposed.
[9] Deferred; lacks authorization.
[10] Includes $2,225,000 transferred from "Office of the Administrator" (H. Doc. 91-333).
[11] Advance funding for 1971.
[12] Includes $188,011,000 advance for 1972.
[13] Includes $150,000,000 advance for 1972.

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

Mr. BOLAND. The gentleman from Illinois (Mr. PUCINSKI) was on his feet and I shall yield to him first.

Mr. PUCINSKI. I certainly want to join in congratulating the distinguished chairman for the work they did and I particularly want to thank him for increasing the authorization and appropriation for the mass transit systems. But I was merely wondering if in urging the $210 million for further development of the SST if the committee is aware of the supersonic transport that NASA is now developing? Has this in any way figured in the decision to proceed with funding the SST, despite the fact that the supersonic NASA transport will do practically everything that the supersonic transport will do at vastly less cost and without affecting the atmosphere, without the sonic boom and excessive noise?

Mr. BOLAND. The gentleman from Massachusetts is familiar with the research and development effort being conducted by NASA. I serve on another subcommittee that funds the NASA operations and, in my judgment, that particular research and development effort has nothing to do with the SST.

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

Mr. BOLAND. I shall be glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Has the Senate acted on this conference report?

Mr. BOLAND. No. The Senate has not acted on the conference report.

Mr. GROSS. Having once turned it down, is there any assurance that they will accept, the Senate as a whole, the SST proposal?

Mr. BOLAND. Well, I would hope that those who consider themselves to be the enlightened and liberal Members of the Senate would not attempt to use obstructionist tactics to bar a vote on this conference report. This conference report, as I have said, includes many, many programs in which a large number of the Members in the other body are interested, just as we are here. I would hope, therefore, that the Members who oppose the SST will give the Senate an opportunity to vote on the $210 million. I do not think they ought to press their opposition so as to preclude the Senate's voting on this conference report.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Yes; I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I think the gentleman from Massachusetts has made an excellent statement as to what is contained in this bill and I support the vast majority of these programs. However, the only way to eliminate the $210 million for the SST is to recommit this conference report. The conference can then retire only those funds necessary to close out the project. I intend to offer just such a motion so we can end this misbegotten venture once and for all.

Mr. BOLAND. I will state to the gentleman from North Dakota that that comes as no surprise to me, knowing the position of the gentleman on this subject.

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

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

Mr. YATES. I was just going to say, Mr. Speaker, that those of us who are opposed to the SST are not opposed to the remainder of the conference report and we do not intend to try to hold up approval of the conference report. We intend, however, to try to get a vote on the SST itself and hopefully to send the conferees back to conference with instructions to strike the funds for the SST.

Mr. BOLAND. Mr. Speaker, I admire the attitude of the gentleman from Illinois (Mr. YATES). I recognize his opposition, and I respect the fact that he does not intend to delay a vote on this particular conference report. I only wish the gentleman had some influence

with the Members of the other body so that he could persuade them to agree to a vote on this conference report.

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

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

Mr. PICKLE. Mr. Speaker, I can appreciate the predicament that the committee is in, in paying for the armed guards, because they are employed, they are at work, they are rendering a service, and at least the Congress has approved the principle of this. The disagreement is on whether it should come out of the trust fund or out of the general revenue. Now, I think the situation we face now is a little better than it was originally. If the other body had passed the bill that passed the House, there would be a tax for a specific purpose, and I think it would be the first time in aviation history when that would be provided, but now take it out of the trust fund instead of the general revenue. I think we are all concerned as much as anything about the jurisdictional question, and if it is approved it ought not be taken as meaning a permanent closure, but one that ought to be resolved promptly on the jurisdictional question the next time.

Mr. BOLAND. I appreciate the remarks of the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. REUSS. Mr. Speaker, this $210 million "compromise" SST program is worse than the one we had before. It is going to cost more, it is going to take longer, and there is an even smaller chance that the Government will ever get its money back.

HIGHER COST

The Transportation Department itself admits that the $80 million cut agreed to by the conferees will result in higher costs in the long run. Secretary Volpe, in a December 9 letter to Senator JOHN STENNIS, said that any significant reduction in fiscal year 1971 SST funding "would increase program costs on a 2-to-1 ratio." That means a cost increase of $160 million, which would bring the Government's share for two prototypes to $1.5 billion.

Furthermore, the Transportation Department's white paper on fiscal year 1971 SST funding—attached to the Volpe letter—says that if any amount less than $250 million is provided for this year, the Government would have to renegotiate its contracts with Boeing and GE, and "the Government's share of the cost would increase significantly."

DELAYS

The $80 million cut will also mean a delay in getting the SST on the market. DOT has not provided estimates of the length of the delay, but there have been reports in the press that it could be as long as 2 years, postponing the scheduled introduction date from 1978 to 1980.

LOSS OF SALES

DOT admitted in the Senate hearings—page 1506—that any delay that postponed the introduction of the SST into commercial service beyond 1978 would have a "drastic" impact on sales. The delay would allow advanced versions of the Concorde to be marketed, DOT said, and "could easily result in such a lead for the British and French that the Government and manufacturers would never break even."

The Transportation Department has been predicting an SST market of 500 planes. With this, they say, the Government will get all its money back plus 4.3 percent interest. And even if only 300 planes are sold, they say, the Government will still get its money back. But what if sales are drastically reduced? The answer is easy—the American taxpayer is going to be left holding the bag.

The Transportation Department itself has made the most telling comment on this $210 million compromise figure. In their white paper, DOT says that any figure below $250 million "would destroy the prototype program as we know it today."

And in this week's Aviation Week, H. W. Withington, Boeing's SST director echoes DOT's prediction:

> With any significant reduction, you cannot have a practical two-prototype program. Maybe you could have a research program of some kind.

Mr. Speaker, to vote this money today is simply to prolong the agony. If the money slips through this year, there will be another fight next year, and the year after that, and the year after that. The controversy over the SST is not going to go away. The people of this country are overwhelmingly opposed to it. You could not go to any streetcorner in this country—except maybe in Seattle—and find more than a handful of people who would say a good word about it.

It is time we showed the people of this country that the system does work—that Congress does listen—and that we are not going to plague them any longer with this environment-despoiling, tax-gobbling monster.

Mr. PICKLE. Mr. Speaker, the issue of the SST, often approached with more emotion than reason, has weighed heavily in my thoughts for a long time. The issues here are complex and a vote either way on this project was not an easy vote to cast.

Usually conferees simply would draw a line down the middle—somewhere between $0 and $290 million in this case. But this is not possible here. The sum of $100 million has already been spent, and an additional $80 million would be required to shut down the program. The Senate figure, then, was unrealistic.

Another $110 million would keep the program running full speed. Presumably, the conferees will come up with a figure somewhere between $180 million and $290 million.

But most important of all, of course, is the issue of the SST itself. I fully realize the possible environmental problems that may arise from supersonic transport. I am also aware, however, that the facts on those problems are not yet gathered in full by any means.

The SST program is a research program. The "fleet" of SST's is in the form of two experimental prototypes. Further, accompanying the SST project is a research program on the possible effects of the SST on the environment. This is a responsible program, and I was much encouraged by the fact that it is the Office of Supersonic Transport itself which took the initiative in raising the key issues affecting the SST in the report to Congress which accompanied this bill.

Raising the issues, however, is not the same as making final judgments. We do not know those final judgments. We cannot ever know them unless we continue to do research in this area.

I do realize that we must resolve the noise question as well as the pollution question. Unless it can be positively shown that the plane would not create havoc in the world of sound and that it would not pollute the stratosphere, we cannot allow this plane to fly. But I do not think we should be "steamrollered" or "bandwagoned" into making a judgment when the facts are not yet in.

The developers of the SST are aware of the possible environmental problems, but they are working on them and think they can conquer them. I think they deserve the chance to try—especially since I firmly believe the SST will come.

It may be that we are just a little bit ahead of our time, but in the years ahead, as the world grows ever smaller and more integrated, more rapid transportation will be a growing necessity.

I would like to see this program developed as my committee first envisioned it—responsibly, and while we still have time to care and to do the extra research necessary to protect our environment—not later in a hurry-up, catch-up job where this extra research may get shuttled aside.

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

The SPEAKER pro tempore (Mr. MILLS). Without objection, the previous question is ordered.

Mr. YATES. Mr. Speaker, I object. I was on my feet, and I request a rollcall on ordering the previous question.

The SPEAKER pro tempore. The gentleman from Illinois wants a rollcall on ordering the previous question?

Mr. YATES. I do, Mr. Speaker, on the ground that a quorum is not present. I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, as I understand, in order to have specific instructions given to the conferees it is necessary that the previous question be voted down; is that correct? I mean on the motion to recommit?

The SPEAKER pro tempore. The Chair will state that the gentleman from Illinois is in error. The previous question on the conference report has to be ordered before there can be a motion to recommit.

Mr. YATES. Then, Mr. Speaker, I withdraw my point of order.

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

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. ANDREWS OF NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. ANDREWS of North Dakota. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. YATES. Mr. Speaker, as I understand it, the gentleman from North Dakota has filed a motion to recommit. In view of the fact that the previous question has not been ordered——

The SPEAKER pro tempore. The previous question on the conference report has been ordered.

Mr. YATES. But it has not been ordered on the motion to recommit, Mr. Speaker, because I would object to it.

The SPEAKER pro tempore. The Chair will state that the Clerk has not reported the motion to recommit as yet.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ANDREWS of North Dakota moves to recommit the conference report on H.R. 17755 to the Committee of Conference.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion to recommit.

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

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

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

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

The question was taken; and there were—yeas 205, nays 185, not voting 43, as follows:

[Roll No. 411]

YEAS—205

Abbitt	Casey	Frey
Abernethy	Cederberg	Friedel
Adair	Chamberlain	Fulton, Pa.
Adams	Chappell	Fulton, Tenn.
Albert	Clancy	Garmatz
Alexander	Clark	Gettys
Anderson, Calif.	Clausen, Don H.	Goldwater
Anderson, Ill.	Clawson, Del	Gonzalez
Annunzio	Collins, Tex.	Goodling
Arends	Colmer	Gray
Ashbrook	Corbett	Grover
Ayres	Corman	Gubser
Beall, Md.	Cramer	Hagan
Belcher	Daniels, N.J.	Haley
Bell, Calif.	Davis, Ga.	Hall
Berry	Delaney	Hanley
Betts	Denney	Hanna
Blanton	Devine	Hansen, Idaho
Blatnik	Dickinson	Hansen, Wash.
Boggs	Dorn	Harsha
Boland	Downing	Harvey
Bow	Edmondson	Hastings
Bray	Edwards, Ala.	Hawkins
Brinkley	Erlenborn	Hays
Brock	Fascell	Henderson
Brooks	Feighan	Hicks
Brown, Ohio	Fisher	Holifield
Broyhill, Va.	Flood	Hosmer
Buchanan	Flowers	Hull
Burleson, Tex.	Flynt	Ichord
Cabell	Foley	Jarman
Camp	Ford, Gerald R.	Johnson, Calif.
Carney	Foreman	Johnson, Pa.
Carter	Fountain	Jonas
		Jones, Ala.
Jones, N.C.	O'Neal, Ga.	Snyder
Kazen	Passman	Springer
Keith	Patman	Staggers
Kluczynski	Pelly	Steed
Kuykendall	Pepper	Stephens
Landgrebe	Perkins	Stratton
Landrum	Philbin	Stubblefield
Lennon	Pickle	Stuckey
Lloyd	Pirnie	Taft
Lukens	Poage	Teague, Calif.
McClory	Pollock	Teague, Tex.
McClure	Price, Ill.	Thompson, Ga.
McDade	Price, Tex.	Ullman
McEwen	Quillen	Van Deerlin
McFall	Randall	Waggonner
McMillan	Rarick	Ware
Mahon	Roberts	Watson
Mailliard	Rooney, N.Y.	Watts
Mann	Roudebush	Whalen
Marsh	Rousselot	Whalley
Martin	Ruth	White
Mathias	Sandman	Whitehurst
Meeds	Satterfield	Whitten
Mills	Schadeberg	Wiggins
Mize	Scherle	Williams
Mizell	Schmitz	Wilson, Bob
Mollohan	Scott	Wilson, Charles H.
Montgomery	Sebelius	Winn
Moorhead	Shipley	Wright
Morton	Shriver	Wyatt
Murphy, Ill.	Sikes	Wyman
Murphy, N.Y.	Sisk	Young
Natcher	Skubitz	
Nelsen	Slack	
Nichols	Smith, N.Y.	

NAYS—185

Addabbo	Galifianakis	O'Neill, Mass.
Anderson, Tenn.	Gallagher	Patten
Andrews, Ala.	Gaydos	Pettis
Andrews, N. Dak.	Gibbons	Pike
Ashley	Green, Oreg.	Podell
Barrett	Green, Pa.	Poff
Bennett	Griffin	Preyer, N.C.
Bevill	Griffiths	Pryor, Ark.
Biaggi	Gross	Pucinski
Biester	Gude	Quie
Bingham	Halpern	Railsback
Brademas	Hamilton	Rees
Brasco	Hammer-schmidt	Reid, Ill.
Broomfield	Harrington	Reid, N.Y.
Brotzman	Hathaway	Reuss
Brown, Calif.	Hechler, W. Va.	Rhodes
Brown, Mich.	Heckler, Mass.	Riegle
Broyhill, N.C.	Helstoski	Robison
Burke, Mass.	Hogan	Rodino
Burlison, Mo.	Howard	Roe
Burton, Calif.	Hungate	Rogers, Fla.
Bush	Hunt	Rooney, Pa.
Byrne, Pa.	Hutchinson	Rosenthal
Byrnes, Wis.	Jacobs	Rostenkowski
Caffery	Jones, Tenn.	Roth
Carey	Karth	Roybal
Celler	Kastenmeier	Ruppe
Clay	King	Ryan
Cleveland	Kleppe	St Germain
Cohelan	Koch	Saylor
Collier	Kyl	Scheuer
Collins, Ill.	Kyros	Schneebeli
Conable	Latta	Schwengel
Conte	Leggett	Smith, Calif.
Conyers	Long, Md.	Smith, Iowa
Coughlin	Lowenstein	Stafford
Cowger	Lujan	Stanton
Crane	McCarthy	Steele
Culver	McCloskey	Steiger, Ariz.
Davis, Wis.	McDonald, Mich.	Steiger, Wis.
de la Garza	Macdonald, Mass.	Sullivan
Dellenback	Madden	Symington
Dennis	Matsunaga	Talcott
Dent	Mayne	Taylor
Derwinski	Melcher	Thompson, N.J.
Diggs	Michel	Thomson, Wis.
Dingell	Mikva	Tiernan
Donohue	Miller, Ohio	Udall
Dulski	Minish	Vander Jagt
Duncan	Mink	Vanik
Dwyer	Minshall	Vigorito
Eckhardt	Monagan	Waldie
Edwards, Calif.	Morgan	Wampler
Eilberg	Morse	Widnall
Esch	Mosher	Wold
Eshleman	Myers	Wydler
Farbstein	Nedzi	Wylie
Findley	Nix	Yates
Fish	Obey	Yatron
Fraser	O'Hara	Zablocki
Frelinghuysen	Olsen	Zion
Fuqua		Zwach

NOT VOTING—43

Aspinall	Blackburn	Burke, Fla.
Baring	Bolling	Burton, Utah
Button	Giaimo	Moss
Chisholm	Gilbert	O'Konski
Cunningham	Hébert	Ottinger
Daddario	Horton	Powell
Daniel, Va.	Kee	Purcell
Dowdy	Langen	Reifel
Edwards, La.	Long, La.	Rivers
Evans, Colo.	McCulloch	Rogers, Colo.
Evins, Tenn.	McKneally	Stokes
Fallon	MacGregor	Tunney
Ford, William D.	May	Weicker
Forsythe	Meskill	Wolff
	Miller, Calif.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

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

Mr. Hébert for, with Mr. Moss against.

Mr. Long of Louisiana for, with Mr. William D. Ford against.

Mr. Evins of Tennessee for, with Mr. Ottinger against.

Mr. Fallon for, with Mr. Stokes against.

Mr. Kee for, with Mrs. Chisholm against.

Mr. Miller of California for, with Mr. Wolff against.

Mr. Giaimo for, with Mr. Forsythe against.

Mr. Dowdy for, with Mr. Gilbert against.

Mr. Rogers of Colorado for, with Mr. Powell against.

Mr. Meskill for, with Mr. Evans of Colorado against.

Mr. Blackburn for, with Mr. Horton against.

Until further notice:

Mr. Daniel of Virginia with Mr. Burke of Florida.

Mr. Baring with Mr. Burton of Utah.

Mr. Aspinall with Mr. Cunningham.

Mr. Tunney with Mr. Button.

Mr. Purcell with Mr. Weicker.

Mr. Daddario with Mr. O'Konski.

Mr. Langen with Mr. McCulloch.

Mr. McKneally with Mr. Reifel.

Mrs. May with Mr. MacGregor.

Mr. SYMINGTON, Mr. DINGELL, and Mr. KING changed their votes from "yea" to "nay."

Mr. HALEY and Mr. HANNA changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the conference report.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 71, not voting 42, as follows:

[Roll No. 412]

YEAS—320

Abbitt	Betts	Burton, Calif.
Abernethy	Bevill	Burton, Utah
Adair	Biaggi	Bush
Adams	Biester	Byrnes, Wis.
Addabbo	Blanton	Cabell
Albert	Blatnik	Caffery
Alexander	Boggs	Camp
Anderson, Calif.	Boland	Carey
Anderson, Ill.	Bow	Carney
Anderson, Tenn.	Bray	Carter
Andrews, Ala.	Brinkley	Casey
Annunzio	Brock	Cederberg
Arends	Brooks	Chamberlain
Ashbrook	Broomfield	Chappell
Ashley	Brotzman	Clancy
Ayres	Brown, Mich.	Clark
Baring	Brown, Ohio	Clausen, Don H.
Beall, Md.	Broyhill, N.C.	Clawson, Del
Belcher	Broyhill, Va.	Clay
Bell, Calif.	Buchanan	Cleveland
Berry	Burke, Mass.	Cohelan
	Burleson, Tex.	Collier
	Burlison, Mo.	

Collins, Ill.	Hicks	Preyer, N.C.
Collins, Tex.	Hogan	Price, Ill.
Colmer	Holifield	Price, Tex.
Conable	Hosmer	Pucinski
Conte	Howard	Quie
Corbett	Hull	Quillen
Corman	Hungate	Railsback
Coughlin	Hunt	Randall
Cowger	Hutchinson	Reid, Ill.
Culver	Ichord	Reifel
Daniel, Va.	Jarman	Rhodes
Daniels, N.J.	Johnson, Calif.	Riegle
Davis, Ga.	Johnson, Pa.	Roberts
de la Garza	Jonas	Robison
Delaney	Jones, Ala.	Rodino
Dellenback	Jones, N.C.	Roe
Denney	Jones, Tenn.	Rogers, Fla.
Dennis	Karth	Rooney, N.Y.
Dent	Kazen	Rooney, Pa.
Derwinski	King	Rostenkowski
Devine	Kluczynski	Roth
Dickinson	Kuykendall	Roudebush
Donohue	Kyl	Rousselot
Dorn	Kyros	Ruppe
Downing	Landgrebe	Ruth
Dulski	Landrum	Sandman
Dwyer	Lennon	Satterfield
Eckhardt	Lloyd	Schadeberg
Edmondson	Lujan	Scherle
Edwards, Ala.	Lukens	Scott
Erlenborn	McClory	Sebelius
Esch	McClure	Shipley
Evins, Tenn.	McDade	Shriver
Fascell	McDonald, Mich.	Sikes
Feighan	McEwen	Sisk
Findley	McFall	Skubitz
Fisher	McMillan	Slack
Flood	Macdonald, Mass.	Smith, Calif.
Flowers	MacGregor	Smith, Iowa
Flynt	Mahon	Smith, N.Y.
Foley	Mailliard	Snyder
Ford, Gerald R.	Mann	Springer
Foreman	Marsh	Stafford
Forsythe	Martin	Staggers
Fountain	Mathias	Stanton
Fraser	Meeds	Steed
Frelinghuysen	Michel	Stephens
Frey	Miller, Ohio	Stratton
Friedel	Mills	Stubblefield
Fulton, Pa.	Mink	Stuckey
Fulton, Tenn.	Minshall	Sullivan
Fuqua	Mize	Taft
Galifianakis	Mizell	Talcott
Garmatz	Mollohan	Taylor
Gaydos	Monagan	Teague, Calif.
Gettys	Montgomery	Teague, Tex.
Gibbons	Morgan	Thompson, Ga.
Goldwater	Morse	Thomson, Wis.
Gonzalez	Morton	Van Deerlin
Goodling	Mosher	Vigorito
Gray	Murphy, Ill.	Waggonner
Green, Oreg.	Murphy, N.Y.	Wampler
Griffin	Myers	Ware
Griffiths	Natcher	Watson
Grover	Nelsen	Watts
Gubser	Nichols	Whalen
Gude	Nix	Whalley
Hagan	O'Hara	White
Haley	Olsen	Whitehurst
Hall	O'Neal, Ga.	Whitten
Hamilton	O'Neill, Mass.	Widnall
Hammer-schmidt	Passman	Wiggins
Hanley	Patman	Williams
Hanna	Patten	Wilson, Bob
Hansen, Idaho	Pelly	Wilson, Charles H.
Hansen, Wash.	Pepper	Winn
Harsha	Perkins	Wold
Harvey	Pettis	Wright
Hastings	Philbin	Wyatt
Hathaway	Pickle	Wydler
Hawkins	Pike	Wyman
Hays	Pirnie	Yatron
Hechler, W. Va.	Poage	Young
Heckler, Mass.	Poff	Zablocki
Henderson		Zion

NAYS—71

Andrews, N. Dak.	Eilberg	Long, Md.
Barrett	Eshleman	Lowenstein
Bennett	Farbstein	McCarthy
Bingham	Fish	McCloskey
Blademas	Gallagher	Madden
Brasco	Green, Pa.	Matsunaga
Brown, Calif.	Gross	Mayne
Byrne, Pa.	Halpern	Melcher
Celler	Harrington	Mikva
Conyers	Helstoski	Minish
Crane	Jacobs	Nedzi
Davis, Wis.	Kastenmeier	Obey
Dingell	Kleppe	Ottinger
Duncan	Koch	Podell
Edwards, Calif.	Latta	Pryor, Ark.
	Leggett	Rarick
Rees	Scheuer	Tiernan
Reid, N.Y.	Schmitz	Udall
Reuss	Schneebeli	Vander Jagt
Rosenthal	Schwengel	Vanik
Roybal	Steele	Waldie
Ryan	Steiger, Ariz.	Wylie
St Germain	Steiger, Wis.	Yates
Saylor	Thompson, N.J.	Zwach

NOT VOTING—42

Aspinall	Giaimo	Pollock
Blackburn	Gilbert	Powell
Bolling	Hébert	Purcell
Burke, Fla.	Horton	Rivers
Button	Kee	Rogers, Colo.
Chisholm	Keith	Stokes
Cramer	Langen	Symington
Cunningham	Long, La.	Tunney
Daddario	McCulloch	Ullman
Diggs	McKneally	Weicker
Dowdy	May	Wolff
Edwards, La.	Meskill	
Evans, Colo.	Miller, Calif.	
Fallon	Moorhead	
Ford, William D.	Moss	
	O'Konski	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

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

Mr. Hébert for, with Mr. Gilbert against.

Mr. Long of Louisiana for, with Mr. Wolff against.

Until further notice:

Mr. Aspinall with Mr. McCulloch.
Mr. Miller of California with Mr. Horton.
Mr. Kee with Mr. Blackburn.
Mr. Fallon with Mr. Diggs.
Mr. Giaimo with Mr. Stokes.
Mr. Moss with Mrs. Chisholm.
Mr. Tunney with Mr. Button.
Mr. Moorhead with Mr. Weicker.
Mr. Dowdy with Mr. O'Konski.
Mr. Evans of Colorado with Mr. Langen.
Mr. William D. Ford with Mr. Keith.
Mr. Purcell with Mr. Burke of Florida.
Mr. Olsen with Mr. Cramer.
Mr. Rogers of Colorado with Mr. Meskill.
Mr. Daddario with Mr. Cunningham.
Mr. Ullman with Mr. Pollock.
Mr. Symington with Mrs. May.

Mr. REID of New York changed his vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment numbered 6: On page 5, line 1, insert:

"That not to exceed $15,000 shall be available for the investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government: *Provided further,*".

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 12:

On page 7, line 10, insert "and arms and ammunition;".

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 14: On page 7, line 11, insert:

"That $28,000,000 of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation: *Provided further,*".

MOTION OFFERED BY MR. BOLAND

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

Mr. ECKHARDT. Mr. Speaker, I make a point of order on amendment No. 14.

The SPEAKER. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Speaker, I make the point of order that the receding from the position of the House and concurring with the Senate has the effect of attaching positive legislation to an appropriation bill in violation of rule 21, paragraph 2, and other provisions.

Mr. Speaker, may I be heard briefly on my point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. ECKHARDT. Mr. Speaker, the bill H.R. 19444, which passed this body, purported to enact positive legislation providing that certain funds be taken from the airway trust fund, and expended for the purpose of guards on airplanes. It also provided that a one-half percent tax be appropriated to replenish such funds. That bill was reported out of our committee. This is an attempt to put into an appropriation bill a provision similar to that bill. It would in effect amend Public Law 91–258, and would provide for the expenditure of money directly out of the trust fund without replenishing the fund. The provision contained in the Senate amendment to this bill recognized that such appropriation was not in order unless H.R. 19444 was passed. That is, on page 7, the amendment that the Senate placed upon H.R. 17755 provides as follows:

That $28 million of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation.

The provision contained in this motion to concur would provide that the managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28 million of the appropriation for operations shall be derived from the airport and airways trust fund for combating hijacking.

So in effect this constitutes an amendment on H.R. 17755, an appropriation bill which alters existing law, Public Law 91–258.

I cite here the provisions of the rules, summary of the decisions on page 431 of the House Rules Manual, which says——

On page 433 it says:

A paragraph which proposes legislation being permitted to remain may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

Then it further states that where a Senate amendment proposes legislation the same principle holds true—citing Cannon's precedents, volume 4, paragraphs 3836 and succeeding provisions.

The reference to the language is apparently to the case in which Mr. Franklin Bennett of New York raised the point of order against the section and after debate, the chairman ruled.

In this case it is readily admitted the facts are not precisely in point, but the basis for the amendment is clearly that you may not take away from a committee of the House a matter which is properly assigned to it.

The decision on page 630 of the precedents says:

First, any ruling that the matter could not be added inasmuch as general appropriations bills carry the appropriation necessary to maintain the government and only appropriations already authorized by existing law, it is of the highest importance that they should not be impeded or jeopardized by differences in the House or differences between the House and Senate or differences between the two Houses.

It further goes on to make the general arguments that these matters should go to the appropriate committees of both Houses.

This matter has gone neither to the Interstate and Foreign Commerce on the House side, nor to the Commerce Committee on the Senate side.

Mr. BOLAND. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The gentleman is recognized.

Mr. BOLAND. Mr. Speaker, the motion is, I believe, germane to the Senate amendment.

The bill, H.R. 19444, referred to in the Senate amendment, would authorize expenditures from the airport and airways trust fund.

In this motion it would do likewise, and on that basis, I submit the motion is germane to the Senate amendment. Indeed, the Senate did put in $28 million subject to authorizing legislation which the committee concedes is legislation in itself.

So the matter before the House is legislation relative to the subject.

There is no question about the amendment being legislation, but I submit that the House can legislate further, since this is in the bill, and the action of the Subcommittee on Appropriations for the Department of Transportation refers to the Senate amendment.

The SPEAKER. The Chair is prepared to rule.

The Chair recognizes that the Senate amendment is legislation on an appropriation bill not authorized by law.

However, the conferees did not agree to it in conference, but reported it back in disagreement. The Senate amendment is not subject to a point of order in the House. The Chair calls attention to volume VII of the Cannon's Precedents, section 1572, the syllabus of which reads as follows:

Senate amendments interdicted by clause 2, rule XXI, are not subject to a point of order under the rule providing for a separate vote on such amendments when considered in the House, as the rule applies to conferees and their reports only.

The Chair overrules the point of order. The Clerk will report the motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"That $28,000,000 of the foregoing amount shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation: *Provided further,*".

The SPEAKER. The gentleman from Massachusetts is recognized.

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

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

Mr. ECKHARDT. Mr. Speaker, I should like to be heard briefly against the motion to concur. Of course, the gentleman from Texas concedes the ruling of the House, specifically on the provision that was read from volume 7, section 1572. But I would submit that the effect of this receding from the position of the House and agreeing to the position of the Senate is to remove the matter altogether from consideration of the Committee on Interstate and Foreign Commerce. We have had a very easy relationship between the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means with respect to the trust fund. In all instances questions of money incoming by way of taxation have been handled by Ways and Means.

Money which is outgoing, the use of funds under the trust fund, has been subject to the jurisdiction of the Committee on Interstate and Foreign Commerce.

We run into a situation here where neither the Commerce Committee in the Senate nor the Senate itself nor the Interstate and Foreign Commerce Committee in the House nor the House itself has proposed a provision which we have sought to agree with. The provision is quite different from what we did agree with by vote, because the provision we agreed with by vote obtained the money from tax sources, that is, from ticket sources. The provision here is to drain the fund which has been a special jurisdiction of the Interstate and Foreign Commerce Committee. Therefore, I would submit to the Members that we should not recede from that position, and if we do, we create a very bad precedent by which the Senate, which either by an act which would be improper if it were put in as an amendment to an appropriations bill, or the Senate does not even need to act. Conferees for the Senate write the legislation for us, and we then rapidly recede, without the Senate even suggesting to the conferees that our decision is correct. We are permitting the conferees from the Senate to decide matters that should be decided, at least initially, and should be subject to the recommendation of the great Committee on Interstate and Foreign Commerce. Therefore, I urge a "No" vote with respect to the question of receding on this point.

Mr. BOLAND. Mr. Speaker, the position that the gentleman from Texas (Mr. ECKHARDT) takes, he took on September 30 this year when the bill H.R. 19444 was before the House. The title of that act is "To authorize for a temporary period the expenditure from the airport and airway trust funds of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising."

Mr. Speaker, that bill passed the House by a vote of 323 to 17.

In my opening remarks and in my exchange with the gentleman from Texas, I indicated that I did not recall anyone raising the question that day. I want to apologize to the gentleman from Texas. Indeed he did.

I think he raised it in a very fine manner, but I believe anyone who voted for that bill, on that day, believed he was voting for legislation which would direct that the payments for air security guards would be taken out of the airport and airways trust fund, because H.R. 19444 clearly establishes the taking of that money out of the trust funds to pay for this program.

Mr. Speaker, let me say again that we are putting into the trust fund, as a result of the airport and airway trust fund legislation which was passed some time ago, approximately $612 million in user tax receipts in the current fiscal year. I just happen to believe that this operation, which helps to provide for the safety of those who are passengers in commercial airlines, ought to be paid for by the people who use the service. It should not be paid by the people who never fly the airlines. Consequently, the money should not be taken out of the general fund.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield for a question?

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

Mr. ECKHARDT. Mr. Speaker, will the gentleman not agree that the question whether or not funds should be used, say, for instance, for safety with respect to equipment at the airport or for guards is quite a different question from the question of whether or not there should be added certain funds to provide for guards.

Mr. BOLAND. Personally, I do not see that much of a distinction. I happen to believe that the providing of security guards traveling on commercial airlines to prevent hijacking does in a way preserve safety in the air for those who are passengers on the aircraft, and I think they are the people who ought to pay for the program.

I might also point out that the basic legislation establishing the Airport and Airway Trust Fund does include particular language indicating the activities for which moneys can be paid out of the trust fund. Let me quote to the gentlemen from pages 33 and 34 of Public Law 91–258, that the gentleman himself referred to. That legislation indicates that money shall be paid out of the trust fund for planning, research and development, construction, or operation and maintenance of air traffic control, air navigation, communications, or supporting services. So, there are a number of activities which will be paid for out of the Airport and Airway Trust Fund.

What is the opposition of the commercial aircraft industry and the commercial transport industry? They are opposed to taking any money out of the Airport and Airway Trust Fund unless those moneys are directly funneled into facilities and equipment and grants-in-aid to airports. That is purely and simply the opposition.

But the basic legislation quite clearly and quite emphatically provides that certain other activities of the Federal Aviation Administration should be funded out of the Airport and Airway Trust Fund. Let me say that those who believe this fund should be so sanctified that we should pay for only facilities and grants-in-aid to airports completely forget that the largest item—and I would like to have Members of the House listen to this—in the entire Federal Aviation Administration budget is operations. Operations run over $900 million. What are we providing for in operations? We are providing for air traffic control, air navigation and communications.

I just do not follow the reasoning of those who oppose taking the money out of the Airport and Airway Trust Fund.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, the gentleman's statements are not points I wish to raise questions of substance against. The point I am making is not about any viewpoint anybody should have outside Congress, but rather who should decide this issue, whether it should be decided by conferees between the House and the Senate or by the Committee on Interstate and Foreign Commerce with respect to these priorities.

Mr. BOLAND. I can only respond to the gentleman by saying I thought the House made a decision on this matter on September 30 of this year when H.R. 19444 passed the House by a vote of 323 to 17.

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

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

Mr. CORMAN. I wish to ask the gentleman if it is true that the situation we have, as we are here appropriating the funds, is that we did not increase the tax to cover the expenditure? Is that what we are doing?

Mr. BOLAND. That is exactly what we are doing.

Mr. CORMAN. I am going to support this conference report, although reluctantly, because when we heard the testimony as to the need with respect to that trust fund it was clear we ought to increase the tax to cover the additional expense. I realize that this is beyond the capacity of the House conferees to do.

Obviously we need to pay for the training and salaries of these guards, but we ought not mislead ourselves. We do need the money.

I hope, very early in the next session, this House, with the concurrence of the other body, will go ahead and increase that tax, because we need the money badly.

Mr. BOLAND. I believe the gentleman from California (Mr. CORMAN) makes a good point, and I would not disagree for a moment.

We did pass H.R. 19444 in the House. It is over in the other body. The other body ought to take it up and pass it. Let the other body pass the legislation which permits taking money out of the trust fund to pay for security guards. It is that simple. We should not be forcing those who do not ride the airlines to pay for the costs of safety in the air.

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

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

Mr. PICKLE. The fact is that the other body has not acted on that legislation. That is not going to be legislation, so, as a committee, you are faced with the problem on how to pay for these guards.

I make the point, in line with what the gentleman from Texas said, when we passed the airways trust fund there was no discussion that we would use those funds to pay for skyjacking. That was never brought up. It was never mentioned in any part of the bill.

I believe it is stretching the legislative prerogative to say now that the basic legislation would include that. It ought to be specifically included by the Committee on Interstate and Foreign Commerce. That is where it ought to be decided, in time.

Mr. BOLAND. It is possible that, perhaps, there ought to be some clarification of the language.

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

Mr. BOLAND. I yield to my colleague from Massachusetts.

Mr. CONTE. I will support my chairman, and there are two points I wish to make.

Certainly when we passed the trust fund we provided that supporting services would come out of the trust fund. It was agreed by all the conferees of both the Senate and the House that these security guards of the airlines were providing supporting services to the users of the air.

Why should the ordinary taxpayer who does not want to fly an airplane, who has never been a passenger in an airplane, have to foot the bill for the safety of the people who want to use the airplanes?

Second, you have had your day in court. This issue was debated on the floor of the House and you were beaten. You were beaten 323 to 17.

The law is very clear. When we passed the law for the air guards we said that the amounts in the trust fund shall also be available as provided by appropriation acts to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries and other expenses of guards, with the same powers as U.S. marshals, et cetera.

So you have had your day in court. We have met the issue. The House passed upon it by saying that this should be paid out of the trust fund. I therefore support the chairman.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 63, noes 7.

So the motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 32: Page 19, line 1, insert:

PAYMENT OF LOAN GUARANTIES

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $3,216,668, together with such amounts as may be necessary to pay interest.

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 44: Page 21, line 23, after "Everglades" insert "and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation".

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 45: Page 22, line 1, after "Everglades" insert *"Provided*, That nothing in this section shall affect the availability of such funds to carry out this study."

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein.

The motion was agreed to.

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

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report and include pertinent extraneous matter and tables.

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

There was no objection.

REQUEST FOR APPOINTMENT OF CONFEREES ON S. 1181, PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. SISK. Mr. Speaker, by direction of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (S. 1181) to provide for potato and tomato promotion programs, with Senate amendments to the House amendments thereto, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

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

Mr. GROSS. Mr. Speaker, I object.

REQUEST FOR PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT

Mr. PERKINS. 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 S. 2193, the occupational safety and health bill.

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

Mr. SCHERLE. Mr. Speaker, I object.

ELMER M. GRADE

Mr. RAILSBACK. Mr. Speaker, by direction of the Committee on the Judiciary and pursuant to rule XX of the Rules of the House of Representatives, I move to take from the Speaker's table the bill (H.R. 6114) for the relief of Elmer M. Grade, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

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

GENERAL LEAVE TO EXTEND

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks and to include extraneous matter on this motion.

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

There was no objection.

Mr. RAILSBACK. Mr. Speaker, I want to first of all express my appreciation for the efforts of my friend and colleague the gentleman from Ohio and ranking minority member of the Judiciary Committee, WILLIAM M. MCCULLOCH, who is unable to be here today. He has earned the praise of several Members of the other body and of his colleagues in the House for his efforts in trying to avoid having the House cause an unnecessary and premature death for the *Delta Queen*.

My colleagues have received a communication bearing the skull and crossbones and making the claim that the proponents of the pending motion are motivated merely by sentiment and that the facts are against us. I would remind my colleagues that this body prides itself on being a reasonable force and institution and I submit with all sincerity that the facts are with us and that reasonable men will agree with us that both the facts and the proper sentiment favor the approval of the pending motion.

H.R. 6114 was passed by the House on October 6, 1970. It is a private bill for the relief of Elmer M. Grade and was introduced by the gentleman from Virginia (Mr. BROYHILL). It was considered by subcommittee No. 2 of the Judiciary Committee and it is the Judiciary Committee which has caused the motion now pending to be brought to the floor. When the Senate considered the House-passed bill, it added an amendment which under its rules was proper and in order. The amendment was simply to provide a 3-year reprieve for the *Delta Queen* so that she can continue to operate as in the past while a replacement can be constructed and readied for use.

The other body has twice passed legislation designed to save the *Queen* and the House, as Members will recall, included a provision in the merchant marine bill, Public Law 91–469, which could enable the owners of the *Delta Queen* to obtain a Federal subsidy to help construct a replacement. That was the will of the House and it continues. But what we are asking now is that in the interim period of *Delta Queen* be permitted to continue operation. This is in harmony with earlier action of the House and I urge my colleagues to support this motion.

I would like to point out a few facts which should be considered in light of the arguments presented by the opponents of the pending motion. The ship fire disasters they have cited in every instance, save one, involved deep draft, ocean-going vessels.

In the one instance which might fairly be analgous to the *Queen* the river steamboat *Stonewall* on the Mississippi River had a disastrous fire. But this fire occurred over 100 years ago, on October 27, 1869. Furthermore she was carrying a load of hay as well as passengers and a match was thrown into the hay causing the fire. Regulations were later issued to require covering of hay with tarpaulins. But the *Queen* was not even built when this fire occurred and she does not carry hay. Furthermore she contains safety equipment not even in existence 100 years ago.

Actually, based upon her record of 43 years' operation without a single passenger fatality or significant accident or fire, we would have to admit that her record could in no way require the retirement of this stern-wheeler.

We find that every part of the ship, every compartment and public room has a sprinkler system. The boilers have water tubes rather than fire tubes. The boiler room is equipped with an automatic release carbon dioxide fire control system and there are various alarm systems and fire extinguishers throughout the steamer.

But more important to the consideration of this motion is the promise of the owners of the *Delta Queen* that they are willing to go an extra mile and take even further precautions for safety. In a letter sent to the gentleman from Ohio (Mr. MCCULLOCH) they listed seven major safety improvements they will make to the *Queen* in the event they are permitted to operate her for 3 additional years.

If there should be a fire because it is a river boat, the *Delta Queen* is never more than a few hundred yards from shore and a simple maneuver of the ship's course would run her aground. Surprisingly, the rivers she travels are no deeper than her middle deck. Furthermore, unlike ocean liners, the *Delta Queen's* staterooms open directly to outside decks and there are no longer enclosed corridors where passengers or crewmembers could be trapped. In short, even in the event of an unlikely fire, the danger seems minimal.

I submit to my colleagues that we are discussing what is probably the safest river steamboat ever constructed. What is proposed is only a 3-year extension for this one vessel only, in order to permit the continued operation of the *Delta Queen* during the time a new boat can be constructed under the terms of the recently passed Merchant Marine Act (Public Law 91–469).

Mr. Speaker, I revise and extend my remarks by including extraneous matter, as follows:

STATEMENT BY GREENE LINE STEAMERS, INC. WITH REGARD TO SAFETY FEATURES AND PRECAUTIONS NOW EXISTING AND PLANNED IF THE DELTA QUEEN IS EXEMPTED FROM PUBLIC LAW 89–777

1. EXISTING AND PLANNED FIRE SAFETY CONSTRUCTION DETAIL

A. The hull of the Delta Queen is triple galvanized wrought steel with five watertight and fireproof steel bulkheads. The superstructure is largely oak, ironwood, walnut, teak, mahogany and cedar.

B. The overhead and bulkheads of crew's quarters within the hull have been treated with Albi 107A fire retardant intumescent paint. In most cases, two coats have been applied, but in some cases three coats and four have been provided. The manufacturer's specification for Albi 107A is that it meets Class A flame spread requirements (0–25 maximum) and two coats equal the U.L. ratings for "non-combustible wood".

C. Passenger staterooms 101–02–03–04–05–06, 239, 240, 339 and 340 have all been treated throughout with two or more coats of Albi 107A.

D. The Cabin Deck passenger lounges, both forward and after, have been treated with two or more coats of Albi 107A also.

E. If the Delta Queen is exempted, the overhead and bulkheads of all passenger

staterooms will be treated with Albi 107A or equivalent fire retardant intumescent coating so that the flame spread requirements of 0–25 and up to 30 minutes exposure without evidence of significant progressive combustion and smoke developed ratings of 0–5, based on standard ASTM test method E–84–61 T rating.

F. In the event the vessel is exempted, the boiler room area will be substantially, remodeled to eliminate the use of wood wherever practical and other exposed surfaces will be treated with Albi 107A. The recommendations of independent fire safety experts will be followed in the introduction of insulating foams. In addition, an emergency exit will be provided from the boiler room and a fire retardant suit and fire blanket for boiler room will be provided for rescue use.

G. The Delta Queen main dining room is presently supplied with a steel ceiling and virtually fireproof ironwood decking. We will treat the wall surfaces with fire retardant Albi 107A and/or substitute fireproof materials so that this public room is fireproof.

H. The galley is presently treated with Albi 107A, asbestos and steel but since it is a critical area, we will replace the ceiling and other critical surfaces with fireproof materials. We will replace the wooden doors with steel or other fireproof materials and make such other changes as practical to fireproof the galley.

I. Flammables and paints presently aboard the Delta Queen are stored in fireproof lockers and containers but their location and automatic fire detection is subject to improvement. We will relocate all of these materials in an all-steel area equipped with automatic fire detection and smothering equipment so that a fire spreading from these materials to other sections of the boat will be virtually impossible.

J. The original design of the Delta Queen provides that all passenger staterooms on the two upper decks have doors opening directly on outer decks. There are four exterior stairways leading down and egress during an emergency could be achieved quickly and without confusion due to the simple layout of the boat.

The Cabin Deck level contains 36 staterooms, of which only 12 passenger cabins will open on the inside when the Delta Queen is revamped for extended service. The inside areas are protected with double and triple coats of fire retardant paint and a total of six exits to outer decks are provided from this lounge. Egress in an emergency would be quick and efficient due to the large number of exits and the fire retardant treatment of the surfaces.

K. Drapes, upholstery, bedspreads, carpeting and other fabrics will be replaced where practical or treated when appropriate to be fire retardant. At the present time, all carpeting is either wool or non-flammable synthetic and meets Coast Guard requirements. All furnishings purchased henceforth will be either fireproof or fire retardant in character consistent with availability.

2. FIRE DETECTION AND AUTOMATED CONTROL

A. The Delta Queen is presently equipped with a 25-station ADT manual fire alarm system with an annunciator in the engine room. This system will be replaced by an automatic fire detection and alarm system with annunciators on the bridge and in the engine room. The detectors will include units for detection by flame, thermo rate-of-rise and fixed temperature, and smoke.

The areas to be covered include: dining room, all lounges, the rudder room, paint locker, oil storage, officers store area, fuel tank areas, linen rooms, mess rooms and all crew's quarters.

In addition, new manual fire alarm stations will be installed on all outside decks and inside deck areas.

There will be an emergency power supply and a power failure annunciator so that even in the event that power is temporarily lost, the entire alarm system will remain functional. This system is of the type approved by the U.S. Coast Guard and specified and installed by fire safety engineers throughout the U.S. and the world.

B. The vessel is presently equipped with automatic fire sprinkler heads in all passenger and crew areas. There are more than 250 sprinkler heads and according to independent fire sprinkler experts, our vessel is adequately protected in terms of head distribution and water supply. The system is tested and bled regularly.

We presently have a main sprinkler pump and an auxiliary standby. They are both operated by steam and keep the lines of the sprinkler system under constant pressure. We will install an additional emergency automatic sprinkler system pump powered by diesel electric. This emergency pump will operate in the event that we lose steam pressure.

According to the National Automatic Sprinkler and Fire Control Association "Maritime regulations in virtually every country in Europe require automatic sprinklers on all passenger vessels. American regulations do not require such protection."

The Association further states:

"If the Delta Queen is sprinklered throughout and the system is maintained and tested, it would be our view that the Delta Queen would be safer than any unsprinklered vessel regardless of the combustibility of its superstructure.

"If the Delta Queen is completely sprinklered and if the system has been adequately tested, inspected and periodically flushed, there is no reason to take this ship out of service from a fire safety standpoint."

Attachments to this paper include a letter from the National Automatic Sprinkler and Fire Control Association as well as a letter from Mather and Platt and a document describing safety protection on the Queen Elizabeth II.

A semi-automatic CO_2 tank system is permanently installed in the boiler room so that in the event of a fire originating in this area, the entire compartment can be flooded with CO_2 within seconds. Further, we would install, if practical, additional automatic fire control equipment in the boiler room for complete redundancy in systems approach.

C. Strategically located throughout the Delta Queen are both foam and CO_2 hand fire extinguishers. Our Coast Guard Certificate requires 25 such extinguishers and we voluntarily carry extras located strategically throughout the boat.

D. Fire hydrants and hoses are located throughout the vessel both on exterior decks and in all interior compartments. The fire hydrant system is maintained under constant pressure with a main and standby pump. We will add an emergency diesel electric fire pump to augment the existing steam pumps.

3. SURVEILLANCE COMMUNICATIONS AND VOLUNTARY CONTROL

A. A complete paging system covering all areas of the vessel is provided with microphones in the Steward's area, the Purser's office, and on the bridge. An emergency power supply and standby amplification will be provided for complete redundancy in electronic control in the event of a power failure or other emergency.

B. The 12-station telephone system which now exists for conducting ship's business will be substituted for an old style battery powered and magneto ringer system provided for pilot house and engine room communications. A new power supply for emergency use will be added. In addition, a new and expanded dial telephone system will be installed for improved communications to conduct ship's business.

C. A complete new passenger information system will be installed which will include posted instructions regarding egress and emergency procedures, additional signs and illuminated emergency equipment and additional audible signaling devices. Life jackets are presently installed in marked containers in various exterior locations plus one life preserver under each bunk in protective polyethylene bags. A regular program of passenger instruction and life jacket usage will be instituted at the beginning of each cruise.

D. At the present time, the Coast Guard only requires two life rafts on the roof of the Delta Queen and one rescue boat with flotation compartments in davits in the starboard mid-ship area. We will voluntarily add inflatable life rafts of the semi-automated type so that more than adequate capacity for passenger evacuation is available. With only 5½ to 7 feet freeboard from the main deck to the water, access to life rafts is easy and relatively safe even in an emergency. Unlike an ocean vessel, the Delta Queen experiences little or no water movement and even an inexperienced swimmer would be safe in the water with a life jacket on and could make his way to the nearby shore with a minimum of assistance.

E. Crew fire drills are now conducted at the beginning of each cruise so that all employees are aware of their duties during an emergency and the location of emergency equipment. They man the fire hydrants, control egress routes and a three-man emergency squad is designated to be equipped with firefighting and rescue apparatus and specially trained to carry out key roles in an emergency.

F. If the Delta Queen is exempted, we will appoint a fire safety expert and authorize him to operate independently to inspect and direct fire safety and other emergency procedure and systems aboard the Delta Queen.

G. We will voluntarily disclose to our prospective passengers before ticketing that the Delta Queen does not meet modern ship construction standards for fire safety and deep sea construction. Further, each passenger will receive written material upon his embarkation so that he has full information about emergency procedures and fire safety measures. Further, he will be instructed on his participation in matters of fire safety and emergency. We will advise invalids and handicapped people that we will not accept their passage if, in our opinion, they do not have the physical capability to actively participate in emergency procedures.

4. VESSEL MACHINERY AND STRUCTURAL IMPROVEMENTS

A. We will replate approximately ⅓ of the hull structure which either has or is approaching the 25% wastage level. Such hull work will be done "crop and renew" and meet Coast Guard standards.

B. We will install a bowthruster to substantially improve the maneuverability of the Delta Queen in making landings, locks and midstream maneuvering. The bowthruster will substantially increase our ability to avoid other vessels and make fast changes in direction when required.

C. We will install a 100% diesel electric standby generator to take over the ship's electrical system in the event of steam failure or technical breakdown in other sections of the electrical system.

D. We will install standby electric pumps for fuel, automatic sprinkler supply and fire hydrant supply so that in the event of steam loss we can operate from diesel electric power.

E. We will remodel, restore and repair as necessary to maintain in adequately safe condition all physical sections of the vessel and such machinery as required for peak operation. This is an on-going part of our vessel operation and has been carried on during the past three years on an accelerated

level to upgrade the vessel as much as practical. Typical examples of major improvements are:

a. Oil fire galley stoves were replaced with modern electrical equipment immediately after the passage of the 1966 Safety-at-Sea Law.

b. Intumescent fire retardant coatings were applied to crew quarters, passenger lounges, and many of the individual passenger staterooms.

c. New and additional communications equipment was added during the past three years.

d. Major rebuilding of steam plant machinery has greatly improved the reliability of the boat during the past three years.

5. THE DELTA QUEEN IS INHERENTLY A SAFE BOAT

The Delta Queen was designed and built to standards approved by the U.S. Coast Guard prior to 1936 but that does not mean it is an unsafe vessel. The U.S. Coast Guard standards are arbitrary and presently primarily the thinking of that agency and not other fire safety experts in this country and in other parts of the world.

Great Britain in particular has an extensive and superb record for passenger ship safety. Until the QE II, their basic construction method was similar to the Delta Queen. The Queen Mary and the Queen Elizabeth were built in the same ship yards as the hull of the Delta Queen and on the same general construction principles. So were more than 300 other British passenger vessels which have never had a serious fire.

The British approach is to build a vessel with basic compartmentation of fireproof materials and to use wood and other combustibles for trim and decor. Then elaborate fire detection and both manual and automatic fire extinguishing systems are used to control a fire if one starts.

The British philosophy, and for that matter the philosophy of most fire safety experts, is that no matter how fireproof the basic construction is, it is still necessary to provide a method of extinguishing the flames since the contents of the structure cannot be guaranteed fireproof. Passenger clothing and effects are flammable as are cargo and fuel. The U.S. Coast Guard philosophy of containment only does not provide complete fire safety. The huge fire in the McCormick Place in Chicago was a result of a totally fireproof building with flammable contents and no method of extinguishing the flame. Disastrous fires on totally fireproof ships have occurred because accumulated paint, cargo and personal effects burn regardless of the basic structural material.

Fires have occurred on all-steel U.S. passenger vessels and they have been successfully contained due to the basic structure of the vessel. However, fire fighting crews were hampered by heat and uncontrollable combustion within the contained areas. Smoke and toxic fumes presented a real danger to passengers and fire fighting crews.

In Britain's QE II they conformed to U.S. standards in construction, but in addition installed both elaborate fire detection and automatic fire sprinklers throughout. Not only did they build the world's safest vessel, but they were able to enhance its warmth and appearance so it did not have the all-steel, glass and asbestos appearance of the *S.S. United States*, now retired due to lack of passenger appeal.

6. THE DELTA QUEEN AND GREENE LINE STEAMERS, INC. HAVE AN EXCELLENT SAFETY RECORD

In 80 years of operating more than 28 passenger riverboats, Greene Line Steamers, Inc. have never had a serious fire or an accident causing loss of life.

All of the vessels operated by Greene Line Steamers, Inc. have been built largely of wood and the officers and employees of the company are well aware of their responsibilities to operate a safe and efficient vessel.

WQUA EDITORIAL, JUNE 9, 1970

For a good many years the five cities was one of the traditional stops made by the passenger steamer Delta Queen as the historic vessel made its annual journey upstream to the Twin Cities. With construction of Rock Island's flood protection wall we are no longer one of the shore stops for the cruising passengers but the Queen still attracts attention as it passes through. There is legislation which will apparently end these revisits from the historic Mississippi River past. The problem is boats like the Queen can't be economically built to meet new Federal standards, and the standard of requiring all steel construction is due to put the Queen out of commission this fall. Owners of the Queen found out the realistic way, by taking bids, how expensive it would be to replace their vessel with one produced by today's methods and satisfactory to the law. The law was intended for ocean going ships that do most of their traveling out of sight of land, not between two river banks in the heart of America. A Mississippi or Ohio River cruise on the Delta Queen is probably the most relaxing form of transportation available and has proven to be a popular trip for thousands of persons who long to get away from the hustle of everyday activity. It is possible for the Queen to be exempted from the legislation which threatens its life. We would hope those in Washington who have this power will keep a bit of old man river's history alive.

WILL CONGRESS SAVE THE "DELTA QUEEN"?

(By Jenkins Lloyd Jones)

Unless Congress does something between now and November 2, the *Delta Queen*, the last real packet on the Mississippi River system, gets the ax from Uncle Sam.

The reason is ridiculous. A government agency has decreed that the "safety-at-sea" regulations, which outlaw any ship carrying more than 50 overnight passengers if it is not built entirely out of steel, must apply to riverboats as well.

For four years the *Delta Queen* has been operating under a temporary congressional reprive. The *Queen's* hull is steel. But its superstructure, in the tradition of riverboats, is wood. The noble curved staircase is mahogany trimmed with brass. The deck is hand-pegged ironwood. The 28-foot stern wheel is made of planking, and the cabins are panel in oak.

The Greene Line of Cincinnati, which sends the *Delta Queen* on cruises down the Ohio and Mississippi and up the Tennessee and Cumberland, had made a valiant effort to meet the government demands.

Only two shipyards even bid on plans for an all-steel, diesel-electric monstrosity. The estimated cost was $10 million. Not many American river-lovers could afford the fares necessary to amortize such an investment.

The safety-at-sea regulations were designed to protest passengers hundreds of miles from land and hours from help. A riverboat runs betwen river banks. Sure, there's some fire danger in a wooden superstructure. There is also a little danger in stacking up ten 707s over O'Hare on a night when the birds are walking. There's some danger in walking the streets of Washington in daylight.

To knock off the *Delta Queen* because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

No one would think of allowing passengers to hang on the outside of a New York City bus, but people hang all over San Francisco's wonderful cable cars. If we are going to keep any flavor in America, somewhere there must be an area of common sense.

The *Delta Queen*, as all river buffs know, was not born to the inland rivers at all. She started life in 1926 on the overnight Sacramento-San Francisco run. Still, she looks like a riverboat except to us purists who would prefer the pilot house farther aft behind twin smokestacks abreast. She has a calliope, so she's really a hybrid of the *Eclipse* and the *Cotton Blossom*.

The *Delta Queen* goes eight miles an hour. She would drive the jet set bats. In his *Life on the Mississippi* Mark Twain claims that he served as pilot on the John J. Roe, a boat so slow that they changed watches three times in a five-mile stretch. When the boat finally sank, he swore it was five years before the owner heard of it.

Even the *Robert E. Lee*, in its record-breaking 1870 race with the *Natchez*, took three days, 18 hours and 14 minutes to run the 1,218 miles from New Orleans to St. Louis.

The river is not for speed, but for an experience unlike any other travel adventure. On a boat breasting a stiff current, go-go types glare at the banks and chew their nails. River-lovers are relaxed. Steamboat Capt. Fred Way puts it this way:

"They exist on a continent of their own, secure and steadfast; the boat is stationary; the shores do the moving, advancing, sliding by, retreating. The mountains slide apart and close again. You will wonder as you step ashore, suitcase in hand, whether you are entering the world of reality or departing from it."

I never rode the *Delta Queen*, although I've been aboard her at Cincinnati and New Orleans. But once I helped pilot 600 feet of gasoline barges from Louisville to Baton Rouge, and by the time the five days ended I was a mainline addict.

The Ohio and the Mississippi above Alton are a series of beautiful slackwater lakes divided by dams and locks. But the lower Mississippi is a fractious beast for which charts are useless—gnawing at Tennessee, building up Arkansas, eating islands, piling up reefs, cutting new chutes, leaving isolated oxbows.

Most of the time you float through utter wilderness, for the flood plain between the levees is chancy land, given over to cypress and cottonwood, mysterious pools and Spanish moss. Beyond the levees there may be cities and super roads and locomotive horns and people standing in line.

THE BALLAD OF THE DELTA QUEEN

(EDITOR'S NOTE: Following the example of Oliver Wendell Holmes, who wrote "Old Ironsides" in an effort to save the frigate "Constitution" from destruction, Hugh Ferguson, 3811 N. Lincoln Ave., Davenport, wrote this poem on behalf of the overnight passenger boat, "Delta Queen," which will soon be banned from river travel because it does not comply with federal regulations governing ocean-going vessels):

Romance is gone from the river.
Who needs romance? ye say.
Well, Son, the young man and the old man,
and all those in b'tween;
And tonight I sigh for the mournful cry
of the gallant Delta Queen.
Oh, the gallant Delta Queen.

The Delta Queen? A ship, Lad,
maybe fairest in the land.
Like our nation young and proud,
fair bustin' at the seams,
she was sort of a treasured symbol, Son
of all our hopes and dreams.
Our sweetest hopes and dreams.

No more she'll roam the river,
no night will hear her cry.
The Potomac sages shield us,
and so we let her die.
Aye, we let her die.

"Break her up! She's slow, unsafe!"
Unsafe? Life holds no guarantee
that you or I will not soon die,
be it air, on land or sea.
Whether air or land or sea.

Slow? Sure, I guess she's slow;
(Like a white swan all apreen.)
if you must be always on the go
don't ride the Delta Queen.
No, not the Delta Queen.

Our air is foul'd; our land is paved—
whole states that once were green.
The sky is rent with the banshees howl,
'course, they're safer than the Queen.
Ah, safer than the Queen.

She's proud, she's fair, she's much I love;
her splendid voice is true.
And when she speaks, the hills above
resound her song anew.
Her lovely song anew.

No more let "harpies of the shore"
pluck out what we hold dear!
Rise up and shout, a thousand score!
Let pride rule over fear.
May pride rule over fear!

Aye, romance is gone from the river;
no more we'll lock her through.
For the Delta Queen is dying, Lad,
and so is part of me, and you.
And part of me, and you.

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

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

Mr. ZION. Mr. Speaker, I want to compliment the gentleman in the well for his excellent presentation on the safety of the *Delta Queen*. The *Delta Queen* plies the Ohio River just south of my district. I have six counties that border along the Ohio River, and I have frequently been a passenger on the *Delta Queen*.

The *Delta Queen* has contributed considerably to the economy of southern Indiana, and northern Kentucky, as a result of the tourists who come to see this grand old riverboat, the last of its line.

Mr. Speaker, I can assure the Members, having been a passenger on the *Delta Queen* on numerous occasions, that it is indeed safe, and it is indeed a very important part of Americana, and that any effort we in this body can make to keep the proud *Queen* afloat is well worth the effort.

Mr. RAILSBACK. I thank the gentleman.

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

Mr. RAILSBACK. I yield to my colleague, the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding, and I want to indicate my strong support for the action which the gentleman from Illinois (Mr. RAILSBACK) has initiated here today.

Mr. Speaker, it is true of course that the Congress has responsibility for enactment of laws which are designed to protect the lives of our citizens—including safety measures affecting watercraft.

In the case of vessels having accommodations for 50 or more overnight passengers, very stringent legislation was enacted by the Congress in 1966—following a fire which occurred on the SS *Yarmouth Castle* in the Atlantic Ocean—near the Bahamas—with a dreadful loss of some 90 lives.

In response to the kind of demand which follows such a disaster, the Congress did act, and its legislation which, as I say, is most stringent, would permanently decommission the *Delta Queen* from its traditional service along the Ohio, Mississippi, Tennessee, and Cumberland Rivers.

The general legislation which would forever bar the *Delta Queen* from its traditional service may have valid application with regard to new ships—and possibly other types of watercraft operating on the oceans and other open waters. But when applying the law to the *Delta Queen*, it appears that the only result would be to put it out of business.

I reject the suggestion that our decision today might tag us as irresponsible if this legislation is enacted—and a fire subsequently breaks out on the *Delta Queen*, any more than I would want us to assume responsibility because we provide funds for new housing with the risk that some of the houses will burn with loss of life to the occupants.

Mr. Speaker, in addition to the accidents which can occur from fire, there are many other types of losses which are experienced by ships at sea and on the inland waterways. I need only recall the disasters of the *Titanic*, the *Andrea Doria*, and the SS *Eastland*—which capsized while tied to a pier in the Chicago River—with losses of hundreds of lives. These ship disasters had nothing whatever to do with fires on board.

I might also recall that the fire which occurred in the LaSalle Hotel in Chicago—a fireproof structure—with a terrible loss of life—was unrelated to the materials used in the construction of the building itself. The disaster resulted primarily because of the inflammable interior decorations, as well as the system of drafts which permitted this fire to spread and to snuff out many lives.

The *Delta Queen* is not made entirely of wood, nor is it without safety devices for preventing fires. It has a safety record which would rebut any charges that this is a firetrap or inherently dangerous to those who choose to enjoy its advantages.

Indeed, Mr. Speaker, I am convinced that the human element is more essential in preventing a fire than are sophisticated mechanical devices—including fireproof materials. I am convinced that on this unique ship the human element will observe greater precautions than would be the case if such a vessel were commonplace in our Nation.

Mr. Speaker, this is virtually the last of the riverboats. It is a part of Americana that I want to see preserved, and I am casting my vote and my support today in behalf of the *Delta Queen*—to give it at least 3 more years of life, with the expectation that a permanent accommodation can be made to preserve it for this and future generations of Americans.

Mr. McCULLOCH. Mr. Speaker, I rise in support of the motion to go to conference on H.R. 6114. If I may, Mr. Speaker, I would like to discuss briefly some of the legislative history surrounding the amendment made by the other body.

On November 2, 1970, the last overnight passenger steamboat in America—the *Delta Queen*—was involuntarily retired from servicing the Ohio and Mississippi River systems. The law that retired this historic riverboat was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. This law was enacted to rid the seas of unsafe ships and to insure the financial responsibility of the carriers calling at U.S. ports. Inadvertently, it seems, that this legislation was made broad enough to encompass passenger vessels carrying overnight passengers operating on our inland rivers. For the purpose of safety standards, the *Queen* was placed in the same category as deep-draft vessels traveling on the high seas. Unless this Congress intervenes 160 years of paddlewheel history will have ended.

Originally designed and built in 1926, the *Delta Queen* is the most luxurious paddlewheel passenger boat ever built and also the safest. Every compartment and public room is equipped with automatic sprinklers and other safety devices such as fire extinguishers, fire hydrants, fire alarms, and emergency tools that are strategically located throughout the vessel. Unlike ocean vessels, most of the *Queen*'s staterooms open directly onto the outside deck. There are no enclosed corridors where passengers or crew could be trapped.

I believe that the Congress has the duty, indeed the responsibility to look into this type of small business which has become all but extinct. It hardly need be said that the riverboat business is not what it was 50 years ago when hundreds of vessels, similar to the *Delta Queen*, plied the same trade routes. However, many Americans have discovered that riding on a riverboat can be a most satisfactory experience. Mark Twain said it this way:

One cannot see too many summer sunrises on the Mississippi. They are enchanting. First there is the eloquence of silence; for a deep hush broods everywhere. Next there is the haunting sense of loneliness, isolation, remoteness from the worry and hustle of the world. . . . And all this stretch of river is a mirror, and you have the shadowy reflections of the leafage and the curving shores and the receding capes pictured in it. Well, that is all beautiful; soft and rich and beautiful; and . . . you grant that you have seen something that is worth remembering.

Mr. Speaker, since April 1969, there have been over 20 separate bills introduced in the House of Representatives that would totally exempt the *Delta Queen* from the applicable provisions that retired her Nov. 2, 1970. To date, these bills have received no attention and there is no action scheduled. In May of this year, the House passed H.R. 15424, amendments to the Merchant Marine Act of 1936. After this bill passed the House it was referred to the Senate Committee on Commerce, wherein it was amended to provide a permanent exemption for the *Delta Queen*. With little or no opposition this total exemption passed the Senate. When it became apparent that this bill would be the subject of a conference, I sent each Member of the House a letter requesting cosignatures to a letter which I sent to the chairman and ranking minority member of the Merchant Marine and Fisheries Committee, asking their support for the *Delta Queen* amendment. The number of responses to this letter, Mr. Speaker, was substantial. With very little prompting and shortly

after I sent the letter, 190 Members of the House requested that their names be made part of the letter to be sent to the Merchant Marine and Fisheries Committee. Many other members called to inform me of their support, but for one reason or another, did not want to sign the letter. However, they indicated that they would support the *Delta Queen* if it came to a vote on the floor. Unfortunately, the *Delta Queen* exemption was deleted in conference and consequently, the House was not permitted to express its will on this issue.

However, the conferees did agree that there be early and expedited hearings to facilitate the replacement of the overnight service currently provided by the *Delta Queen* and that they would support legislation that would assist in the building of a replacement for the *Delta Queen*. Pursuant to the wishes and instruction of the conferees a construction-subsidy bill has been introduced in the House by the gentleman from Pennsylvania (Mr. CLARK).

In the meantime, the historic sternwheeler has discontinued operation and is presently moored at New Orleans, in effect, out of business. Greene Line Steamers, Inc., which operates the historic riverboat is a small business and although it has operated riverboats for many years, it presently operates only one, the *Delta Queen*. The owners of the vessel in 1968 believed that they could design and construct a duplicate of the *Delta Queen*. To their dismay and to the dismay of many, the owners and operators of the *Queen* learned that with the rise in the cost of construction, material, and labor under competitive bidding, a new vessel to replace the original *Queen* would cost in excess of $10 million instead of the estimated $4 million to $6 million. This new dollar figure is believed by all to be prohibitive for such a small business as Greene Line Steamers, Inc.

The construction subsidy which the conferees recommended would enable the Greene Line Steamers, Inc., to build in the United States a duplicate of the *Delta Queen*. However, passage of this legislation and the actual construction of a new vessel will take time. For this reason, the Senate passed a bill which would permit the *Delta Queen* to operate until November 1973. This business, like any other business, cannot be turned on and off as if it were a water fountain. It has taken years to build the river travel business to what it is today, and, if Congress were to turn it off for 3 years, it would place an unfair burden on the owners and operators of this overnight passenger service on our inland rivers.

I am of the firm opinion that the *Delta Queen* is safe for travel on our inland rivers. In a letter which I received from the President of the Greene Line Steamers, Inc., dated November 25, 1970—which I would like to submit for the RECORD—it is pointed out that this company has an unblemished 80-year safety record. And if this 3-year exemption is granted they have assured me that they will voluntarily take extra safety precautions in excess of Coast Guard requirements. When you consider this exceptional safety record, plus the extra safety precautions that will be taken if she is exempted for 3 years, and the great historic value of the *Delta Queen* itself, I am of the opinion that favorable consideration of H.R. 6114 is amply justified.

Presently, by act of Congress, the *Delta Queen* is categorized with oceangoing vessels. The *Queen*, for example, only travels the rivers: the beautiful Ohio, the scenic and historic Mississippi and Tennessee. For 9 months of the year she travels our western river system—from St. Paul in the North to New Orleans in the South, from Pittsburgh in the East and to the Gateway of the West—St. Louis, touching ports in 16 States.

The *Delta Queen* is never more than a few hundred yards from any shore and should an emergency arise, all the captain need do would be to hit the rudder and she could be run aground probably before the lifeboats hit the water.

I might add, Mr. Speaker, that the *Delta Queen* presently meets certain Coast Guard safety standards and I think it should be noted that the waters in which she travels is no deeper, at its deepest point, than her middle deck. For these reasons I believe this type of watercraft is very much distinguishable from those oceangoing vessels which the 1966 legislation sought to regulate for greater safety of life on the high seas.

We are all aware of the great public support behind this last of the sternwheelers. I have received, as I am sure many of the Members have, thousands upon thousands of signatures from people across the country urging that Congress grant a stay of execution for the last of the mistresses of Old Man River and 196 editorials supporting the *Delta Queen* have appeared in 147 newspapers across the country. This represents 134 cities in 31 States, and 13 State Governors have publicly stated their desire to see the *Delta Queen* exempted. Eighteen individual cities and two State legislatures issued resolutions, proclamations and circulated petitions to save the *Delta Queen*.

This great sternwheeler is very much a part of Ohio's heritage. Its home port is Cincinnati, the "Queen City" of the Middle West. A picture of the *Delta Queen* appears at each State roadside park in Ohio and this historic riverboat is the No. 1 tourist attraction in Cincinnati and has been for nearly half a century.

Mr. Speaker, as to the private claim matter of H.R. 6114, it is the same as passed the House on October 1, 1970. The other body amended this bill by adding thereto a provision that would extend the operating authority of the historic steamboat, the *Delta Queen*, to November 1, 1973. Under Public Law 89–777 (80 Stat. 1356 et seq.), as amended by Public Law 90–435 (82 Stat. 449), the *Delta Queen*—the last overnight paddlewheel steamboat in Amrica—discontinued operations on November 2, 1970.

This legislation does not provide for a total exemption from the safety-at-sea law, Public Law 89–777. This amendment does not involve any expenditure of Federal funds. Rather, it allows time for implementation of recommendations made by the conferees to H.R. 15424, an act to amend the Merchant Marine Act of 1936, Public Law 91–469. This 3-year extension would permit the *Delta Queen* to operate while a replacement is being built for her and give the Congress time to hear and decide how to assist in saving the last symbol of a bygone era.

Perhaps Ben Lucien Burman who spent his life traveling on the Mississippi and authored such books as "Steamboat Round the Bend" said it best by stating very simply that:

When the last steamboat, the *Delta Queen*, is gone America will never be quite the same.

Mr. Speaker, I include material, pertinent to this subject, in the RECORD, as follows:

GREENE LINE STEAMERS, INC.,
November 25, 1970.

HON. WILLIAM MCCULLOCH,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MCCULLOCH: All of us with Greene Line Steamers deeply appreciate your determination and extensive efforts to obtain a three-year reprieve for our passenger riverboat Delta Queen. We want to reassure you that your confidence in the Delta Queen and its officers and crew is fully justified. Our company has an unblemished 80-year safety record with 28 steamboats. For extra safety, we will voluntarily take extra safety precautions in excess of Coast Guard requirements if the Delta Queen is granted a three-year reprieve.

When the Delta Queen was built, it was the safest vessel of its type ever constructed. Original equipment included numerous fire hyrants, a fire alarm system and a complete automatic sprinkler system covering every compartment. We have made numerous additional improvements over the years by adding both manual and automatic CO_2 and foam fire extinguishers plus NASA recommended fire retardant coatings in crew quarters and passenger lounges.

The following are the major safety improvements we will make this winter if the Delta Queen is granted a three-year reprieve:

1. Replate major sections of the hull—last winter's sonic testing indicated that approximately ⅓ of the hull plates had reached or were approaching a wastage factor of 25%. Avondale Shipyards, New Orleans, has estimated the cost of replating at $60,000.

2. Standby/emergency diesel electric power—to augment our steam power and for emergency use, we will install a diesel electric generator that will power lights, pumps and communications even if steam power fails.

3. Emergency electric pumps—for emergency operation of critical bilge pumps, sprinkler system, fire hydrants and fuel system.

4. Automatic fire detection and warning system—NASA and fire experts recommend electronic detection and warning systems to greatly improve control of fire and give earlier warning for safety of passengers.

5. Fire retardant coatings—as a result of our extensive discussions with NASA and independent fire consultants, we have selected several fire retardant coatings and materials which, when applied to wood surfaces in staterooms and public areas, will greatly reduce the combustibility and flame spread characteristics of the surfaces. This will provide greater containment and make control easier as well as greatly extend the time available for safe evacuation of the areas. Fire experts are now recommending these coatings for use on even all steel surfaces

which cannot prevent combustion when conventional paint ignites.

6. Improved communications and education—we will improve communications system and passenger information for maximum protection of passengers in an emergency. We will also engage on a regular basis a fire and safety officer to inspect and instruct our officers and crew in the use and maintenance of safety equipment.

7. General maintenance and repair—for normal repairs and preventive maintenance, we each year allocate between $100,000 and $250,000 to inspect, repair and/or replace equipment and physical facilities as necessary.

We estimate that total layup repairs and safety improvements during the 1970–71 winter to meet the above commitments will be between $250,000 and $400,0000. We are happy to make this kind of an investment for maximum security and protection of our passengers.

When you consider our exceptional safety record plus the improvements we promise to make and the great historic value of the Delta Queen itself, we believe that the favorable consideration of HR 6114 is amply justified.

Sincerely,

WILLIAM MUSTER.

Mr. RAILSBACK. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, the effect of the law is to require all vessels which haul passengers overnight or longer to be constructed of fire-resistant material. The *Delta Queen* is a riverboat plying the Mississippi River and its tributaries. The hull is steel, but the decks and interiors are teak, mahogany, ironwood, and oak. The carved staircase is mahogany trimmed in brass.

The *Delta Queen* is a stern-wheeler. At one time there were hundreds of boats like this plying our rivers and streams on overnight service. But the *Delta Queen* is the last of them, and we have this final opportunity to save the vessel.

This is not a static museum display, but an actual service performed by an authentic representative of the past.

The vessel's wooden area constitutes the part which runs afoul of the 1966 law. But steps have been taken to minimize the fire hazard. The wood surfaces have been coated with fire-resistant substances, and a sprinkler system has been installed. Granted, there is a certain amount of risk in the operation of the vessel, but there is a certain amount of risk involved in any transportation, regardless of the mode of the character of equipment used.

Great history has been made by our riverboats, and particularly the paddlewheelers, which occupy a very important page in American annals. We remember Mark Twain's remarkable tales of the Mississippi riverboats, and we all recall the famous comic opera by Oscar Hammerstein II and Jerome Kern, "Showboat," which pointed out the romance of these riverboats, out of which came the famous songs, "Old Man River," and "The Man I Love."

You know, life without a bit of romance is listless and lacks luster. The 747's, the SST's and the jets, the lunar orbits and the satellites, make us aware of progress indeed, but dull our vision for the refinements and cultures of life.

We need to be jerked back sometimes to less mundane events. We do not live by bread alone.

The *Delta Queen* reminds us of our glorious past when journeys were not so swift and allowed of contemplation and reflection. There was no desire—"just to get there."

Let us revive a bit of drama in our drab lives and permit the *Delta Queen* to sail.

Incidentally this bill has the support of our distinguished colleague, the gentleman from Ohio (Mr. MCCULLOCH), who is now in the hospital undergoing some routine tests. He has set his heart on the passage of this bill. I am very anxious to please him in that respect and I am sure you, too, my colleagues, are very anxious to please him, aside from the merits of this bill, by passing it.

You know that faith and loyalty can lift man to great heights. And I want to show my faith—I want to show my loyalty to BILL MCCULLOCH, who was not able to be here, by passing this bill which he wants so much to see passed by this House.

Mr. Speaker, I remember the words in the play "As You Like It":

Master, go on and I will follow Thee:
To the last gasp, with truth and loyalty.

And in that way I do want to follow our colleague, BILL MCCULLOCH, of Ohio.

Mr. RAILSBACK. Mr. Speaker, I yield to the distinguished gentleman from Maryland (Mr. GARMATZ), 5 minutes for purposes of debate only.

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

Although I have given my views to the Members of the House previously, I would like to summarize the reasons why the Members of this House should not permit the *Delta Queen* to continue operations as an inland river overnight passenger boat.

I recognize that there is considerable sentiment supporting the continued operation of this wooden riverboat. The sentiment seems to be that the *Delta Queen* is a link with our past, and we should preserve this link to remind us of the good old days. The House, however, should vote on the facts and not on sentiment. The facts are, as I have repeatedly stated in the past, that:

The boat is a firetrap.

It is made largely of wood.

Wood burns.

The SS *Yarmouth Castle*, made largely of wood, burned recently with a loss of 90 lives.

The SS *Morro Castle*, made largely of wood, burned with a loss of 134 lives.

The Canadian passenger boat *Noronic*, made largely of wood, burned while tied to a dock in Toronto, with a loss of 118 lives.

The General *Slocum*, made largely of wood, burned in New York Harbor, with the bow on the beach but the stern in deep water, with a loss of more than 1,000 lives.

In earlier years, the river steamboat *Stonewall* on the Mississippi River, made largely of wood, burned with a loss of 209 lives, in an accident in the Mississippi River—where the *Delta Queen* operates—where the pilot could not reach the banks as the boat went aground on a shoal 150 yards from the bank.

It is against the law of the land to operate such a wooden passenger boat.

The Department of Commerce, which houses the Maritime Administration, opposes continued operation of the boat, in the interest of safety.

The Department of State opposes continued operation of the boat, in the interest of safety.

The Coast Guard, which has responsibility for maritime safety, opposes the continued operation of the boat, in the interest of safety.

Sentiment has its place, but the facts concerning the *Delta Queen* make clear that the Congress should not gamble with the lives of passengers. We have charged the executive departments with certain public safety. The agencies concerned with the *Delta Queen* say it is not safe to operate her further. The Congress should not substitute its judgment for the technical agencies on whom we rely for guidance concerning public safety.

I hope the *Delta Queen* never burns, but if it does, the blood will be on the Congress, not on the expert agencies which told us to stop the operation. I do not see how any Member in good conscience can vote on this issue on the basis of sentiment instead of facts. Too many lives are at stake.

There is another aspect of this *Delta Queen* issue which disturbs me. By a vote of 307 to 1, the House passed the bill leading to the Merchant Marine Act of 1970. By a vote of 343 to 4, the House accepted the conference report and the statement of the managers on the part of the House following the conference with the Senate on this legislation. During that conference with the Senate, it was agreed by all Members, House and Senate, not to permit the *Delta Queen* to continue to operate. Now, if the conference system of the Congress is to have validity, I think the House should vote down the Senate's attempt to make an end run around that conference agreement.

The *Delta Queen* should not be permitted to operate further as an overnight passenger boat. I hope you agree with me and will vote to support existing law, expert advice, and previous action by the Congress—all of which are against continued operation of the *Delta Queen*.

Mr. Speaker, on October 4, 1970, this year, I received a letter from the president of Delta Queen Steamship Co., in which he said:

DEAR MR. CHAIRMAN: Although we were deeply disappointed that the Delta Queen amendment was rejected in conference, we were most pleased by the unanimous decision of the Committee to recommend to the Congress that a construction differential subsidy be authorized for a vessel to replace the Delta Queen.

As operators of the Delta Queen, we are only too well aware of the operational and safety limitations of our 44-year-old paddlewheeler. It has always been our intention to retire her into active, but less demanding service as soon as we could build a new vessel.

Mr. Speaker, the measure that is before the House today will extend the operation 3 more years. The operators have had 4 years in which to build a new vessel, but it does not appear that they are interested in building a new boat. I spoke to Mr. Muster after the conference report. A bill was introduced by the gentleman from Pennsylvania (Mr. CLARK), chairman of the Coast Guard Subcommittee. We stated in the conference that we would do everything possible to help get this bill through and see that they would get a subsidy for a new *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HUNGATE) for purposes of debate only.

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Speaker, following a number of disasters, in 1966 legislation was passed to provide safety regulations for the protection of commercial boat passengers.

All boats were given 2 years in which to comply with the new regulations.

In 1968, a bill was passed granting the *Delta Queen* a special exemption for 2 more years. I sponsored and supported that legislation because of the following testimony from the executive vice president of the firm owning the *Delta Queen:*

SEPTEMBER 27, 1967

Mr. MUSTER. We asked Congress for sufficient time to build a new vessel that would meet the safety regulations. As a result, the act was amended before passage to allow the Delta Queen to operate until November 1, 1968. Now after endless hours of planning and hundreds of drawings our new boat is designed and on paper. Coast Guard approval on design and fire retardant materials is expected soon and construction can begin in a couple of months. Our new boat is estimated to cost $4 million. . . .

I would like to reiterate our urgency in this matter. We only have 1 year to build this boat if we start in January. Therefore it is imperative for our success in this project that the legislation to enlarge the financing guarantee be passed in this session of Congress.

Question. Has the operation of the Delta Queen been profitable?

Mr. MUSTER. During the last 5 or 6 years it has been increasingly profitable each year and is operating now very successfully.

Our projections show that the *Delta Queen* successor can operate and break even at about 60 percent of capacity. It may be even a little lower than that. We may be able to get it down to about 55 percent. On that basis, if we were to operate, as we are now, about 92 to 95 percent—really it is just a shame how much money we could make.

I would direct your attention to the hearings held by the Committee on Merchant Marine and Fisheries on September 27, 1967, pages 47 through 71, in which you will find the following:

WILLIAM N. MUSTER, EXECUTIVE VICE PRESIDENT, GREENE LINE STEAMERS, INC.

Public Law 89–777, which was passed last year, has caused a serious financial problem within our company. We must build a new riverboat and that requires a great deal of capital. The new law was enacted partly as a result of the *Yarmouth Castle* disaster and one of its principal purposes was to improve the standards of ship construction for greater safety of life at sea. We were sympathetic with the desire of Congress to rid the seas of unsafe ships and insure the financial responsibility of the carriers calling at U.S. ports. But we did not expect the *Delta Queen* to be put in the same class as deep-draft passenger vessels on the high seas. We asked Congress for sufficient time to build a new vessel that would meet the safety standards of the present maritime regulations. As a result of the act was amended before passage to allow the *Delta Queen* to operate until November 1, 1968. Now after endless hours of planning and hundreds of drawings, our new boat is designed and on paper. Coast Guard approval on design and fire retardant materials is expected soon and construction can begin in a couple of months. Our new boat is estimated to cost $4 million. We don't have the $1 million required for the down payment. If we could get the same insurance privileges as deep-draft passenger vessels, we would only need a downpayment of $500,000. This we can do.

The CHAIRMAN. On page 2 you say, "Our new boat is designed and on paper. What kind of boat would it be, roughly? Would it be paddlewheel?"

Mr. MUSTER. The vessel is designed at this point for two final alternatives. They must meet Coast Guard approval. Alternative 1 is a paddlewheel. Alternative 2 is what is known as a Voight-Schneider propeller. The Voight-Schneider is perhaps the most practical for our purposes. However, regardless of the propulsion the boat will look like an oldtime river boat. It will be designed visually as a river boat with the filigree and the decoration of some 50 to 75 years ago.

The CHAIRMAN. You mention here if there is delay in getting this bill passed you will not meet our deadline. When is your deadline?

Mr. MUSTER. November 1, 1968.

Mr. PELLY. Has the operation of the Delta Queen been profitable?

Mr. MUSTER. During the past 5 or 6 years it has been increasingly profitable each year and is operating now very successfully.

Mr. PELLY. Do you have any forms of recreation, such as gambling devices, which help with profits?

Mr. MUSTER. We would like to. I am afraid there are a few problems involved. No, other than bingo.

Our projections show that the Delta Queen successor can operate and break even at about 60 percent of capacity. It may be even a little lower than that. We may be able to get it down to about 55 percent. On that basis, if we were to operate, as we are now, at about 92 to 95 percent—really it is just a shame how much money we could make.

Mr. PELLY. Would this new vessel be air-conditioned?

Mr. MUSTER. Yes, sir.

We have 3-day, 7-day, 10-day and 20-day cruises.

Mr. PELLY. Passengers go ashore at various cities.

Mr. REINECKE. Have you applied for a loan to various private agencies?

Mr. MUSTER. We have talked to several companies. All of them are interested because the mortgage insurance would make the loan prime and 100 percent guaranteed. I see no difficulty in getting a company to provide the money.

Mr. REINECKE. You do not have any commitments even subject to the Federal Mortgage Act.

Mr. MUSTER. Verbal, yes. Several verbal proposals. They want to do it. We have not actually attempted to get any firm commitments at this time.

Mr. REINECKE. The $4 million figure, is that based on a shipbuilder's contract or your estimates?

Mr. MUSTER. We have had estimates from Avondale, from Todd, and from one other. I think it was St. Louis Ship. The estimates do indicate that the price will be right in that bracket or a little less—we hope a little less.

Mrs. SULLIVAN. How old is the present Delta Queen?

Mr. MUSTER. It was constructed in 1928 in Sacramento, Calif.

Mr. MUSTER. The Delta Queen many, many years ago, actually, I believe 1948, was brought to the western river system and the rates at that time were very low to accommodate what was a marginal business.

Mr. MUSTER. May I add one thing, Mr. Chairman?

The CHAIRMAN. Yes; you may.

Mr. MUSTER. I would like to reiterate our urgency in this matter. We only have 1 year to build the boat if we start in January. Therefore, it is imperative for our success in this project that the legislation to enlarge the financing guarantee be passed in this session of Congress. (Sept. 1967)

ROBERT J. CORBETT, M.C., 18TH DISTRICT OF PENNSYLVANIA

Since the Delta Queen must, under Public Law 89–777, be retired November 1, 1968, and since the next session starts in February of 1969, only about 18 months remain to finance and construct a new boat. The company informs me that its marine architects are now on the final drawings after three major revisions, and must start construction by the first of the year. It must have approved financing before it starts construction so that if the law is not amended in this session of Congress it will not be able to meet its deadline and provide service in the 1969 season. H.R. 13053, then, does not seek to waive any safety regulations in an attempt to "save" the Delta Queen; it is aimed at facilitating the financing of a replacement and encourage others to enter the business of river steam boating. A similar measure (S. 2211) has been introduced into the Senate by Senators Randolph and Young.

Clearly the exemption of an excursion boat from safety regulations is not germane to the private bill for the relief of Elmer M. Grade to reimburse him for $900 in moving expenses. Since the *Delta Queen* bill was rejected by the appropriate committees of Congress, the Senate then grafted this bill onto the private bill for Elmer M. Grade, and returned it to the House Judiciary Committee. That committee, of which I am a member, has held no hearings on this bill. I am advised that the State Department, the Department of Transportation, and the Coast Guard are adverse to its passage.

Many efforts are being made to preserve the "historic vessel," the *Delta Queen* and the sort of Mark Twain river heritage it represents. The fact is that Mark Twain had been dead 18 years before this boat was built in Sacramento, Calif., for service on the west coast. In fact, I was built 6 years before this boat, yet hopefully I am not yet an historic relic. The *Delta Queen* never saw the Mississippi River until 1948, 3 years after the end of World War II and 38 years after the death of Mark Twain.

Nothing in existing legislation would prevent this historic shrine from continuing to sail the rivers if it did not make overnight cruises or if on those overnight voyages, it simply carried under 50 passengers.

I understand that the present estimated cost of replacement of the boat is in the neighborhood of $10 million and that a subsidy on the order of $5 million will be sought for this private boat company in separate legislation.

It will be interesting to see how many Members who would not vote $20,000 to

preserve a family farm will vote $5 million for one private boat company so that those with enough wealth and time to take 2 weeks going from Cincinnati to St. Louis can play bingo.

It will be interesting to see how many of those who voted against President Nixon's welfare reform package, including $1,600 a year to needy families of four, will vote for a subsidy of $5 million to a privately owned excursion company.

It will no doubt command nationwide admiration to see that the Judiciary Committee, which required 18 months to act on an anticrime bill and which over a period of months has been unable to reach any decision regarding Mr. Justice Douglas, can nevertheless in something like 30 days take a House bill that has been amended by the Senate to include the merchant marine, bring it back to the Judiciary Committee, and get it enacted.

Mr. Speaker, I thank the gentleman for yielding.

I commend the gentleman from Illinois for his efforts to work out any reasonable compromise which will be in the public interest that would protect history and the public.

Mr. RAILSBACK. Mr. Speaker, if the gentleman would yield, I compliment the gentleman for his efforts to try to resolve this matter.

Mr. HUNGATE. I only regret that we cannot be more successful.

Again I thank the gentleman.

Mr. RAILSBACK. Mr. Speaker, I yield the gentleman from Pennsylvania (Mr. CLARK) 4 minutes for the purposes of debate only.

Mr. CLARK. Mr. Speaker, I am most pleased to have this opportunity to tell the Members directly what the facts are on the issue of the continued operation of the *Delta Queen*. The question has been debated long enough in the press.

You have undoubtedly received much correspondence on the *Delta Queen*. Therefore, I will not repeat all the facts and reasons why we should let the law stand as it is, which is to prohibit the continued operation of the *Delta Queen* as in the past because it does not meet safety requirements. I do think, however, the Members should know the most important facts and reasons why this law should not be changed.

As Chairman GARMATZ said in his letter to all Members on December 1, 1970, the issue should be decided on facts and not on sentiment. In brief, he stated that the boat was a fire trap because it is made largely of wood, and wood burns, and more than 1,500 passengers have died as a result of the burning of wooden ships. He also attached a letter, dated September 2, 1970, from the Coast Guard to the chairman of the committee on Merchant Marine and Fisheries, which has jurisdiction of this matter. In this letter, the Coast Guard categorically opposes either an extension, or an exemption, of the law for the *Delta Queen*.

In a subsequent letter to the Members of the House, supporters of the *Delta Queen* purported to rebut the facts which Chairman GARMATZ advanced why the *Delta Queen* should not continue to operate as an overnight passenger riverboat as she had in the past.

It would serve little purpose at this time to comment on each of the items in that subsequent letter because most of them are irrelevant. But, I would like to give my views on the principal points at issue.

First, may I say that the issue on the continued operation of the *Delta Queen* has finally been joined. Both sides now agree that the issue is safety. The issue is not nostalgia, history, tradition or sentiment. The issue is safety. The Congress must decide on the basis of the facts whether it should gamble with the lives of hundreds of passengers on this wooden riverboat.

Let us look at the facts whether the boat is safe, or can be made safe.

What do you think the owners of the *Delta Queen* say about the present condition of the boat? In a letter to Chairman GARMATZ on October 4, 1970, the owners state:

> As operators of the *Delta Queen*, we are only too well aware of the operational and safety limitations of our 44-year-old paddlewheeler.

Not even the owners, therefore, think the boat is safe.

The friends of the *Delta Queen* in their recent letter to the members say that "today the *Delta Queen* can meet Coast Guard requirements." This is not so.

In a letter to Chairman GARMATZ on December 1, 1970, Adm. Chester R. Bender, commandant of the Coast Guard, said that when the *Delta Queen* was last drydocked in December 1969, the Coast Guard issued a deferred requirement to replace 35 hull plates, until November 2, 1970, when the ship could no longer operate under existing law. The commandant estimated that the cost of renewing these hull plates would be about $175,000.

It should be understood that this cost is for repair of one known defect. This cost has nothing to do with the cost for proposed improvement of fire prevention standards. Therefore, the owners would have to spend at least $175,000 before they could begin to make any of the improvements to attempt to improve—not meet—fire standards. Since the owners have been talking about spending $500,000 to upgrade the riverboat, it is clear that almost 40 percent, or more, would have to go for work totally unrelated to fire standards.

The friends of the *Delta Queen* have also stated that the owners would make extensive improvements including NASA-tested materials and techniques.

Listen to what Secretary Volpe, whose Department has jurisdiction of the Coast Guard, had to say about NASA's new fireproofing product, Fluerel, on which the owners of the *Delta Queen* rely. The Secretary said quote:

> The product failed the standard incombustibility test on several counts.

He then enumerated the counts on which the NASA fireproofing product as it would be applied to the *Delta Queen* failed to meet the incombustibility test. On the same point, listen to what the Coast Guard said in a letter to our committee, dated September 23, 1970, on the owner's proposed fire prevention improvements:

> In summation, collective implementation of the owner's proposals would have a beneficial effect on the *Delta Queen's* safety *but this would still fall* far short *of established standards*. (Emphasis supplied.)

Next, the friends of the *Delta Queen* attempt to explain away previous disasters by burning of wooden ships. They say that on U.S.-flag vessels during the last 7 years there have only been a total of four passenger fatalities.

I would make two important comments on this observation. First, we have had so few fatalities in recent years because the United States, largely through the efforts of the House Merchant Marine and Fisheries Committee, has insisted that safety standards, particularly with respect to fire standards, be so improved as to reduce to an absolute minimum the risk of loss of life due to fire aboard a U.S. passenger vessel.

Second, the friends of the *Delta Queen* have failed completely to erase the horrible results of the previous accidents I cited to you. We have lost more than 1,500 passengers as a result of burning of wood ships. The *Delta Queen* is a wooden boat. Wood burns.

One more point bears emphasis. I inspected the *Delta Queen* in September, 3 days before we went to conference on this point. I then told our House-Senate conference committee on the maritime bill that most of the passengers on this riverboat were elderly and many were on crutches and in wheelchairs, or apparently infirm making it unlikely, therefore, they could be evacuated safely after fire. And, I concluded after inspection of the *Delta Queen*: "It is a fire trap."

On the basis of these facts on safety, it seems to me the Congress should not gamble with the lives of prospective passengers. I hope you agree with me and will vote to support existing law, expert advice, and previous action by the Congress—all of which are against continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, in deference to the gracious action of the Speaker in recognizing the gentleman from Illinois on the matter of the *Delta Queen*, we have agreed to confine our speaking on the subject to a minimum, so I hope this will close this debate.

As ranking member on the majority side of the Committee on Merchant Marine and Fisheries, I was interested, and instrumental, in helping to pass the safety-at-sea law, the law which has stopped the *Delta Queen* from continuing to operate on our inland waters. Never during the consideration of this act did we discuss bringing the riverboat under this act.

I was not a member of the conference committee when the riverboat was included along with all the ships at sea, and the House was not informed of this when the report was brought back for approval. It came as a shock, therefore, when the operators of the *Delta Queen* came to the House to seek relief from the law that applied to ships at sea.

The *Delta Queen* was given a 2-year extension to operate. The extension was until November 2 of this year. During

this time the operators did attempt to build a new boat. Plans were drawn and shipyards were contacted. The company thought that a replacement could be built for around $4 million, but the best estimate they received from the shipyards when they were shown the plans was a replacement cost of something like $10 million or more. It simply was not economically sound to replace it and operate a riverboat costing $10 million.

Now the recommendation has been made, and included in the conference report that passed the House sometime ago, which would replace all of our ships, and to build a private riverboat with a Government subsidy. Well, I do not believe that the Congress will subsidize a private group to build and operate a private riverboat, because through all of these years we have been told that subsidies were given to ships solely because of defense purposes and defense needs. Therefore, I do not believe such a bill, as is now pending in the Committee on Merchant Marine and Fisheries, has a ghost of a chance.

I just want to mention several things here about the *Delta Queen* and its safety. We know that it contains wood, but the hull is triple galvanized wrought steel. Her superstructure and her paddlewheel are made of various hardwoods with reinforcing steel.

She is steampowered with a 2,000-horsepower engine and water tube boilers, fueled by Bunker C oil. Every compartment—and I am repeating this—every compartment and public room is equipped with automatic sprinklers under constant pressure, with automatic alarms and many other safety devices.

Mr. Speaker, the Coast Guard has passed this boat for inspection for everything except the fact that under the safety-at-sea law she has a wooden superstructure.

I say that this company has done everything possible to make this riverboat as safe as is humanly possible. I have asked this question—and I have not gotten an answer that is substantial—If the *Delta Queen*, carrying less than 190 passengers, is forbidden to run on our rivers because the passengers stay aboard overnight, then why are we allowed to run excursion boats that have wooden superstructures that carry 1,000 to 2,000 people and why do they not come under this law?

I think the *Delta Queen* should be exempted from the safety-at-sea law. The provision that is made in this private bill does not call for exemption, but merely for an extension of time.

I ask that it be sent to conference.

Mr. GARMATZ. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am glad to yield to the chairman.

Mr. GARMATZ. There is something in the Senate report. It says that the testimony before the committee indicates there are only two such vessels operating on the inland waters of the United States. There is the *Delta Queen* which is operating on the Ohio River and the SS *South America* operating on the Great Lakes. On the effective date of this act, which was November 1, 1968, it is expected that the Coast Guard will reinforce its existing regulations for these vessels and require whatever traditional safety standards may be considered necessary for the operation of these vessels in the interim period.

So it does mention the *Delta Queen* and the SS *South America*.

Mrs. SULLIVAN. If I may say so to the gentleman, that was in the report, but there was no discussion of that on the floor at the time. I would think it referred to traditional safety standards which the *Delta Queen* had complied with.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Speaker, I support the motion of my friend and colleague, the gentleman from Illinois.

I want to commend the gentleman from Ohio (Mr. MCCULLOCH) for the fine points put up on this issue.

My initial interest in this vessel comes from the fact that its home city is the port of Cincinnati. In the past few weeks, as the plight of the *Delta Queen* has been brought to the attention of the Nation, I have found support for this boat is not limited to our area or indeed even to the Nation. Rather it is, indeed, nationwide and even international. My office has received letters, telegrams, and phone calls from concerned citizens in many States, all of them containing one message: Save the *Delta Queen*. I ask you to do just that—save the *Delta Queen*.

Recently we all received a letter from the distinguished chairman of the Merchant Marine and Fisheries Committee, imploring us to separate facts from sentiment on this issue. Unfortunately, he did not present us with all of the facts, but only those which supported his case against operating the *Queen*. Before discussing additional pertinent facts, I would like to say a few words about the sentiments involved.

I do not deny that all of us who favor the exemption for the vessel are somewhat moved by the sentimental fact that she is the last overnight paddlewheel steampacket traveling on our inland water today. We would not play down the broad public interest in this vessel, or that she is a link with a very colorful part of our Nation's heritage. But there are facts and arguments other than sentimental ones which should be considered.

It has been said that the boat is made largely of wood and therefore in the opinion of the chairman is a firetrap. This simply is not true. The hull of the *Queen* is made of steel not wood. While the superstructure is, in fact, wood, there are many features which were installed strictly for the safety of the vessel. First there is a full coverage, pressure sprinkler system, which would be instantly triggered if there is a fire on board. Secondly, a fire retardant coating has been applied to nearly every surface as an added safety feature Further, it has been found that the most frequent cause of fires in the older riverboats was the malfunctioning of fire tubes in the boiler. The *Delta Queen* has taken the safety precaution of installing water tubes not fire tubes in the boiler, and the boiler-room is equipped to provide for the automatic release of carbon dioxide foam in the event of fire.

When the *Delta Queen* anchors, she is never more than a few hundred yards, or a few minutes from the shore. This clearly distinguishes her from oceangoing vessels, those for whom the Safety at Sea Act was intended. Finally, nearly all staterooms open onto outside corridors so if there was a fire, passengers would have ready access to the corridors, and would not be trapped in their rooms.

We have been assured that the owners of the *Queen* are ready and willing to spend between $250,000 and $400,000 to add even more safety devices to the stern-wheeler. They would put in a new sprinkling system with an addition detection system for fire, smoke, and other products of combustion.

An annunciator would be placed at the bridge which would alert the crew to any emergency in these areas even before the sprinkler system was triggered by combustion.

Finally, the company plans to pay a Coast Guard officer, on a per diem basis, to travel on the boat on a regular schedule to insure the consistent operation of the protective safety devices.

Mr. Speaker, this body has never had the opportunity to fully discuss and to vote on the *Delta Queen* exemption. The Senate has dealt with it separately on two occasions. In both instances an exemption was agreed to. I hardly believe the Senate would have OK'd a firetrap. I am hopeful that the House will have the opportunity to finally consider this question.

In considering the future of the *Delta Queen*, I urge you to consider the existing safety features which have been placed on the vessel. I ask you also to consider the additional precautionary measures which the owners are prepared to take to further enhance the safety of the boat. I would not be here today, nor would my distinguished colleagues of like mind, if we felt that the *Delta Queen* was "a floating fire trap." She is far from that. She is the remnant of a glorious, exciting segment of America's past, but she is also a vessel which is and will be adequately equipped with safety features.

My request of you today is that you consider both the sentiment and all of the facts pertinent to the *Delta Queen*. I then urge you to favor an exemption for this grand lady of our rivers.

I include the following fact sheet:

"DELTA QUEEN" FACT SHEET

LAW AND LICENSE

The *Delta Queen* is submitted for U.S. Coast Guard annual inspections and three periodic reinspections every year. She has passed every inspection and received a license from the U.S. Coast Guard every year.

Today, the *Delta Queen* can meet Coast Guard requirements and receive a license to operate on the Ohio, Mississippi, Tennessee and Cumberland Rivers as a riverboat carrying 49 overnight passengers and more than 1,000 deck passengers, but she does not meet Safety at Sea requirements for carrying more than 50 overnight passengers due

to the presence of non fire-retardant construction of superstructure.

CONSTRUCTION

The *Delta Queen* hull is *triple galvanized wrought steel.* Her superstructure and paddlewheel are made of various hard woods with reinforcing steel. She is steam powered with horizontal cross-compound 2,000 horsepower engines and *water tube boilers* fueled by Bunker C oil. 1,650 gross tons; *285 feet long overall;* 58 foot beam; 7½ foot draft.

Every compartment and public room is equipped with automatic sprinklers under constant pressure with automatic alarms and other safety devices. Fire hydrants, fire alarms, fire extinguishers and emergency tools are strategically located throughout the vessel

SAFETY FEATURES

The Queen has hydraulically assisted steering, VHF and long wave ship-to-shore radio-telephone, radar navigation, remote-controlled carbon-arc searchlights, automatic CO_2 boiler room fire protection, public address system, telephone communications, emergency lights, all-electric galley, auxiliary motor boat and an emergency diesel pump.

Extensive areas of the boat have been treated with fire-retardant intemescent coatings. The electrical system has been converted to alternating current with major changes in protective devices and cabling.

Weekly fire drills include not only the training of each crew member but the testing of all fire-fighting equipment and passenger instruction for emergencies.

Night watchmen punch Detex clock stations throughout the entire vessel every 20 minutes. The emergency squad is always on call.

SAFETY RECORD

The *Delta Queen* has never taken a passenger life in 44 years of operation. Greene Line has operated 28 steamboats without a loss of passenger life for 80 years.

IMPROVEMENT

If permitted to operate during the next three years, the owners will add emergency diesel electric power, emergency pumps for sprinklers, fuel and fire hydrants, automatic fire detection system, emergency communications system and extensively apply fire retardant coatings and materials to greatly reduce the combustibility of the surfaces and extend the time available for safe evacuation of the areas.

In addition, the company will engage a special safety officer to regularly inspect and instruct the crew in the use and maintenance of safety equipment.

PROGRAM

The owners have spent $500,000 in the last three years for restoration. repair and upgrading of the *Delta Queen.* They will spend more than $250,000 again this winter and probably each year thereafter if permitted to continue operation.

INSURANCE

The *Delta Queen* is insured by Steamship Mutual, British Underwriters, Mutual Marine, Lloyds of London and Emmco Through A. W. Shell & Company, Cincinnati, Ohio. $800,000 hull insurance against all risks and over $4,000,000 liability.

The Shell Company says "The *Queen* has always been an insurable risk. Both British and American Underwriters see *Delta Queen* as no different from hundreds of British ships with wood and sprinklers such as the *Queen Elizabeth II."*

ECONOMICS

During the past seven years, the *Delta Queen* has met or exceeded its sales goals and has delivered a reasonable profit before allowances for capital improvements and excessive costs and write-offs incurred as a result of the Safety at Sea legislation.

NATIONAL REGISTER

The steamer *Delta Queen* was officially listed June 22, 1970 by the Department of Interior in the National Register of Historic Places under the provisions of the Historic Preservation Act of 1966. (Federal Register, August 4, 1970).

The Secretary of the Interior is authorized to designate and protect properties worthy of preservation for their historic value.

RIVERBOAT FIRE SAFETY RECORD

There has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under shiparrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1200 passengers got to safety when the boat—the excursion steamer J. S.—pulled into the bank near Winona, Minnesota in 1910.

ARGUMENTS USED AGAINST "DELTA QUEEN" AND THE FACTS

The *Delta Queen* is made largely of wood.

Fact: That is true (see construction).

Wood burns.

Fact: Only if you assume that wood is untreated, unprotected, and that no fire-fighting attempt is made.

The boat is a fire trap.

Fact: Not true. There is no record that any agency or department has made such a statement. The Coast Guard has only stated that the *Delta Queen* fails to meet the law.

It is against the law of the land to operate such a wooden passenger boat.

Fact. It is against the law to operate such a boat with 192 passengers overnight. It is not against the law to operate such a boat with 49 overnight passengers or more than 1,000 deck passengers.

The Department of Commerce opposes continued operation of the boat in the interest of safety.

Fact: The Department of Commerce did state opposition of the *Delta Queen* bill in hearings in 1968. However, since the Chairman has not permitted hearings on the present bill and since the owners of the *Delta Queen* have offered to make extensive improvements including NASA-tested materials and techniques, the present Department of Commerce position is not known.

The Department of State opposed continued operation of the boat in the interest of safety.

Fact: Not true. The Department of State says "We explained that our objection was based on the fact that the implementation of the safety standards established by PL 89–777 with respect to foreign ships involves a potential inconsistency with our obligations under the Convention for Safety of Life at Sea and that amendment of the law to exempt any U.S. flag ship from compliance with those standards would be damaging to our moral position in applying the law to foreign ships. However, we have suggested that, if the Congress wishes to permit the *Delta Queen* to continue in operation, this objective could be accomplished in a manner that would be less prejudicial to our position with foreign countries."

The Coast Guard opposes continued operation of the boat in the interest of safety.

Fact: True. The U.S. Coast Guard says, "In the interest of maritime safety, the Department opposes the enactment of this bill. However, if the Congress does proceed with this legislation, it is noted subsection (c) relates to vessels subject to requirements of the International Convention for the Safety of Life at Sea, 1960, it does not apply to domestic inland vessels; therefore, no change to this subsection is necessary."

Congress should not substitute its judgment for the technical agencies on whom we rely for guidance concerning public safety.

Fact: Even though the *Delta Queen* has an unblemished safety record, NASA scientists, after visiting the boat, made extensive recommendations to apply space age technology to make the *Delta Queen* even safer. They recommended fire retardant paints, electronic detection systems and many other safety concepts which the owners are prepared to implement (see improvements). One section of Safety at Sea law states that U.S. vessels must be built of fire retardant materials, and another section states that foreign vessels meet international standards (SOLAS) which allow wood and other combustibles providing such spaces are outfitted with automatic sprinklers and fire detecting equipment. Therefore, the *Queen* with wood and sprinklers must discontinue because she flies the U.S. flag while foreign vessels continue to call on U.S. ports and carry U.S. passengers with Coast Guard approval.

It was agreed by the House and Senate Merchant Marine Conference Committee not to permit the *Delta Queen* to continue to operate.

Fact: True, but this committee also strongly recommended that the Congress appropriate a subsidy to build a new riverboat and keep this industry alive—no action to date. Therefore, Senate and House members have now offered H.R. 6114 for a three-year extension in order to keep the *Queen,* allow time to grant a subsidy as suggested by the Chairman, and thus keep the riverboat industry alive.

Existing law, expert advice and previous action by the Congress are against continued operation of the *Delta Queen.*

Fact: Existing law—true, however, Congress has seen fit twice to extend the *Queen* beyond the law because she is a riverboat and not an ocean-going vessel. Expert advice—partially true. NASA thinks there are workable, practical solutions to improving fire safety on the present vessel. The Coast Guard and Department of State issued qualified statements and made suggestions for passing previous bills due to the *Queen* being a domestic inland vessel. Previous action—favorable. (A) Congress has passed two laws to continue the *Queen.* (B) The Senate voted 68 to 1 this year to exempt the *Queen* from Safety at Sea permanently, not just for a few years. (C) 92 Democrats and 98 Republicans of the House of Representatives just recently recommended acceptance of the Senate amendment to H.R. 15424 to permanently exempt the *Queen* from Safety at Sea.

Ship Disasters Compared to the *Delta Queen* problem.

Fact: On U.S. flag vessels (including *Delta Queen*) during the last seven years there have only been a total of four passenger fatalities and these include accidental deaths and suicides. None of them were on the rivers.

Yarmouth Castle, November 13, 1965: When the Coast Guard authorized remodeling the *Yarmouth Castle,* they dictated that sprinklers should be installed in passenger areas only.

The fire that destroyed the *Yarmouth Castle* started in storeroom 610, in the crew areas where no sprinklers were installed. Before manual fire fighting equipment could be engaged, the fire was out of control and the vessel doomed. British experts say that "partial protection, such as this, sooner or later leads to disaster."

Morro Castle, September 18, 1934, 124 passenger lives lost: A unique series of incidents led to the *Morro Castle* fire. The Master of the vessel died of a heart attack shortly before the fire after a passenger was injured when tripping over fire fighting equipment. The acting Master capped hydrants and removed spanners and fire hoses so that nobody else would be injured. When fire broke out, equipment was unavailable and crew members incapable of containing fire. The acting Master failed to send an SOS and even reversed the direction of the vessel so that

the fire was blown into previous unendangered areas.

Noronic, September 17, 1949, 118 passenger lives: The *Noronic* fire occurred in early morning hours while the boat was tied up. The Board of Inquiry later cited the Master for blatant negligence in not having officers and crew on duty when passengers were aboard even though the ship was tied up to the dock. Such negligence of command is unique to the *Noronic* disaster and to compare it to the *Delta Queen* unfairly impunes the officers and crew of the *Delta Queen*.

General Slocum, June 15, 1904 1,030 passenger lives lost: Although the *General Slocum* was operating on New York's East River as an excursion vessel, it was designed and built as a deep-draft vessel capable of operating on the high seas. When fire broke out and panic ensued, the vessel was beached in relatively shallow water but it was a 40 foot drop even from the stern to the river. The life preservers had not been inspected and were so rotten they fell apart. Fire hoses were rotten and burst when water pressure was applied and there was substantial indication of negligence in command. Similar disaster could not happen aboard the *Delta Queen* because it is a true river boat of only 7½-foot draft and if beached it would be in very shallow water and even the stern would be within 50 feet of shore. Life preservers and fire hoses are inspected regularly by the U.S. Coast Guard and all fire fighting equipment aboard the *Delta Queen* is exercised and tested at least once a week.

Stonewall, October 27, 1869, 209 passenger lives lost: If you really want to reach back into history, go to October 27, 1869 when the Mississippi riverboat *Stonewall* caught fire. It was a match thrown into a bale of hay. The Pilot panicked and drove the boat up on a sandbar instead of heading for the other shore, where he could have easily made land.

Island Queen, 1947, 19 Crew members lost: A riverboat tied up for repairs or winter layup is more vulnerable to accident and fire than one which is operating simply because a fire can get started and out of control due to lack of organized fire-fighting personnel. In the case of the *Island Queen*, a welder mistakenly welded on a fuel tank that had not been gas free and a violent explosion resulted. There were no passengers aboard and such repair work is no longer permitted in shipyards and uninspected vessels.

REBUTTAL OF CHAIRMAN GARMATZ' LETTER, DATED DECEMBER 1, 1970

Mr. Garmatz states in his letter of December 1, that those who support a three-year extension of operation of the *Delta Queen* do so because it is a link with the past.

This is true—there is some sentiment involved—but the safety factor is not overlooked. Fact is that although it does not meet the safety standard approval of the Coast Guard the *Delta Queen* is equipped with safety equipment in excess of what is required by present law. Moreover, the owners of the *Delta Queen* promised to add even more safety equipment should Congress grant the extension. Safety and Sentiment are not inconsistent.

With regard to the ships mentioned in Mr. Garmatz's letter the following facts were omitted.

1. The S.S. *Yarmouth Castle*—the fire broke out in a crew area. The Coast Guard which has the responsibility for maritime safety indicated earlier that that particular area—the crew area—did not have to be covered wtih a sprinkler system.

2. The S.S. *Morro Castle*—Contrary to the *Delta Queen* this vessel is an ocean-going, deep draft vessel. Fire broke out while the vessel was in the middle of the ocean. There was no way to reach the ship in time to assist her or her crew. This is an example of complete isolation on the ocean which can not be even closely related to the *Delta Queen*.

3. The *General Slocum*—This was an excursion boat of ocean-vessel type construction. The fact that the boat was beached is correct but the letter fails to mention that the fire broke out on the bow of the ship. Since *General Slocum* was of deep draft ocean-going construction, it made its bow over 40 ft. high—which accounts for most of the deaths for the people jumped 40 ft. off the beached bow to escape the fires. The *Delta Queen's* bow is only a few feet high.

The *Delta Queen* and the *General Slocum*—under the law would still qualify to be operated as an excursion type vessel.

Facts to be added to:

1. *Yarmouth Castle*—U.S. Coast Guard ruled that only passenger area needed to be protected with sprinkler system—it did not provide one for the crew quarters.

2. The *Morro Castle*—the disaster occurred on high seas after Captain died of heart attack. The firefighting equipment had been removed—no fire drills had been exercised and the Court condemned officers for not sending S.O.S. until fire had completely engulfed the ship.

3. *General Slocum*—carried deck passengers who could not get life preservers because they were all rotten—hoses burst and no fire drills were carried out.

4. The Canadian passenger vessel *Narconi*—The fire occurred at 2:30 a.m. The Captain and the owners were condemned on seven charges of negligence. Only 15 crew members were on board ship while passengers were aboard. There was no plan to arouse passengers—its crew was not trained in fire-fighting technique and emergencies and no fire detection or control was on duty.

Facts were taken from the following sources:

The Waterways Journal in St. Louis, Missouri.

Frederick Way of Sewickly, Pa.

Steamboat Bill Peterson—Iowa.

Ship Disasters—a book listing all disasters of ships.

The riverboat *Stonewall* is the only ship mentioned in Mr. Garmatz's letter that can be fairly compared with the *Delta Queen*. The fire broke out on October 27, 1869, over a hundred years ago. Cause of the fire was attributed to a lighted match which was carelessly thrown into the steamboat's cargo—which was hay.

After that incident—protective fire laws were passed to require all hay cargo to be covered with tarpaulins. Since the passage of such laws, no fire resulted from this type of situation.

To compare the riverboat *Stonewall* with the riverboat *Delta Queen* is unfair. The *Delta Queen* does not carry cargo of any type. It is strictly a passenger boat—"passengers are the safest type of cargo"—since one would easily spot something before it got out of hand.

In the last one hundred years there has been no steamboat fire on the river involving passengers or loss of lives.

Since the steamboat *Stonewall* there have been over 13,000 riverboats plying the rivers. Of those, the *Delta Queen* is the only such riverboat to have an automatic sprinkler system and many other fire preventive equipment.

Fact: The *Eagle*, a Coast Guard sailing vessel which was confiscated from the Germans in World War II and built in 1938, is based in New London, Connecticut. The *Eagle* sleeps over 200 below deck in *cloth* hammocks. A situation which does not meet the standards of the Safety-At-Sea law. In spite of this, the Coast Guard still operates the ship frequently on training missions. It carries cloth sails, has a wooden deck and wood paneling. Its crew has no choice of refusing to sail on the *Eagle* since it is under military order.

Fact: Not a single passenger life has been lost in 68 years on the Mississippi and Ohio river system due to riverboat fire accidents.

The only riverboat fire in 100 years occurred in 1902 near Cairo, Illinois. The *City of Pittsburgh* burned due to a passenger throwing a match on a bail of hay. However, several hundred passengers were evacuated to the shore.

Mr. RAILSBACK. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I want to take this opportunity to express my strong support for permitting the historic *Delta Queen* to continue her operations.

The distinguished gentleman from Ohio (Mr. MCCULLOCH) is to be commended for his leadership role in the fight to save the *Delta Queen* and I wish to express my regret that, due to illness, he is unable to be on the floor today. I trust he will be able to rejoin us at an early date.

In his absence, the gentleman from Illinois (Mr. RAILSBACK) has offered the motion to save the *Delta Queen* and it should have unanimous support in this Chamber this afternoon. The *Delta Queen* has been operating for 43 years without a single passenger fatality or significant accident or fire. This record merits a relatively short exemption from the provisions of the 1966 maritime safety law.

It is vital that America deal wisely with her heritage from the past. The Mississippi riverboat played an important role in the development of our Nation and we must not permit the inflexible application of law to destroy the last remaining example of a great tradition.

The safety law now being used to force the *Delta Queen* to lie at anchor was never meant to apply to the riverboat. Our approval of the McCulloch proposal will permit the last paddlewheel passenger boat from being mistakenly legislated out of existence.

I also wish to take this time to express my appreciation to the gentlewoman from Missouri (Mrs. SULLIVAN) who also has helped lead the fight to save the *Delta Queen*. I am confident the motion to send this issue to conference will prevail.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join other Members of the House who are today speaking on behalf of the amendment to H.R. 6114, which would extend for 3 years the operating authority of the *Delta Queen*. I share the sentiment of many of you with respect to the great role played by the inland rivers in our history and the important part acted out by the steamboats. The *Delta Queen* is a vital and significant living link with our past and, as such, I have supported efforts to preserve this important part of our country's heritage. The legislation before us today, as you know, is a compromise with an earlier Senate amendment which would have granted an in-

definite exemption from Public Law 89–777 for the *Delta Queen*. The extension of 3 years presently at issue would enable the owners of the *Delta Queen* to offer overnight passenger service, under Coast Guard supervision, while making arrangements to construct a replacement to comply with fire safety requirements of Public Law 89–777. Mr. Speaker, I hope a conference on H.R. 6114 can be arranged and that the conferees can agree to retain this amendment.

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

Mr. STUBBLEFIELD. I yield to the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. I want to say this to the gentleman from Ohio. I sent him a letter and in that letter I stated that not one agency of the U.S. Government was in support of extending time on the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, everyone around here is saying what the Coast Guard thinks. I have been having a little experience lately with the Coast Guard and I want to tell you how they think. We had a little matter under consideration yesterday about releasing the pictures of Simas Kudirka, the would-be defector, and his wife. I consulted with the man from the Coast Guard—and, incidentally, may I say we are going to release these pictures tomorrow—I said, "Do you have any objection to our releasing the picture?" He said, "Yes, we have objection." I said, "What is your objection?" He said it would be an invasion of Mr. Kudirka's privacy. I said, "The fact that he had the stuffings kicked out of him on a Coast Guard vessel, would that have anything to do with invading his privacy?" You know, they have not answered that yet.

The facts are, Mr. Speaker, that this bureaucratic outfit—and you try to talk to them sometime and you will know what I am talking about—say that this boat is going to have to be retired or replaced with a boat made of steel. Well, we had a nursing home in Ohio that was fireproof. It did not burn. However, someone threw a cigarette down on some fireproof carpeting and it did not burn. It just smoldered and made a lot of poisonous gas which killed 26 people. People can get killed in many ways. But I say I had rather ride on a boat that has an automatic sprinkler system that has some wood on it than I would on a steel boat that did not have an automatic sprinkler system and take my chances.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, following the disastrous Apollo 204 fire on January 27, 1967, which took the lives of those outstanding astronauts Virgil I. Grissom, Edward H. White, and Roger B. Chaffee, I was privileged to serve on the Subcommittee on NASA Oversight, chaired by the gentleman from Texas (Mr. TEAGUE) which made an extensive investigation on the causes of that accident and steps which could be taken to prevent similar accidents caused by fire. The subcommittee went into great detail concerning the flammability of materials within the spacecraft. As a result of this, space suits of the astronauts and their personal equipment and all nonmetallic material attached to the spacecraft have now been replaced or treated with nonflammable materials and substances. Consequently as a result of these developments, the owners of the *Delta Queen* had a contractor go through the *Delta Queen* and develop a proposed fire hazard and protective program for their vessel based on NASA's recommendations. This program was then reviewed by NASA experts, who provided further recommendations for specific materials and the way that they are chemically treated or replaced.

This winter the owners of the *Delta Queen* will spend $400,000, of which a very large portion—about $250,000—is being spent specifically on installing safety equipment and making the furnishings and equipment aboard the *Delta Queen* fire resistant.

The great lessons we have learned in our space program are being applied to protect the safety of passengers on the *Delta Queen*.

Therefore, I urge a favorable vote.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, was the gentleman speaking about the tests of NASA?

Mr. HECHLER of West Virginia. Yes, I was.

Mr. GARMATZ. Here is what Mr. Volpe says about these particular tests:

Listen to what Secretary Volpe, whose department has jurisdiction of the Coast Guard, had to say about NASA's new fireproofing product Fluerel, on which the owners of the *Delta Queen* rely. The Secretary said quote:

"The product failed the standard incombustibility test on several counts."

He then enumerated the counts on which the NASA fireproofing product as it would be applied to the *Delta Queen* failed to meet the incombustibility test. On the same point, listen to what the Coast Guard said in a letter to our Committee, dated September 23, 1970, on the owner's proposed fire prevention improvements, quote:

"In summation, collective implementation of the owner's proposals would have a beneficial effect on the *Delta Queen's* safety *but this would still fall far short of established standards.*" (Emphasis supplied.)

Mr. HECHLER of West Virginia. Mr. Speaker, I would point out to the gentleman from Maryland that I have seen these products demonstrated. I have seen them held up to a blowtorch, and the blowtorch will not even go through the material. I have seen these materials subjected to the highest intensity of fire, fed by molotov cocktails, and the result, after the fire, has shown that these materials are fire resistant.

Now, of course, any nonmetallic substance can be placed in a high-intensity oven over long periods of time, and it will not withstand these temperatures as well as pure metal. But I submit that beta cloth and fluorel are excellent demonstrations of how the knowledge learned in our space program to protect the astronauts may be utilized to protect the passengers' safety on the *Delta Queen*.

I am from Huntington, W. Va., and I would not vote for this bill if I felt personally there might be danger of fire which would threaten the lives of the *Delta Queen* passengers.

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

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, upon returning from overseas duty during World War II, I had the privilege of serving as a river pilot with the military on the Mississippi and Ohio Rivers. This afternoon's discussion of the *Delta Queen* brings back many happy and cherished memories of my days as a riverboat captain.

The *Delta Queen* is the last of a great American tradition. Built in 1926 as a replica of the splendid steamboats which plied the Mississippi and her tributaries continuously in the 19th century, the *Queen* is the last functioning specimen of her type. She is scion and symbol of the rich riverboat heritage of our region. Plying their trade up and down the western waters which were the lifestream of the American frontier, proud paddlewheelers like the *Delta Queen* brought a wealth of commerce and culture to the entire Midwest. These steamboats made the Mississippi, the Missouri, and the Ohio Rivers living highways of history. The *Queen* herself is a vital, pulsating, moving museum of that history. She serves the residents of 17 States and travels more than 4,000 miles between Cincinnati and New Orleans every year.

Despite her far-reaching travels, however, the *Queen* is not a deep-sea vessel. The regulations from which she has been, and should continue to be, exempted are not really applicable to a ship of this type. They were designed by the Coast Guard primarily to protect passengers on oceangoing vessels with limited access to land. The *Delta Queen* operates exclusively as a riverboat. She puts into shore every night and is never more than a half mile from land.

Moreover, the owners of the steamboat have recently expended considerable sums to improve the safety of the *Queen*. During the 1969 layup season, they spent $150,000 to repair hull, boilers, and auxiliary equipment. Obsolete open-fire kitchen equipment has been replaced, and the bulkheads, decks, and overheads have been fireproofed. The owners will spend an additional $250,000 this winter to further upgrade the vessel. In view of these extenuating conditions, it is my belief that the *Queen* can be exempted from the regulations without unduly jeopardizing the safety of her passengers. As a former river pilot, I can assure you of my concern for the safety of the passengers on the riverboat.

It would be a great misfortune to all the people of our region if we were to lose the *Delta Queen*. If I may paraphrase the British national anthem, "May God, and Congress, save the *Queen*!"

I include the following:

STATEMENT BY WILLIAM MUSTER

I'm hooked on the Delta Queen . . . an antique river steamboat with a big red paddlewheel. Until the new Safety-at-Sea law threatened her existence in 1966, the D.Q. was just a fascinating side venture—but now it's an obsession.

From the decks of the Delta Queen, I've discovered a part of our land that few Americans know . . . a beautiful wilderness hidden from the highway and only vaguely seen from the air. I have first-hand proof that we are cleaning up our rivers, rebuilding our urban waterfronts, developing small boat marinas and converting the river system into a giant recreation facility.

I know that some day passenger riverboats will come back, too. Modern, diesel-powered cruisers operating from city to city, just as they do in Europe today . . . just as the old steamboats did during 160 years of American history.

I see the Delta Queen as our last living link between Mark Twain's steamboat era and a vast new river transportation and recreation industry. She can never be duplicated and that is appropriate, for there must be progress. But for a law to destroy this famous boat is to obliterate history by edict. All her grandeur and dignity dies when the steam is shut off and her big paddlewheel is stilled.

In San Francisco, you can ride up the hill in an airconditioned diesel bus or you can cling, somewhat precariously, to a quaint piece of history—the cable car. I see the role of the Delta Queen in much the same way. Build all-steel diesel riverboats for those who want more comfort and more safety. But keep the Delta Queen for those who want to cling to a bit of history.

There's a place in America for both.

DELTA QUEEN FACT SHEET

LAW AND LICENSE

The Delta Queen is submitted for U.S. Coast Guard annual inspections and three periodic reinspections every year. She has passed every inspection and received a license from the U.S. Coast Guard every year.

Today, the Delta Queen can meet Coast Guard requirements and receive a license to operate on the Ohio, Mississippi, Tennessee and Cumberland Rivers as a riverboat carrying 49 overnight passengers and more than 1,000 deck passengers, but she does not meet Safety at Sea requirements for carrying more than 50 overnight passengers due to the presence of non fire-retardant construction of superstructure.

CONSTRUCTION

The Delta Queen hull is triple galvanized wrought steel. Her superstructure and paddlewheel are made of various hardwoods with reinforcing steel. She is steam powered with horizontal cross-compound 2,000 horsepower engines and water tube boilers fueled by Bunker C oil. 1,650 gross tons; 285 feet long overall; 58 foot beam; 7½ foot draft.

Every compartment and public room is equipped with automatic sprinklers under constant pressure with automatic alarms and other safety devices. Fire hydrants, fire alarms, fire extinguishers and emergency tools are strategically located throughout the vessel.

SAFETY

The Queen has hydraulically assisted steering, VHF and long wave ship-to-shore radiotelephone, radar navigation, remote-controlled carbon-arc searchlights, automatic CO_2 boiler room fire protection, public address system, telephone communications, emergency lights, all-electric galley, auxiliary motor boat and an emergency diesel pump.

FEATURES

Extensive areas of the boat have been treated with fire-retardant intumescent coatings. The electrical system has been converted to alternating current with major changes in protective devices and cabling.

Weekly fire drills include not only the training of each crew member but the testing of all fire-fighting equipment and passenger instruction for emergencies.

Night watchmen punch Detex clock stations throughout the entire vessel every 20 minutes. The emergency squad is always on call.

SAFETY RECORD

The Delta Queen has never taken a passenger life in 44 years of operation. Greene Line has operated 28 steamboats without a loss of passenger life for 80 years.

IMPROVEMENT

If permitted to operate during the next three years, the owners will add emergency diesel electric power, emergency pumps for sprinklers, fuel and fire hydrants, automatic fire detection system, emergency communications system and extensively apply fire retardant coatings and materials to greatly reduce the combustibility of the surfaces and extend the time available for safe evacuation of the areas.

In addition, the company will engage a special safety officer to regularly inspect and instruct the crew in the use and maintenance of safety equipment.

PROGRAM

The owners have spent $500,000 in the last three years for restoration, repair and upgrading of the Delta Queen. They will spend more than $250,000 again this winter and probably each year thereafter if permitted to continue operation.

INSURANCE

The Delta Queen is insured by Steamship Mutual, British Underwriters, Mutual Marine, Lloyds of London and Emmco Through A. W. Shell & Company, Cincinnati, Ohio. $800,000 hull insurance against all risks and over $4,000,000 liability.

The Shell Company says "The Queen has always been an insurable risk. Both British and American Underwriters see Delta Queen as no different from hundreds of British ships with wood and sprinklers such as the Queen Elizabeth II.

ECONOMICS

During the past seven years, the Delta Queen has met or exceeded its sales goals and has delivered a reasonable profit before allowances for capital improvements and excessive costs and write-offs incurred as a result of the Safety at Sea legislation.

NATIONAL

The Steamer Delta Queen was officially listed June 22, 1970 by the Department of Interior in the National Register of Historic Places under the provisions of the Historic Preservation Act of 1966. (Federal Register, August 4, 1970).

REGISTER

The Secretary of the Interior is authorized to designate and protect properties worthy of preservation for their historic value.

RIVERBOAT FIRE SAFETY RECORD

There has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1200 passengers got to safety when the boat—the excursion steamer J.S.—pulled into the bank near Winona, Minnesota in 1910.

Mr. RAILSBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, today the House has an opportunity for the first time to vote on the issue of the *Delta Queen*.

There is no need to go into great detail about the issue. It has received wide public attention. Suffice it to say that the House now has an opportunity to vote on whether an authentic part of our heritage will be allowed to continue in operation until a substitute can be constructed.

Had the Members of this House been in any town along the upper Mississippi River this fall they would have been struck by the affection held for the *Delta Queen* by our people. Thousands of people lined the riverbank to get a glimpse of the majestic vessel.

My office has received petitions and letters from about 10,000 people asking that the *Delta Queen* be allowed to continue to operate. What they cannot understand is why the House has not had an opportunity to vote on this issue.

In a letter I received this morning, the chairman of the Merchant Marine and Fisheries Committee indicates his displeasure at the procedure used to bypass his committee on this issue.

His concern is understandable. Action we are taking today is not done often or without good reason. The simple fact is that many of us feel the entire membership of the House of Representatives has not had an opportunity to vote on the issue before us. We have been denied that opportunity.

Today we can work our will and I strongly urge Members of the House to vote for extension of the authority needed to permit the continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Speaker, I congratulate the gentleman for his role in bringing this matter before the House today, and also would like to express my appreciation to the gentleman from Ohio (Mr. MCCULLOCH), for his long and persistent support of this motion, and on this important subject that we are considering, and above all to extend my respect and admiration to the gentlewoman from Missouri (Mrs. SULLIVAN) for her long and dedicated work on behalf of this cause.

I rise in support of the motion made by the gentleman from Ohio to send H.R. 6114 to conference. As Representative from Iowa's Second Congressional District, which borders on many miles of the Mississippi River, I am particularly concerned that the *Delta Queen* continue to provide enjoyment as part of our rich heritage in this region of America.

In my judgment, the *Delta Queen* should never initially have been covered by the Safety At Sea Act. Safety requirements are needed for ocean-going vessels that are not essential for boats that are navigated on inland waters. The dangers that the two face are vastly different, the speeds they travel are not the same, and the distance they operate from shore is not the same.

It is important that the *Delta Queen* be allowed to continue to pass through the water ways of our country. For its historical value as the last remaining overnight paddlewheel passenger steamboat in the United States is indeed significant. It is representative of a form of travel that played a significant role in the development of our country as well as being representative in a more general way of an important era in U.S. history.

The enjoyment that the *Delta Queen* provides for the people who ride on it supplies another imperative for saving it. I have been aboard the *Delta Queen* in past years and had the pleasure of participating in a boat race in October between the *Delta Queen* and the *Julie N. Dubuque*, a passenger steamer operating out of Dubuque, Iowa. I rode on the *Julie N.* In its unsuccessful attempt to best the *Delta Queen* in a short race on the Mississippi. It was a most memorable experience none of us could possibly forget.

The *Delta Queen* is a safe boat. Many experts on the safety of ships and shipping maintain that an adequate sprinkling system is perferable to a steel superstructure on the high seas on the theory that even with a steel superstructure some parts of the ship, for example the paint, can burn and it is safer to be able to put the fire out quickly. If the sprinkling ship concept is sufficient for many boats on the high seas, it seems to me that it should be sufficient for the *Delta Queen* on inland waters.

The *Delta Queen* has many safety features in addition to its sprinkling system—the use of two and three coats of Albi 107 a fire retardant paint to achieve a rating of noncombustible wood, a semiautomatic carbon dioxide tank system in the boiler room, numerous foam, and carbon dioxide hand fire extinguishers, fire hydrants, and hoses throughout the vessel.

The examples of wood ships that have burned are distinguishable from the case of the *Delta Queen*. In no case was there a complete sprinkling system. In some of the cases, either the crew was not adequately prepared for an emergency or the emergency equipment was in bad repair. This is not the case with the *Delta Queen*—The Coast Guard thoroughly checks the equipment four times a year and fire drills are held regularly.

The Greene Line has an unblemished 80-year safety record—The *Delta Queen* has been operated for 44 passenger years with no loss of life. The Coast Guard has year after year granted the *Queen* a license to operate and would in all likelihood now as it has in the past grant her a certificate to carry 49 overnight passengers or 1,000 day passengers. The *Delta Queen* this year alone has had one general inspection and three quarterly inspections of safety equipment by the Coast Guard, passing all four.

The certificate issued by the Coast Guard to the *Delta Queen* reads, in part:

> The *Delta Queen* is . . . in conformity with the appropriate vessel inspection laws and the rules and regulations proscribed thereunder. Moreover, if this three year exemption is granted the *Delta Queen* owners have indicated that they plan to provide for extra safety precautions in excess of Coast Guard requirements.

I realize that the *Delta Queen* exemption is proper subject matter for the Merchant Marine and Fisheries Committee. The permanent resolution of the *Delta Queen's* fate—whether she will receive the subsidy discussed in the conference committee report—will go through that committee. This motion we are considering today is the last chance we will have to save the *Delta Queen* in the interim. And as a practical matter, not to save her in the interim may be to lose her forever since the *Delta Queen's* river travel business, like other businesses, cannot be turned on and off at will. Also, I would point out that 190 Members of the House have signed a "dear colleague" letter supporting a total exemption for the *Delta Queen*.

We simply cannot ignore what the Mississippi and the *Delta Queen* have to offer to our own States and to the American people—so that everyone might have the experience which inspired Mark Twain to write:

> The face of the water, in time, becomes a wonderful book—a book that was a dead language to the uneducated passenger, but which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them with a voice. And it was not a book to be read once and thrown aside, for it had a new story to tell every day.
>
> Throughout the long twelve hundred miles, there was never a page that was void of interest, never one that you could leave unread without loss, never one that you would want to skip, thinking you could find higher enjoyment in some other thing. There never was so wonderful a book written by man.

I urge the support of this motion. The Mississippi River was the center of life for generations of Americans, and those us who live on or near the river continue to find it a source of beauty and inspiration. The *Delta Queen* is a part of this heritage which must not be lost.

Mr. DENNIS. Mr. Speaker, we deal here with an attractive bit of the American part, which we hope to extend and to continue, for 3 years, at least, into the American future.

Many of us will recall Huckleberry Finn and Jim climbing aboard the *Gloria Scott*. Abraham Lincoln had a favorite story about the steamboat on the Saugamon—every time the engineer used his steam to blow the whistle it stopped the boat. Lincoln himself, later on, was employed as counsel for the Rock Island Bridge Co., which was sued by the packet ship *Effie Afton*, which ran into one of the abutments of the Rock Island Railroad Bridge. This was important litigation in its day—pitting the steamboat interest against the railroads—and it established the right of the railroads to bridge the Mississippi River, and thus led, ultimately, to the demise of the river steamers, of which the *Delta Queen* is virtually a lone survivor.

The *Delta Queen* has operated and with great pleasure to its passengers, in safety for 43 years. It is always possible, of course, that she, like any other mode of transportation, may meet disaster. Life cannot be made safe or sure by legislative or bureaucratic process. On the airlines and on the highways we have all too frequent disasters, in which large numbers of lives are lost. No one seeks to discontinue the airline or the automobile. It would appear probable that the *Delta Queen* is a good risk by comparison. Despite the bureaucrats and the modern lack of interest in history or in romance, it appears, as nearly as human ability can foretell, to be a reasonable risk we take in preserving for 3 more years a grand old river steamer which has already operated with safety and success for 43 years.

Mr. MAYNE. Mr. Speaker, I rise in support of the motion proposed by the distinguished Congressman from Illinois (Mr. RAILSBACK). I certainly have no quarrel with the U.S. Coast Guard in its pressing for termination of the *Delta Queen's* passenger runs. The Coast Guard is carrying out its mandate under the laws and regulations, as set by those higher in command in the Congress, the White House, and the Treasury Department. If any criticism can be laid at the feet of the Coast Guard, perhaps it is that the Coast Guard goes by the book a bit too much, and is so hidebound by laws and regulations that it sometimes goes far beyond what Congress or the President intended, and unwisely inhibits the right of a commander on the scene to exercise initiative, commonsense, and good judgment. The present harassment of the *Delta Queen* is a very pertinent example of the petty tyranny which can result from too slavishly going by the book.

Surely it is a constitutional function of the Congress to provide for the general welfare and an increasing proportion of our legislative work is dedicated to that goal. But our Founding Fathers made it clear that they wished no overly paternalistic state. In general welfare, we must not forget that the preamble of our Constitution also states a mandate of even greater importance to secure the blessings of liberty. Overzealousness in protecting the individual from all possible sources is very apt to deprive him of the blessings of liberty. There must be a commonsense compromise in seeking both goals of liberty and welfare.

The motion before the House is such a compromise. It enables the continuation of operation of the steamboat *Delta Queen* for the 3-year period which it will probably take to enact a subsidy, construct and get into operation the substitute vessel proposed by the distinguished chairman of the House Merchant Marine and Fisheries Committee (Mr. GARMATZ). The owners, of course, would be required to take such safety precautions on behalf of the *Delta Queen's* passengers as the Coast Guard finds necessary, short of discontinuance of operation. If passengers come aboard, seeking to regain some of the thrill of riding this historic riverboat, and to sense some of the flavor of a colorful era in our Nation's history, then they are on notice that there is some possible hazard as opposed to passage on some boat still in drawing stages and not yet in operation.

This is a fair and reasonable compromise motion, and it deserves the sup-

port of every Member. Our paternalistic Government has too often moved to correct some exaggerated potential threat to health or safety, and in the bureaucratic rush to comply has destroyed more than has been accomplished. Some of our country's most historic landmarks have been razed in the name of progress. We are fortunate indeed that this trend has been resisted in the case of such edifices as Mount Vernon, Independence Hall, Lee Mansion, Monticello, and Woodlawn which wisely have been preserved, notwithstanding the undoubted fact that they present considerable fire hazards to visitors. Nor should the Washington Monument be toppled merely because it is some hazard to air navigation. Yet if the "welfare" of the individual were the only concern, these shrines too would be obliterated. Instead, reasonable precautions should continue to be taken, without destroying the esthetic, historic, and traditional values of these hallowed landmarks. Certainly similar reasonable precautions can be taken short of the premature retirement of the *Delta Queen*.

The *Delta Queen* represents something of real value, to be preserved, not destroyed in the name of progress or of welfare. I urge my colleagues to vote for the motion to instruct the conferees to accept the Senate amendment continuing operation of this grand old vessel at least until such time as a substitute ship is in operation.

Mr. GRAY. Mr. Speaker, I rise in support of the pending motion that will have the effect of saving for 3 years the historic riverboat the *Delta Queen*.

Mr. Speaker, I have the honor of representing a congressional district that is bordered on one side by the beautiful Ohio River and the mighty Mississippi on the other. The *Delta Queen* has been running these two rivers for many years and is part of our rich and historic past. The unreasonable regulations imposed on the *Delta Queen* were meant to apply to ocean-going vessels. The *Delta Queen* is equipped with the most modern fire prevention and detection devices. Any mode of travel carries some risk—we only need to look at the more than 50,000 persons killed on the highways of America last year, the hundreds killed in airplane crashes to point out that with our best efforts for safety, there will be some accidents. The *Delta Queen* passengers are going to board this historic boat with full knowledge that it is a wooden superstructure, but carries every fire preventive measure for their protection. It is the people who want to use this boat that have petitioned me and other Members of Congress to save it.

In voting today to save the *Delta Queen*, you are merely carrying out the wishes of the public who are willing to take the risks involved in keeping this historic vessel in use at least until a new replacement can be constructed.

Mr. Speaker, in closing, I would again urge my colleagues to preserve this boat. This 44-year-old vessel has been brought up to maximum safety standards and represents a part of our historic past which should be preserved as long as possible.

Mr. MILLER of Ohio. Mr. Speaker, I support the motion before us to send H.R. 6114 to conference as amended by the Senate to provide for a 3-year extension of the operating authority for the riverboat, *Delta Queen*.

As a cosponsor of one of 20 bills introduced in this Congress to totally exempt the *Queen* from the provisions of the 1966 Safety at Sea Act, I feel this amendment is a workable compromise to continue the operation of this historic vessel until a suitable solution is reached.

Earlier this session the Senate saw fit to provide for a permanent exemption of the *Queen* by amending the House-passed Merchant Marine Act. Despite widespread support of the provision, House conferees deleted it from the bill. However, the Senate has again risen to save the *Queen* by amending a previously passed House measure to bring the *Queen* out of retirement and offer a reasonable time in which a replacement can be built and for the Congress to decide how to assist in preserving this remnant of our great heritage.

This body was earlier denied the opportunity to express its will on this matter. I now urge us to join our colleagues in the Senate to save the *Queen*.

Mr. SYMINGTON. Mr. Speaker, I rise in support of the motion and its objective to extend the river life of the *Delta Queen*.

The technical arguments have been made. I would like to place the matter in another perspective.

A survey of national landmarks and their wanton destruction over the years to pave the way for "progress" reveals our tragic disregard for our own history and the serviceable traces of it, to say nothing of the decorative and nostalgic. In the latter category is the U.S.S. *Constellation* which, 6 years ago, was reduced to a rotting hulk off Baltimore. One day I read of this in the same newspaper which carried the story of a U.S. grant of $12 million to the Government of Egypt for the preservation of the ancient monument Abu Simbel from the waters of the Aswan Dam. I could not understand the logic of this juxtaposition of generosity and neglect. Mindful that my efforts would not rival O. W. Holmes' "Aye, tear her tattered ensign down," I wrote the following lines:

On reading of plans to preserve an Egyptian monument (3000 B.C.) and to abandon an American ship (The Constellation, 1798 A.D.)—

America would pace
The million dollar race
To lift a pharoah's face
As if we need him.
While soberly we've shunned
To use a federal fund
To save a ship that gunned
The way to freedom.

So worldly we've grown
We're propping up a stone
Ordered from the throne
When men were chattel,
While screams the lonely gull
And weeds embrace the hull
That never knew a lull
In freedom's battle.

Unmastered and unmanned
She sinks in sight of land
Without a helping hand
Much less a prayer.
Let's take her out to sea,
And cut the lady free,
To don a wave and be
With men who care.

The keel of the *Constellation*, as you know, was laid before that of the *Constitution*. She was the first ship to fly the American flag and as such to force a foreign ship, *L'Insurgente*, to strike her colors. As Chief of Protocol, I suggested that Federal funds be used to raise her, refit her and cause her to lie in the Potomac in the sight of the Presidents she served. This suggestion was met with robust opposition by members of the Maryland Legislature who then proceeded with their plan of refitting the *Constellation* and bringing her to port at Fort McHenry. I was proud to have played an indirect part in the new attentions paid the ship.

The matter before us today is no less significant and in some sense even more deserving of congressional intervention. Doubts as to authenticity which occasionally plague the custodians of the *Constellation* cannot be raised against the *Delta Queen*. Again, no Federal fund is asked, merely permission to let the ship be. Finally, she is not a ship of war but of peace, of trade, of commerce and culture. Majestically, she represents a part of America we would struggle in any fashion to preserve. It was Lincoln who said that no foreign enemy, "could by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years." But he would join his fellow Illinoisan, TOM RAILSBACK and others, today, I should think, in hoping that the *Delta Queen* and more like her would ply the waters of the Ohio and the Mississippi as a symbol of serenity joining the past with the future. In 6 years time we celebrate the Nation's 200th birthday. My hope would be that the *Delta Queen* could serve as the flagship of a fleet of river boats to carry Americans and tourists from foreign lands along our great waterways, touching at the great river cities with appropriate welcomes and opportunities to see America's heartland in that way. As the cosigners of the Mayflower compact would have agreed, a good journey begins with a ship. Let us not lose the one we have. Congress save the *Queen*.

Mr. SCHWENGEL. Mr. Speaker, today the House has an opportunity for the first time to vote on the issue of the *Delta Queen*.

There is no need to go into great detail about the issue. It has received wide public attention. Suffice it to say that the House now has an opportunity to vote on whether an authentic part of our heritage will be allowed to continue in operation until a substitute can be constructed.

Had the Members of this House been in any town along the upper Mississippi River this fall they would have been struck by the affection held for the *Delta Queen* by our people. Thousands of people lined the riverbank to get a glimpse of the majestic vessel.

My office has received petitions and

letters from about 10,000 people asking that the *Delta Queen* be allowed to continue to operate. What they cannot understand is why the House has not had an opportunity to vote on this issue.

In a letter I received this morning, the chairman of the Merchant Marine and Fisheries Committee indicates his displeasure at the procedure used to bypass his committee on this issue.

His concern is understandable. Action we are taking today is not done often or without good reason. The simple fact is that many of us feel the entire membership of the House of Representatives has not had an opportunity to vote on the issue before us. We have been denied that opportunity.

Today we can work our will and I strongly urge Members of the House to vote for extension of the authority needed to permit the continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

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

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

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

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

The question was taken; and there were—yeas 295, nays 74, answered "present" 1, not voting 63, as follows:

[Roll No. 413]

YEAS—295

Abbitt	Byrne, Pa.	Fish
Abernethy	Byrnes, Wis.	Fisher
Adair	Cabell	Flood
Adams	Caffery	Flynt
Addabbo	Carney	Ford, Gerald R.
Albert	Carter	Foreman
Alexander	Casey	Forsythe
Anderson, Calif.	Cederberg	Fraser
Anderson, Ill.	Celler	Frelinghuysen
Anderson, Tenn.	Chamberlain	Fulton, Pa.
Andrews, N. Dak.	Clancy	Fulton, Tenn.
Annunzio	Clausen, Don H.	Gallagher
Arends	Clawson, Del	Gaydos
Ashbrook	Clay	Gettys
Ashley	Cleveland	Gibbons
Baring	Cohelan	Goldwater
Beall, Md.	Collier	Gonzalez
Bell, Calif.	Collins, Tex.	Gray
Betts	Colmer	Green, Oreg.
Bevill	Conable	Griffin
Biester	Corbett	Griffiths
Bingham	Corman	Gross
Blanton	Cowger	Gubser
Blatnik	Crane	Gude
Boggs	Culver	Hagan
Bow	Davis, Ga.	Haley
Brademas	Davis, Wis.	Hall
Bray	Delaney	Hamilton
Brinkley	Denney	Hammer-schmidt
Brock	Dennis	Hanley
Brooks	Derwinski	Hansen, Idaho
Broomfield	Devine	Harsha
Brown, Calif.	Dickinson	Harvey
Brown, Mich.	Donohue	Hastings
Brown, Ohio	Dorn	Hays
Broyhill, Va.	Duncan	Hechler, W. Va.
Buchanan	Edmondson	Heckler, Mass.
Burke, Mass.	Edwards, Ala.	Hicks
Burleson, Tex.	Erlenborn	Hogan
Burlison, Mo.	Esch	Howard
Burton, Calif.	Eshleman	Hull
	Findley	Hunt
		Hutchinson
Ichord	Nedzi	Smith, Calif.
Jarman	Nelsen	Smith, Iowa
Johnson, Calif.	Nichols	Snyder
Johnson, Pa.	Nix	Springer
Jonas	Obey	Stafford
Jones, Ala.	Passman	Staggers
Jones, Tenn.	Pepper	Stanton
Kastenmeier	Perkins	Steed
Kazen	Pettis	Steele
King	Philbin	Steiger, Ariz.
Kluczynski	Pickle	Steiger, Wis.
Kuykendall	Pike	Stephens
Kyl	Pirnie	Stratton
Kyros	Poage	Stubblefield
Landgrebe	Podell	Stuckey
Landrum	Poff	Sullivan
Latta	Pollock	Symington
Leggett	Preyer, N.C.	Taft
Lloyd	Price, Ill.	Talcott
Long, Md.	Price, Tex.	Teague, Calif.
Lowenstein	Pryor, Ark.	Teague, Tex.
Lujan	Pucinski	Thompson, Ga.
Lukens	Quie	Thomson, Wis.
McClory	Quillen	Tiernan
McCloskey	Railsback	Udall
McClure	Randall	Ullman
McDade	Rees	Van Deerlin
McDonald, Mich.	Reid, Ill.	Vander Jagt
McEwen	Reid, N.Y.	Vanik
McMillan	Reuss	Waggonner
Macdonald, Mass.	Riegle	Waldie
MacGregor	Roberts	Wampler
Madden	Rodino	Ware
Mahon	Roe	Watson
Mann	Rogers, Colo.	Watts
Martin	Rooney, Pa.	Whalen
Mathias	Rosenthal	Whalley
Matsunaga	Roth	White
Mayne	Roudebush	Whitehurst
Meeds	Rousselot	Whitten
Melcher	Ruth	Widnall
Michel	St Germain	Wiggins
Mikva	Sandman	Williams
Miller, Calif.	Satterfield	Winn
Miller, Ohio	Saylor	Wold
Minshall	Schadeberg	Wright
Mizell	Scherle	Wyatt
Mollohan	Scheuer	Wydler
Monagan	Schmitz	Wylie
Montgomery	Schwengel	Wyman
Morgan	Scott	Yates
Morse	Shipley	Yatron
Murphy, Ill.	Shriver	Young
Myers	Sikes	Zablocki
Natcher	Sisk	Zion
	Skubitz	Zwach
	Slack	

NAYS—74

Andrews, Ala.	Foley	Minish
Bennett	Fountain	Mink
Blaggi	Frey	Mosher
Boland	Friedel	Murphy, N.Y.
Brasco	Fuqua	O'Hara
Brotzman	Galifianakis	Olsen
Broyhill, N.C.	Garmatz	O'Neal, Ga.
Camp	Goodling	Patten
Chappell	Green, Pa.	Pelly
Clark	Grover	Rarick
Conte	Halpern	Rhodes
Conyers	Hathaway	Robison
Daniel, Va.	Helstoski	Rogers, Fla.
Daniels, N.J.	Henderson	Rooney, N.Y.
de la Garza	Hosmer	Rostenkowski
Dellenback	Hungate	Roybal
Dent	Jacobs	Ruppe
Diggs	Jones, N.C.	Ryan
Dingell	Keith	Schneebeli
Dulski	Koch	Sebelius
Edwards, Calif.	Lennon	Smith, N.Y.
Eilberg	McFall	Taylor
Evans, Colo.	Mailliard	Thompson, N.J.
Fascell	Marsh	Vigorito
Flowers	Mills	

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—63

Aspinall	Daddario	Hawkins
Ayres	Dowdy	Hébert
Barrett	Downing	Holifield
Belcher	Dwyer	Horton
Berry	Eckhardt	Karth
Blackburn	Edwards, La.	Kee
Bolling	Evins, Tenn.	Kleppe
Burke, Fla.	Fallon	Langen
Burton, Utah	Farbstein	Long, La.
Bush	Feighan	McCulloch
Button	Ford, William D.	McCarthy
Carey	Giaimo	McKneally
Chisholm	Gilbert	May
Collins, Ill.	Hanna	Meskill
Cramer	Hansen, Wash.	Mize
Cunningham	Morton	Moorhead
	Moss	Powell
	O'Konski	Purcell
	O'Neill, Mass.	Rivers
	Ottinger	Stokes
	Patman	Tunney
		Weicker
		Wilson, Bob
		Wilson, Charles H.
		Wolff

So the motion was agreed to.

The Clerk announced the following pairs:

Mr Hébert with Mr. Ayres.
Mr. Rivers with Mr. Bob Wilson.
Mr. Edwards of Louisiana with Mr. Belcher.
Mr. Long of Louisiana with Mr. O'Konski.
Mr. Wolff with Mr. Reifel.
Mr. Aspinall with Mr. Horton.
Mr. Moorhead with Mr. Kleppe.
Mr. Kee with Mr. Burke of Florida.
Mr. Fallon with Mrs. Dwyer.
Mr. Giaimo with Mr. Stokes.
Mr. Moss with Mrs. Chisholm.
Mr. Tunney with Mr. Meskill.
Mr. Dowdy with Mr. Blackburn.
Mr. William D. Ford with Mr. Mize.
Mr. Karth with Mr. Weicker.
Mr. Daddario with Mr. Hawkins.
Mr. Charles H. Wilson with Mr. Berry.
Mr. O'Neill of Massachusetts with Mr. Langen.
Mr. Downing of Virginia with Mr. Button.
Mr. Evins of Tennessee with Mr. McKneally
Mr. Purcell with Mr. Burton of Utah.
Mr. Hanna with Mr. Morton.
Mrs. Hansen of Washington with Mr. McCulloch.
Mr. Carey with Mr. Bush.
Mr. Holifield with Mrs. May.
Mr. Eckhardt with Mr. Colmer.
Mr. Farbstein with Mr. Collins of Illinois.
Mr. Barrett with Mr. Gilbert.
Mr. Patman with Mr. Ottinger.
Mr. Feighan with Mr. McCarthy.

Mr. BURTON of California changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. CELLER, DONOHUE, and MCCULLOCH.

FOR THE RELIEF OF ATKINSON, HASERICK & CO., INC.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc., which is on the Private Calendar, No. 228.

The Clerk read the title of the bill.

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

Mr. KYL. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts if this has been cleared with the committee members on this side of the aisle?

Mr. PHILBIN. Yes; it has been cleared.

Mr. KYL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. PHILBIN)?

There was no objection.

The Clerk read the bill as follows:

H.R. 10534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Atkinson, Haserick and Company, Incorporated, a Massachusetts corporation, the sum of $17,977.14 in full settlement of all its claims against the United States for repayment of excessive customs duties collected by the Bureau of Customs on the following entries of spindles and parts thereof:

Entry No.	Entry date	Port of entry
DCE 791	Aug. 15, 1960	Norfolk, Va.
N 81	Aug. 2, 1960	Do.
144	July 8, 1960	Do.
1033	Aug. 29, 1960	Do.
N 949	May 3, 1960	Do.
5892	May 31, 1960	Do.
N 421	Nov. 25, 1960	Do.
N 1006	May 17, 1960	Do.
2958	Dec. 15, 1960	Do.
DCE 3860	June 6, 1961	Charleston, S.C.
4039	June 23, 1961	Do.
DCE 108-WRE 1180	July 14, 1961	Do.
326	July 20, 1961	Do.
531	Aug. 18, 1961	Do.
DCE 1479	Sept. 12, 1961	Do.
DCE 900	Sept. 21, 1961	Do.
DCE 902	do	Do.
DCE 1091	Oct. 11, 1961	Do.
DCE 1270	Oct. 27, 1961	Do.
DCE 1297	Oct. 30, 1961	Do.
DCE 1669	Nov. 14, 1961	Do.
DCE 2131	Dec. 27, 1961	Do.

The amount stated in this Act is to be paid in settlement of the claims of the said Atkinson, Haserick and Company, Incorporated, based on a redetermination of duties based on the rate that should have been applied to such entries consistent with a decision by the United States Customs Court as to similar entries of spindles and parts thereof in the case of Atkinson, Haserick and Company, Incorporated, versus United States (52 Cust. Ct. 215, C.D. 2463 (1964)). No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. PHILBIN. Mr. Speaker, this bill provides for payment equal to refund on entries of certain spindles in accordance with a ruling of the Customs Court that the spindles should have been entered at a rate of 10 percent ad valorem rather than the 20 percent paid by the company.

In its report to the committee, the Treasury Department indicated that its records of the entries concerned in the bill had been destroyed. Accordingly, at the hearing a witness representing the company indicated that the company had reviewed is own records and secured evidence establishing the amounts that were overpaid.

The committee in its deliberations considered the affidavit in behalf of the company's vice president setting forth the amount of reimbursement sought in connection with each entry. This letter was forwarded by the committee to the Treasury Department which agreed with the amounts found in the Bureau's records, with the exception of one item relating to a payment of $1,511.59 for merchandise other than spindles.

The committee, which had extended hearings, carefully considered all of the information submitted and concluded that the bill provides for an equitable adjustment in view of all the circumstances in the case.

To allow the Customs Bureau to be the beneficiary of funds representing overcharge for customs duty on spindles would be unjust and not in accordance with equitable principles as determined by a court of justice, which passed upon the basic issues of this measure.

The bill was also unanimously reported by the House Judiciary Committee.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

Mr. GROSS. Mr. Speaker, reserving the right to object, can the distinguished gentleman from Mississippi give us any indication of what rules are proposed to be filed by midnight tonight?

Mr. COLMER. I will be glad to do so if the gentleman will yield.

Mr. GROSS. I yield to the gentleman.

Mr. COLMER. Mr. Speaker, this is the usual procedure followed by the Rules Committee of getting until midnight to file reports.

Mr. GROSS. In response; may I say to the gentleman I understand that his request is the usual procedure, but these are unusual times in the House.

Mr. COLMER. Yes, sir; and if my friend will bear with me further—if the gentleman will yield?

Mr. GROSS. Yes; of course I yield to the gentleman.

Mr. COLMER. The purpose of making the request as I did was to expedite the situation in view of the unusual times that we are in.

I will say to the gentleman from Iowa that the following four bills were reported by the Rules Committee to the floor of the House:

First, the United Nations addition;

Second, the so-called firefighter bill;

Third, the education integration bill; and

Fourth, the bill dealing with certain privileges to be granted to the Speaker of the House upon his retirement.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

CONFERENCE REPORT ON S. 3619, FEDERAL PROGRAMS FOR RELIEF FROM EFFECTS OF MAJOR DISASTERS

Mr. BLATNIK, on behalf of Mr. JONES of Alabama, filed the following conference report and statement on the bill (S. 3619), to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1752)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for the relief from the effects of major disasters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Disaster Relief Act of 1970".

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devasted areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

FEDERAL COORDINATING OFFICER

SEC. 201. (a) Immediately upon his designation of a major disaster area, the President shall appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

COOPERATION OF FEDERAL AGENCIES IN RENDERING EMERGENCY ASSISTANCE

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage in accordance with section 224;

(B) making repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a)(4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

(e) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(f) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(g) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

(h) The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frost, tsunami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this subsection, and from time to time, the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster proclamation, such administrative procedural conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than $250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is especially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provision for the appointment of a State coordinating officer to act in co-

operation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the coordinating officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

SEC. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disnot preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

DISASTER WARNINGS

SEC. 210. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PREDISASTER ASSISTANCE

SEC. 221. If the President determines that a major disaster is imminent, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

EMERGENCY COMMUNICATIONS

SEC. 222. The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 223. The Director is authorized to provide temporary public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL

SEC. 224. (a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

FIRE SUPPRESSION GRANTS

SEC. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

SEC. 226. (a) The Director is authorized to provide temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Notwithstanding any other provision of law, any such emergency housing acquired by purchase may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The President is authorized for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

SMALL BUSINESS DISASTER LOANS

SEC. 231. In the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) to the extent such loss or damage or injury is not compensated for by insurance or oterwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such

property to is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

LOANS HELD BY THE VETERANS' ADMINISTRATION

SEC. 233. (1) Section 1820(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;"

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

"(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a)(2) of this section, extend on an individual case basis such forbearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner."

DISASTER LOAN INTEREST RATES

SEC. 234. Any loan made under sections 231, and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

AGE OF APPLICANT FOR LOANS

SEC. 235. In the administration of any Federal disaster loan program under the authority of section 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

SEC. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

FOOD COUPONS AND DISTRIBUTION

SEC. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households, pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

LEGAL SERVICES

SEC. 239. Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

UNEMPLOYMENT ASSISTANCE

SEC. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed to maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER GRANTS

SEC. 241. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to deter-

mine the property tax revenues which would have been received by the local government but for such reduction.

TIMBER SALE CONTRACTS

SEC. 242. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one of three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 243. No loan or grant made by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable building codes and specifications.

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior to such disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

SEC. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

SEC. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii)) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 17151(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241–1(a)(1)(A)), is amended by striking out "pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "pursuant to section 102(1) of the Disaster Relief Act of 1970".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)), is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970,".

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence "section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Relief Act of 1970 or to the appropriate provision of the Disaster Relief Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 302. The following Acts are hereby repealed:

(1) the Act of September 30, 1950 (64 Stat. 1109);

(2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) the Disaster Relief Act of 1969 (83 Stat. 125).

PRIOR ALLOCATION OF FUNDS

SEC. 303. Funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in otherwise carrying out the purposes of such Act of September 30, 1950, or this Act.

EFFECTIVE DATE

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

And the House agree to the same.

ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
DON H. CLAUSEN,
FRED SCHWENGEL,
Managers on the Part of the House.

BIRCH BAYH,
WILLIAM B. SPONG,
THOMAS F. EAGLETON,
ROBERT DOLE,
EDWARD J. GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

The bill as passed by the Senate establishes an entirely new basic Federal disaster relief law and repeals all of the major substantive provisions dealing with this subject which are presently on the statute books. The House amendment, by a series of cut-and-bite amendments, retained all of the existing provisions of law but expanded them and tied them together through uniformity of definition and otherwise. The proposed conference substitute adopts the approach of the Senate bill and provides for a new basic law and the repeal of existing statutes on the subject.

TITLE I

Short title

Senate Bill

This section provided that the Act may be cited as the "Disaster Assistance Act of 1970".

House Amendment

This section provided that the Act may be cited as the "Disaster Relief Act of 1970".

Conference Substitute

The same as the House provision.

Findings and declaration

Senate Bill

The Congress would find and declare that because major disasters cause loss of life, human suffering, loss of income, property loss and damage and because such disasters disrupt the normal functioning of government and the community special measures are required to expedite assistance and emergency welfare services and reconstruct and rehabilitate devastated areas.

The Congress would under this Act provide orderly and continuing means of alleviating suffering and damage by (1) revising and broadening existing major disaster relief programs (2) encouraging development of comprehensive State disaster plans and (3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

House Amendment

No comparable provision.

Conference Substitute

The conference substitute is essentially the same as the Senate provisions with minor clarifying amendments to more clearly express the intention of Congress.

Definitions

Senate Bill

Definitions in this section are the same as P.L. 875, 81st Congress, except for the addition of the words "tornado, highwater, wind-driven water, and tidal wave" to the definition of "major disaster."

House Amendment

Amends the definition of the term "major disaster" in Public Law 81-875 to require that Governors certify a need for "Federal disaster assistance" rather than just assistance under Public Law 81-875. The amendment also deletes a reference to the Board of Commissioners of the District of Columbia since that Board no longer exists.

Amends the definition of the term State to include the District of Columbia.

Deletes the reference to the District of Columbia in the definition of local government.

Conference Substitute

Except for minor clarifying amendments, this is the same as the provisions of the Senate bill.

Federal coordinating officer

Senate Bill

Section 201 provides for the presidential appointment of a Federal Coordinating Officer for the designated disaster area. The duties of this officer would include but not necessarily be limited to these functions: 1) initial appraisal of the relief most needed, 2) establishment of field offices, 3) coordination of relief distribution activities, and 4) supervision of emergency support teams and other actions to assist local citizens and officials to receive aid.

House Amendment

No comparable provision.

Conference Substitute

This is essentially the same as the Senate provisions, expanded however to include the Salvation Army and the Mennonite Disaster Service, as well as the American National Red Cross as among those agencies whose activities would be coordinated with a disclaimer that nothing in the Act is to limit or affect the responsibilities of the Red Cross under the Act of January 5, 1905, as amended.

Emergency support teams

Senate Bill

Section 202 would authorize the Director to form emergency support teams and personnel to assist the Federal Coordinating Officer in carrying out his responsibilities as defined under section 201.

House Amendment

No comparable provision.

Conference Substitute

This is essentially the provisions of the Senate bill with amendments to require the support teams to be of Federal personnel and to specifically authorize the head of any Federal department or agency to detail to temporary duty with these emergency support teams, either on a reimbursable or nonreimbursable basis, personnel within the jurisdiction of his department or agency.

Cooperation of Federal agencies

Senate Bill

This section would authorize Federal agencies to assist disaster areas in several ways, including: the utilization or lending of personnel, facilities, supplies, equipment, and other resources except extension of credit, with or without compensation, to State and local governments; the distribution of medicine, food and other consumable supplies and the rendering of emergency services through relief and disaster assistance organizations; the donation or lending of Federal surplus equipment and supplies; and the performing on public or private lands or waters of any emergency work essential for the protection and preservation of life and property.

Such emergency work would include clearing and removing debris and wreckage. It would also include making repairs, or restoring to service, damaged or destroyed public facilities belonging to State and local governments, except that the Federal contribution would not exceed the net cost of restoring such facilities to their predisaster capacity.

Assistance by Federal agencies would also provide for emergency shelter for individuals and families who require such assistance because of a major disaster.

Federal agencies could also make contributions to State or local governments for the purpose of carrying out the types of assistance authorized under section 203(a)(4).

Emergency work performed under section 203(a)(4) would not bar additional Federal assistance under any other section of the Act.

Federal agencies could be reimbursed for services and supplies under section 203(a) from funds appropriated under this Act. Any funds paid to Federal agencies for services or supplies furnished under the provisions of this section would be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

The Federal Government would not be liable for any claim based on the exercise or performance, or failure to exercise or perform, of a Federal agency or employee in carrying out the provisions of this section.

Any Federal agency designated by the President to exercise authority under this Act could establish and fund the necessary expenses of special groups, interdepartmental or otherwise, which it deemed appropriate to assist in carrying out Federal disaster preparedness and assistance laws.

Any Federal agency carrying out the provisions of this Act could accept and utilize facilities, funds, and services furnished by State or local governments or their personnel, and such Federal agency could temporarily employ additional personnel without regard to civil service laws and could contract or incur obligations on behalf of the United States for acquisition or rental of equipment, services, materials or supplies for shipping, drayage, travel and communications, and for supervising and administering such activities. Such obligations, including those for employment of temporary additional personnel could be incurred by a Federal agency in whatever amount the President made available to it.

The President would further be authorized to coordinate the activities of Federal agencies providing disaster assistance, direct any Federal agency to utilize its funds, personnel, equipment, supplies, facilities, and other resources, prescribe such rules and regulations as may be necessary, and exercise any power or authority conferred on him by any section of this Act either directly or through whatever Federal agency he designates.

Finally, through the Office of Emergency Preparedness, the President would periodically review the disaster assistance activities of Federal and State departments and agencies, in order to assure maximum coordination, and to evaluate progress in the development of Federal, State and local preparedness to cope with major disasters.

House Amendment

Revise section 3(d) of Public Law 81-875 to provide that Federal contributions for permanent repair or replacement of public facilities of State and local governments shall not exceed the net cost of restoring such facilities, using the basis of design of the facilities as they existed immediately prior to the disaster, but in conformity with current codes and specifications.

Revises section 4, Public Law 81-875 to add the Salvation Army as a private relief organization authorized to distribute needed supplies in a disaster area.

Provides for the Director, OEP, to study and investigate what can be done to provide effective action to prevent or lessen losses of property and personal injury or deaths which could result from forest or grass fires, earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides and floods which are or threaten to become major disasters. A report of the study and investigation to include recommendations should be submitted to the Congress no later than one year after enactment.

Conference Substitute

This is essentially the same as the provisions of the Senate bill, expanded to include the Salvation Army and the Mennonite Disaster Service, specifically, in the provision dealing with the disposition of certain medicine, food, and supplies and the rendering of emergency assistance, and to restrict the donation of certain equipment and supplies to State and local governments for their use or disposition in carrying out the purposes of the Act. It also authorizes emergency work including the making of repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed the net cost of restoring each such facility on the basis of the design of the facility as it existed immediately before the disaster, such restoration to be in conformity with current codes, specifications, and standards. The provisions of subsection (e) of this section of the Senate bill have been eliminated as unnecessary. The requirements in the House amendment of an investigation and study to determine what additional improved plans, procedures, and facilities are necessary to prevent or minimize property loss or damage and personal injuries and deaths from fires (forest and grass) earthquakes, tornadoes, freezes and frosts, tsunami, storms, surges, tides, and floods have been added to this section.

Use of local firms and individuals

Senate Bill

Section 204 provides that in expending Federal funds for debris clearance, distribution of supplies, reconstruction and other major disaster assistance activities carried out by contract with private organizations, firms or individuals, preference should be given in awarding such contracts to residents and persons who do business primarily in the disaster area.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Federal grant-in-aid programs

Senate Bill

Any agency administering aid to disaster areas would be authorized to waive the conditions, except matching provisions, for receipt of Federal grant-in-aid programs as would otherwise prevent the giving of assistance for the duration of the disaster proclamation, if inability to meet such conditions resulted from the disaster.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill. Limited, however, to a waiver of administrative procedural conditions rather than all conditions for assistance.

State disaster plans

Senate Bill

This section provides for the formulation by the States of comprehensive plans and programs for preparation against major disasters and their losses. Grants up to $250,000 would be made by the President to any applicant State on a matching basis for no more than half the cost of developing such plans and programs and up to $25,000 per annum would be made available to update and improve the developed plans.

To be eligible for a planning grant, a State would have to establish or designate an agency which would be responsible for developing and administering its disaster relief plan and program.

The resultant plan should include a comprehensive and detailed State program for preparation against and relief following a major disaster and include provisions for the appointment of a State coordinating office to assist the Federal coordinating officer appointed under section 201 of this Act.

From time to time, the Director would prepare a report to the President, for submission to the Congress, containing his recommendations for the Federal role in implementing, funding, and coordinating disaster relief activities.

House Amendment

Amends section 8(c) of Public Law 91-79 to eliminate the cutoff date for State plans and provides that plans developed under this section shall be applicable to local governments as well as individuals.

Further amends section 8 of Public Law 91-79 by authorizing matching grants to States up to $25,000 per annum for purposes of improving, maintaining, and updating State disaster assistance plans.

Conference Substitute

This is the same as the Senate provision except for a clarifying amendment.

Use and coordination of relief organizations

Senate Bill

The Director would be authorized to make agreements with relief or disaster assistance organizations, including but not limited to the American National Red Cross, the Salvation Army, the Mennonite Board of Missions and Charities, to help the distribution of food, clothing, medicine and other supplies, and the restoration rehabilitation or reconstruction of community services and facilities. The Director would be authorized to make agreements with organizations which would allow the Federal coordinating officer to coordinate all relief activities of private agencies in a given disaster area. Such agreements would have to include provisions for compliance with regulations promulgated under Sections 208 (Duplication of Benefits) and 209 (Nondiscrimination).

House Amendment

No comparable provision.

Conference Substitute

This is essentially the same as the provisions of the Senate bill except for amendments to specifically include in both subsections the Salvation Army and the Mennonite Disaster Service.

Duplication of benefits

Senate Bill

The Director would be required to ascertain that no person or business would be receiving aid from more than one source for the same disaster damage. No person or business could receive assistance from the government for any loss compensated by insurance, but partial compensation for a loss would not preclude additional Federal assistance for such part of the loss not compensated for otherwise. The Director would be required to determine whether any person had received duplicate benefits. Whenever the Director determined that a person or business had received assistance from more than one source which exceeded the amount of the loss, he would direct that person or business to reimburse the Federal Government for the part he deemed excessive but not in excess of the amount of Federal assistance received.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provisions.

Nondiscrimination in disaster assistance

Senate Bill

The Director would be required to issue regulations forbidding discrimination by race, color, age, sex, nationality, religion or economic status in providing disaster relief supplies and services. Any relief organization participating in the distribution of assistance or supplies under section 207 must comply with these regulations relating to non-discrimination.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision.

Advisory personnel

Senate Bill

The Director would be authorized to assign advisory personnel to the chief executive officer of a State or local government upon the request by such executive officer, in order to insure full utilization of relief and assistance resources and programs.

House Amendment

No comparable provision.

Conference Substitute

Does not contain this provision.

Disaster warnings

Senate Bill

The President would be authorized to provide needed warning to governmental authorities and civilian population in areas endangered by imminent natural disasters.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision.

Predisaster assistance

Senate Bill

The President would be authorized to utilize Federal resources to assist States or local governments in preparations for an imminent major disaster to avert or lessen its effects.

House Amendment

Permits the President to take effective action to avert or lessen the effects of a catas-

trophe which threatens to become a major disaster. It is not necessary for the President to declare a major disaster before assistance can be provided under this section.

Conference Substitute

Same as the provisions of the House amendment.

Emergency communications

Senate Bill

The Director would be authorized to establish emergency communications in any major disaster area which would be made available to State and local government officials and other persons as he saw fit.

House Amendment

No comparable provision.

Conference Substitute

Essentially the same as the Senate provision, restricted, however, to the establishment of temporary communications during or in anticipation of an emergency.

Emergency public transportation

Senate Bill

Emergency public transportation to governmental offices, supply centers, stores, post offices, schools, and major employment centers would be authorized in a major disaster area where regular public transportation had been disrupted in order that the community's normal pattern of life could be resumed as soon as possible.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision, restricted, however, to authority to provide temporary public transportation service.

Debris removal

Senate Bill

The President would be authorized to make grants to State and local governments for removal of debris from private lands or waters whenever he determined it to be in the public interest: except that these benefits would not be available unless State or local governments arranged unconditional authorization for the removal of debris and agreed to indemnify the Federal Government for any claims resulting from this debris removal. Payments could also be made to remove debris from community areas which included an individual's private property.

House Amendment

Authorizes the use of Federal agencies to clear debris from publicly and privately owned lands and waters, when determined to be in the public interest. Authorization is also provided for grants to any State for similar debris clearance. A requirement is imposed that State and local governments must arrange to provide unconditional authorizations for the removal of such debris and that the Federal Government be indemnified against claims arising from such removal.

Conference Substitute

Same as the provisions of the House amendment.

Fire suppression grants

Senate Bill

The President would be authorized to make grants to any State in order to assist in the suppression of fires on publicly or privately owned forest and grass lands which threatened such destruction as would constitute a major disaster.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provisions.

Temporary housing assistance

Senate Bill

The Director would be authorized to provide necessary shelter for owners or tenants whose places of residence had been made uninhabitable by a major disaster. Dwelling accommodations necessary for this purpose, including mobile homes, could be purchased or leased, and in turn could be rented or sold outright to the disaster victims to provide them with suitable housing. The housing would be placed by the State or local government or by the owner or occupant on sites complete with utilities without charge to the United States. The Director could decide in the public interest to provide more economical and accessible sites at Federal expense.

After an initial 90 days of occupancy rentals could be established. These rentals could be compromised, adjusted or waived for a period of not to exceed one year from date of occupancy according to the financial ability of the occupants, but in no case could the family's monthly housing expense be required to be more than one-fourth the family's monthly income.

The Director would be further authorized to provide grants as temporary assistance in the form of mortgage or rental payments to individuals who had suffered severe financial hardship caused by a major disaster and who had received written notice of dispossession or eviction from their residence because of foreclosure of a mortgage or lien, cancellation of a contract of sale, or termination of an oral or written lease. This assistance could be furnished for not in excess of one year or until the individual's financial hardship ended, whichever was the lesser. In addition the Director would provide reemployment assistance services to individuals who were unemployed as a result of a major disaster.

House Amendment

Revises section 3(d) of Public Law 81–875 to provide that no rental shall be charged for the first 12 months for temporary housing and after the rentals to be charged based on fair market value adjusted to take into consideration the financial ability of the occupant to pay.

Provides that, notwithstanding any other provision of law, such temporary housing including, but not limited to mobile homes or other readily fabricated buildings which were purchased under proper disaster authorities for disaster victims requiring accommodations may be sold directly to disaster victims who are occupants at fair and equitable prices.

This section would authorize the President to provide financial assistance in the form of mortgage or rental payments to individuals or families who had suffered financial hardship caused by a major disaster, and who had received written notice of dispossession or eviction from their residence. The assistance could be furnished for not in excess of one year, or for the duration of the financial hardship, whichever is the lesser.

Conference Substitute

This provision would authorize the Director to provide temporary housing or other emergency shelter, including mobile homes, for those who as a result of a major disaster require temporary housing or other emergency shelter. For the first 12 months of occupancy, no rental shall be established. Thereafter, rentals will be based on fair market value of the accommodations being furnished, adjusted to take into consideration financial ability of the occupant. Emergency housing which is acquired by purchase may be sold directly to the occupants at prices that are fair and equitable. Any mobile home or readily fabricated dwelling is to be placed on a site complete with utilities provided by State or local government or by the owner or occupant of the site without charge to the United States. The Director may elect to provide other more economical and accessible sites at Federal expense if he determines it to be in the public interest. Further, the President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments in the same manner as is provided in the House amendment. The President is authorized for the purposes of this provision and in furtherance of the purposes of section 240 of this Act to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

Small business disaster loans

Senate Bill

This section would amend Section 7(b)(1) of the Small Business Act to provide that in the case of property loss or damage as the result of either a major disaster declared by the President or a disaster as determined by the Administrator of the Small Business Administration, the S.B.A. could make loans for the repair, rehabilitation or replacement of such property without regard to whether the necessary financial assistance is otherwise available from private sources.

S.B.A. could refinance any mortgage or other lien outstanding against a home or business which had been totally destroyed or substantially damaged by such a disaster if the refinancing was for the purpose of repairing, rehabilitating or replacing the damaged or destroyed property. This refinancing could be provided even if financial assistance was otherwise available.

The section would further provide that the principal of any disaster loan in excess of $500 could be cancelled in an amount not in excess of $2500. Payments of interest or principal could be wholly or partially deferred during the first three years of the term regardless of the ability of the borrower to make payments.

Section 231(b) would amend Section 7 of the Small Business Act to authorize the S.B.A. to make a loan to a small business concern located in an area affected by a disaster, if the S.B.A. determined that the concern had suffered a substantial economic injury as a result of such a disaster.

House Amendment

Amends section 6 of the Disaster Relief Act of 1969, concerning the disaster loan authorities of the Small Business Administration by:

(1) Including as eligible for SBA disaster loans, such injury, loss, or damage which may result from a disaster when determined by (a) the Secretary of Agriculture; (b) the Administrator of the Small Business Administration; and (c) the President.

(2) Providing for standardizing the interest rates on loans. [even though assistance may be available from private sources.] The maximum allowable interest rate would be 6 percent.

(3) Providing that loans shall not be denied on the basis of the age of the applicant.

(4) Providing that such loans may not exceed the current repair or replacement cost of the disaster loss.

(5) Providing that in cases of hardship resulting from Presidentially determined disaster, the borrower may cancel the principal of any loan in excess of $500, up to $2,500.

(6) Provide for refinancing of mortgages and loans.

(7) Provide for loans without regard to whether private sources are available for such loans.

Conference Substitute

In the administration of the disaster loan program under section 7(b) (1), (2), and (4)

of the Small Business Act in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster determined by the Small Business Administrator, such Administrator—

(1) to the extent the loss, damage, or injury is not compensated for by insurance or otherwise (A) shall on that part of the loan in excess of $500 cancel the principal, except that the total amount so canceled is not to be more than $2,500. This clause, however, is to apply only to loans made to cover losses, damages, and injuries resulting from major disasters determined by the President, and (B) may defer interest or principal payments or both in whole or in part during the first three years of the term of the loan, these deferred payments, however, are to bear interest at the rate determined under section 234 of the Act;

(2) to the extent it is not compensated for by insurance or otherwise, may grant any loan to repair, rehabilitate, or replace property damaged or destroyed, whether or not financial assistance is otherwise available from private sources;

(3) may, in the case of total destruction or substantial damage of a home or business concern, refinance mortgages or other liens outstanding against that property if it is to be repaired, rehabilitated, or replaced with the limitation that the amount refinanced is not to exceed the amount of the physical loss sustained and that this refinancing is to be subject to the provisions of clauses (1) and (2) of this section.

Farmers Home Administration agency loans

Senate Bill

In the case of loss or damage to property, including household furnishings, resulting from a major disaster, the Secretary of Agriculture would be authorized by this section to make loans for the repair, rehabilitation or replacement of such property, and in the case of the total destruction of or substantial damage to a home or business concern resulting from a major disaster, to refinance any mortgage or other lien against such property for the purpose of repairing, rehabilitating or replacing the destroyed or damaged property.

To the extent such loss or damage was not compensated for by insurance or otherwise, the Secretary could, on the part of any loan of refinanced mortgage or lien in excess of $500, cancel not to exceed $2,500, and also could defer interest or principal payments, or both, during the first 3 years of the loan whether or not the borrower had the ability to make such payments.

House Amendment

Provides the same amendments for Farmers Home Administration as for the Small Business Administration.

Conference Substitute

This would provide the same benefits in the case of the Farmers Home Administration emergency loans as are provided in the conference substitute in the case of Small Business Administration loans.

Loans held by the Veterans' Administration

Senate Bill

This section would amend section 1820(a)(2) of title 38, United States Code, to authorize the Administrator of the Veterans' Administration to agree to the modification of the terms of any loan made or acquired by him on any residential property securing such loan which was lost, destroyed or damaged as the result of a major disaster. The section also would direct the Administrator in major disaster areas to provide the owner of such property with counseling and other services, to inform him of disaster assistance available from other Federal, state or local agencies and to extend such forbearance on an individual case basis as he determined to be warranted by the facts of the case.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Disaster loan interest rates

Senate Bill

Any disaster loan made by a Federal agency under Sections 231, 232, 236(b), 237 or 241 of this Act would be at an interest rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on 10–12 year U.S. obligations less not to exceed 2% per year. Section 234(b) would make this same rate applicable to all disaster loans under Section 7(b) of the Small Business Act.

House Amendment

The House provision relating to the disaster loan program under the Small Business Act and the emergency loan program under the Consolidated Farmers Home Act of 1961 each contains a provision that a loan made under those sections is not to exceed the current cost of repairing and replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any such loan is to bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years, reduced by not to exceed 1 per centum per annum but in no event is any such loan to bear interest at a rate in excess of 6 percent per annum.

Conference Substitute

The provisions of the conference substitute are the same as those of the House amendment but made applicable to sections 231, 232, 236(b), and 237 of the Act and with the reduction in the interest rate not to exceed 2 percent per annum as contained in the Senate bill rather than 1 percent as contained in the House amendment, retaining, however, the ceiling of a 6 percent interest rate on such loans.

Age of applicant for loans

Senate Bill

All applicants for Federally administered disaster loans must be considered without discrimination because of age.

House Amendment

Provided in the case of S.B.A. and the Farmers Home Administration loans that they are not to be denied on the basis of the applicants age.

Conference Substitute

Same as the Senate provision.

Federal loan adjustments

Senate Bill

The Secretary of Agriculture would be authorized to extend maturity dates of REA loans to a period not beyond forty years and to readjust payment schedules of borrowers from the Rural Electrification Administration, if the borrowers were unable to make payments because of disaster damage. The Secretary of HUD would be authorized to refinance any note or other obligation which could not be paid because of disaster damage. The interest rate could be reduced to a rate specified pursuant to section 234. The maturity date could be extended to a period not exceeding 40 years. The Secretary could suspend payment of interest and principal and extend maturity of loans which might cause financial hardship.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

Aid to major sources of employment

Senate Bill

The S.B.A. or the Farmers Home Administration would be authorized to make loans to industries and businesses which were a major source of employment in a disaster-stricken area and which were no longer in substantial operation. Loans authorized by this section would be made without regard to limitations on the size of loans which might otherwise be imposed by law, regulation or other means. Loans could be at interest rates prescribed in section 234 but, the Administrator would be authorized to defer payments of principal and interest for up to three years.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill, amended to make it clear that deferred payments are to bear interest at the rate determined under section 234 of the Act.

Food coupons and distribution

Senate Bill

The President would be authorized to distribute food stamps and surplus commodities to low-income households which were not able to purchase adequate amounts of nutritious food because of a major disaster. Such distribution of food stamps and commodities would be carried out pursuant to legislation now governing the handling of these matters. The President would be authorized to make coupon allotments and surplus commodities available to such households for as long as he determined necessary. He could take into account such factors as the effect of the disaster on the earning power of the recipient households.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

Legal services

Senate Bill

The Director would be authorized to provide needed legal services to low-income individuals, with advice and assistance of appropriate Federal agencies and State and local bar associations.

House Amendment

No comparable provision.

Conference Substitute

Provides that whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations. The conferees intend the authority granted by this section to be confined to the securing of benefits under this Act and claims arising out of a major disaster.

Unemployment assistance

Senate Bill

The President would be authorized to provide assistance to those individuals unemployed as a result of a major disaster who were not receiving unemployment compensation or private income protection insurance. Any assistance provided under this section could not exceed the number of payments such an individual would have received if he had been qualified for State unemployment compensation payments.

House Amendment

Makes permanent law the comparable provision of the Disaster Relief Act of 1969 on this subject.

Conference Substitute

Same as the provisions of the Senate bill.

Assistance to communities for loss of tax revenue

Senate Bill

$100,000,000 would be authorized for a Community Disaster Loan Fund to be established in the Treasury. This Fund would provide loans to local governments for use for three purposes: 1) meeting interest and principal payments and outstanding bonded indebtedness, 2) paying the local share of Federal grant-in-aid programs necessary for restoration of the disaster area, and 3) providing and maintaining essential public services, such as fire and police protection. To qualify for this kind of loan, a local government would have to have suffered a loss of more than 25% of its tax base or such a substantial amount that it could not otherwise meet payments on its obligations, its matching shares or its essential public services. For the first two years these loans would be interest free. The term of such loan may be of such duration as necessary but not to exceed 20 years.

Loans would be made at interest rates specified in Sec. 234. The President would be authorized to defer initial payments on such loans for five years or half the term of the loan, whichever is less.

Loans for any year could not exceed the difference between the average annual tax received by the local government for the three years preceding the disaster and the accrued property tax revenue for each of the three years following the disaster.

Reduction of tax rates and tax assessment valuation factors in effect at the time of the disaster would be prohibited during the three-year period after the disaster. Such sums as the President might determine necessary could be transferred to the Fund from disaster relief appropriations. Interest and principal payments on loans, as well as any other moneys, property or assets derived from operations of this section would be deposited in the Fund.

This Fund would furnish moneys for all loans, expenses and payments for operations under this section. At least once each fiscal year any interest on the average amount of appropriations accumulated as capital in the Fund, less the average undisbursed cash balance in the fund during year, would be paid into the Treasury as miscellaneous receipts. The rate of such interest could not exceed that charged for loans from the Fund. The Secretary of the Treasury could defer interest payments but interest would be charged on such deferred payments. Should the President at any time determine that the moneys in the Disaster Loan Fund exceeded present or any reasonable prospective requirements, he could transfer the excess to the general fund of the Treasury or to his disaster relief appropriations.

House Amendment

This section would authorize the President to make grants to any local government, which, as a result of a major disaster has suffered a substantial loss of property tax revenue (both real and personal). The limitations placed upon these grants are: (1) They may only be made for the tax year in which disaster occurred and for each of the following two tax years. (2) The grant shall not exceed the difference between the annual average of all property tax revenues received during the three tax year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received for the tax year in which the disaster occurred and for each of the two succeeding tax years. (3) There must be no reduction in tax rates and tax assessment evaluation factors of the local government. If, however, there has been such a reduction, a grant may still be made for the year or years when such reduction is in effect, but, the President shall use the tax rates and tax assessment factors in effect at the time of the disaster without reduction in order to determine revenues which would have been received. These revenues will then be used in calculating the difference as the basis of determining the grant instead of the actual revenues.

Conference Substitute

Same as the provisions of the House amendment.

Timber sale contracts

Senate Bill

The Secretary of the Interior and the Secretary of Agriculture would be authorized by subsection (a) to reimburse timber sale contractors or to arrange for road and trail construction and restoration costs incurred in restoring roads, previously authorized by contracts for the purchase of timber, which had been damaged by major disasters. If the estimated cost of such additional construction would exceed (1) $1,000 for sales under one million board feet, or (2) $1 per thousand board feet for sales of one to three million board feet, or (3) $3,000 for sales over three million feet, the increased cost would be borne by the United States.

If the Secretary determined that damages were so great that restoration, reconstruction or construction would not be practical under the above-cited sharing arrangement, subsection (b) would authorize him to cancel the contract.

Whenever the Secretary of Agriculture determined that the sale of timber from national forest would assist in construction of a damaged area, or would assist in sustaining the area's economy, or was necessary to salvage the value of the damaged timber, subsection (c) would authorize him to reduce to 7 days the required minimum period of advance notice of sale.

Subsection (d) would authorize the Director to make grants to States or political subdivisions to remove damaged timber from privately owned lands, and such States or political subdivisions in turn would be authorized to reimburse the actual expenses of persons who remove damaged timber but not in excess of the salvage value of the timber.

House Amendment

Would continue in effect as permanent law comparable provisions in the Disaster Relief Act of 1969.

Conference Substitute

Same as the Senate provision.

Public land entryman

Senate Bill

The Secretary of the Interior would be authorized to give any public land entryman additional time to comply with requirements of law in connection with a public land entry in any State affected by a major disaster if the Secretary found that because of a major disaster the entryman was unable to comply with such requirement.

House Amendment

Would repeal, effective December 31, 1970, the comparable provision in the Disaster Relief Act of 1969.

Conference Substitute

Contains no provision on this subject matter.

Minimum standards for structure restoration

Senate Bill

Subsection (a) would require that minimum standards of safety, decency and sanitation, as prescribed in regulations by the Secretary of Housing and Urban Development, and current building codes and specifications, be applied to the building, repair or rehabilitation of any residential structure in a major disaster area carried out with the aid of loans or grants from Federal agencies or relief organizations. The Secretary would further be authorized to consult with other officials in Federal, State or local governments to carry out the purpose of the section and to have the necessary flexibility to be consistent with requirements of other applicable building regulations, codes and programs.

House Amendment

No comparable provision.

Conference Substitute

Provides that no loan or grant made by a relief organization operating under the supervision of the Director of OEP for repairing, restoring, reconstructing, or replacing a residential structure in a major disaster area is to be made unless the structure will be so repaired, restored, reconstructed, or replaced in accordance with the applicable standards of decency and sanitation and in conformity with applicable building codes and specifications.

Federal facilities

Senate Bill

Upon the President's determination that repair, reconstruction, restoration or replacement of facilities owned by the United States was so important and urgent that it could not reasonably be deferred pending enactment of specific authorizing legislation or the making of an appropriation, he could authorize any Federal agency to repair, reconstruct, restore or replace any facilities damaged or destroyed in a major disaster that were under its jurisdiction. This work could begin notwithstanding a lack or insufficiency of funds where such lack or insufficiency could be remedied by the transfer, in accordance with law, of funds appropriated for another purpose.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

State and local government facilities

Senate Bill

The President would be authorized to make contributions to States or local communities for repairing, restoring, reconstructing or replacing damaged portions of public facilities belonging to State or local governments, including flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, airport, non-Federal-aid street, road or highway, and any other essential facility damaged by a major disaster. Such Federal contribution could not exceed 50% of the net cost of restoring such facility to its predisaster capacity and in conformity with applicable codes and specifications.

The President could also make contributions to States or local governments in amounts not in excess of 50% of the net cost of restoring such public facilities, which were in the process of construction when damaged or destroyed, to substantially their condition prior to the disaster and of completing construction not performed before the disaster to the extent that the increase in cost over the original construction cost was attributable to changed conditions caused by the disaster.

House Amendment

Revises section 3(d) of PL 81-875 to provide that Federal contributions for permanent repair or replacement of public facilities of State and local governments shall not exceed the net cost of restoring such facilities, using the basis of design of the facilities as they existed immediately prior to the disaster, but in conformity with current codes and specifications.

Conference Substitute

Same as the provision of the Senate bill, except that the Federal share is increased from 50 to 100 percent of the net cost of restoring the facility on the basis of the design of the facility as it existed immediately

prior to the disaster and in conformity with applicable codes and specifications, and the definition of the term "public facility" contained in the Senate provision is revised to eliminate the concept of "essential public facility" and to replace it with the more specific language of "public building, structure, or system, other than one used exclusively for recreation purposes".

Priority to certain applications for public facility and public housing assistance

Senate Bill

The President by proclamation would prescribe a period not to exceed six months during which processing of applications for assistance would be given priority and immediate assistance under the following Acts: Title II of the Housing Amendments of 1955, or any other act providing assistance for repair, construction or extension of public facilities; the United States Housing Act of 1937 providing low-rent housing; Section 702 of the Housing Act of 1954 providing assistance in public works planning; Section 702 of the Housing and Urban Development Act of 1965 providing grants for public facilities; or Section 306 of the Consolidated Farmers Home Administration Act.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Relocation assistance

Senate Bill

This section would provide that no person otherwise eligible for relocation assistance payments under the Housing Act of 1949 would be denied eligibility as a result of a Presidentially declared major disaster.

House Amendment

The House had a similar provision.

Conference Substitute

Provides that, notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

Technical amendments

Senate Bill

Makes various technical amendments in existing laws required by the adoption of the Disaster Relief Act of 1970.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill except for technical amendments.

Repeal of existing law

Senate Bill

Repeals, three existing disaster laws: the basic 1950 Act (64 Stat. 1109), the Disaster Relief Act of 1966 (80 Stat. 1316) except for Section 7 (Higher Education Facilities Assistance in Disaster Areas) and the Disaster Relief Act of 1969.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Authorization of appropriations

Senate Bill

Except as provided in sections 206 and 241, such sums as may be necessary would be authorized to be appropriated as would be necessary to carry out the provisions of this Act.

House Amendment

No comparable provision.

Conference Substitute

Does not contain this kind of authorization since the Act itself authorizes whatever sums are needed to carry it out. Provides instead that funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in otherwise carrying out the purposes of such Act of September 30, 1950, or this Act.

The inclusion of this provision is for emphasis only. It is not in any way to be construed as indicating that funds heretofore authorized for expenditure or that agreements, contracts, claims, or other obligations of any kind presently in being are in any way to be affected by the enactment of this Act.

Effective date

Senate Bill

The Act would take effect immediately upon enactment, except that sections 226 (c), 237, 241, 252(a), and 254 would take effect as of August 1, 1969.

House Amendment

Provides that the benefits of this act, and the amendments made by this act, shall apply to those Presidentially declared major disasters, and those disasters and natural disasters as determined by the Secretary of Agriculture and the Administrator of the Small Business Administration which occurred on or after December 1, 1968. In the case of any such disaster which occurs on or after December 1, 1968, and before the date of enactment of this act, the eligible applicant for assistance shall elect to receive such assistance either under this act (including the amendments made by this act) or under the law applicable to such disasters which occurred prior to December 1, 1968.

Conference Substitute

Same as the provisions of Senate bill.

ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
DON H. CLAUSEN,
FRED SCHWENGEL,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlemen from Pennsylvania?

There was no objection.

The Clerk read the statement.

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

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

There was no objection.

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

Mr. FLOOD. Mr. Speaker, I am happy to report that the conference report we bring to the House has the unanimous support of the House managers. All signed the report and all signed without reservation. This is readily understandable—it is a good report. If adherence to the House position is a measure of merit, it is an excellent report. We were even accused of violating the rule of comity—whatever that is—in our resolute insistence on a much better than even break with the other body.

The House bill totaled $18,824,663,000 to which the other body added $414,851,000. In conference this increase was reduced by $270,121,500, to an increase of $144,729,500. However, the increase of $144,729,500 includes two items that were not considered by the House because there were no budget requests at the time the House acted. These are the Corporation for Public Broadcasting for which $23,000,000 is included in the conference report, and activities under the Federal Coal Mine Health and Safety Act for which $5,140,000 is included. I feel certain we would have carried very close to these same amounts in the House bill if they had been considered at the time we acted. Thus, for comparability these amounts should be deducted from the $144,729,500. This makes the conference agreement slightly less than $116 million over the House bill, or an increase of substantially less than 1 percent. Also, you will note, Mr. Speaker, this shows that the Senate gave up over two-thirds of the net amount by which they increased the bill over the House.

Now with regard to the President's budget. You cannot talk about appropriations for anything around here without someone raising the question of how much can it be without running the risk of a Presidential veto. I am not as worried about Presidential vetoes as some people, but it is a matter to be considered, of course. The Senate bill was $480,137,000 over the President's budget—half a billion is a pretty substantial increase even in the Labor-HEW bill. The appropriations provided by the conference report total $18,969,352,500 or only $210,015,500 over the President's budget, an increase of just over 1 percent. This the President may not relish, but I do not think he will find it too distasteful, especially since most of the increase is in the health area and, according to what he said in his last press conference, this is an area that he is going to emphasize.

Mr. Speaker, I do not think it is necessary for me to discuss the individual Senate amendments, of which there are 67. The conference report and the explanation of it in the statement of the managers were filed in the House last Friday and have been available to Members in printed form for a little for 3 days. In addition we have prepared a detailed table showing pertinent statistics concerning every appropriation item in the Departments of Labor and Health, Education, and Welfare appropriation bill. Mr. Speaker, I ask unanimous consent to place that table in the RECORD at this point.

The SPEAKER. Without objection it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY

CONFERENCE SUMMARY

Agency and item	1970 enacted [1]	1971 Budget estimate [2]	1971 House bill	1971 Senate bill	1971 Conference agreement	Conference agreement compared with— 1970	Budget 1971	House	Senate
DEPARTMENT OF LABOR									
Manpower Administration									
Manpower development and training activities	$705,765,000	$747,494,000	$744,494,000	[3] $1,546,694,000	[4] $1,504,794,000	+$799,029,000	+$757,300,000	+$760,300,000	−$41,900,000
Manpower Administration, salaries and expenses	36,081,800	43,667,000	42,165,000	42,165,000	42,165,000	+6,083,200	−1,502,000		
Trust fund transfer		(16,835,000)	(16,835,000)	(16,835,000)	(16,835,000)	(16,835,000)			
Bureau of Apprenticeship and Training, salaries and expenses	7,077,000	6,958,000	6,958,000	6,958,000	6,958,000	−119,000			
Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	187,930,000	200,100,000	200,100,000	200,100,000	200,100,000	+12,170,000			
Bureau of Employment Security, salaries and expenses									
Trust fund transfer	(20,799,200)	(5)	(5)	(5)	(5)	(−20,799,200)			
Grants to States for unemployment compensation and employment service administration	(665,772,000)	(717,700,000)	(717,700,000)	(717,700,000)	(717,700,000)	(+51,928,000)			
Unemployment Insurance Service, salaries and expenses		(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)	(+4,274,000)			
Total, Manpower Administration	936,853,800	998,219,000	993,717,000	1,795,917,000	1,754,017,000	+817,163,200	+755,798,000	+760,300,000	−41,900,000
Labor-Management Relations									
Labor-Management Services Administration, salaries and expenses	13,140,000	17,169,000	16,500,000	16,700,000	16,600,000	+3,460,000	−569,000	+100,000	−100,000
Wage and Labor Standards									
Wage and Labor Standards Administration, salaries and expenses	14,146,600	45,925,000	45,000,000	45,531,000	45,212,500	+31,065,900	−712,500	+212,500	−318,500
Wage and Hour Division, salaries and expenses	28,218,000	(6)	(6)	(6)	(6)	−28,218,000			
Employees' compensation claims and expenses	60,116,000	109,800,000	109,800,000	109,800,000	109,800,000	+49,684,000			
Total, Wage and Labor Standards	102,480,600	155,725,000	154,800,000	155,331,000	155,012,500	+52,531,900	−712,500	+212,500	−318,500
Bureau of Labor Statistics									
Salaries and expenses	24,673,000	27,578,000	26,150,000	26,150,000	26,150,000	+1,477,000	−1,428,000		
Bureau of International Labor Affairs									
Salaries and expenses	1,527,000	1,490,000	1,490,000	1,490,000	1,490,000	−37,000			
Special foreign currency program		75,000	75,000	75,000	75,000	+75,000			
Total, Bureau of International Labor Affairs	1,527,000	1,565,000	1,565,000	1,565,000	1,565,000	+38,000			
Office of the Solicitor									
Salaries and expenses	6,596,000	5,884,000	5,884,000	5,884,000	5,884,000	−712,000			
Trust fund transfer	(162,000)	(157,000)	(157,000)	(157,000)	(157,000)	(−5,000)			
Office of the Secretary									
Salaries and expenses	6,149,000	10,402,000	9,752,000	9,812,000	9,812,000	+3,663,000	−590,000	+60,000	
Trust fund transfer	(604,000)	(595,000)	(595,000)	(595,000)	(595,000)	(−9,000)			
Federal contract compliance and civil rights program, salaries and expenses	1,116,000	(7)	(7)	(7)	(7)	−1,116,000			
Trust fund transfer	(630,000)	(7)	(7)	(7)	(7)	(−630,000)			
Total, Office of the Secretary	7,265,000	10,402,000	9,752,000	9,812,000	9,812,000	+2,547,000	−590,000	+60,000	
Total, Department of Labor	1,092,535,400	1,216,542,000	1,208,368,000	2,011,359,000	1,969,040,500	+876,505,100	+752,498,500	+760,672,500	−42,318,500
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Food and Drug Administration									
Food and drug control	76,345,732	89,549,000	89,549,000	90,399,000	89,549,000	+13,203,268			−850,000
Environmental Health Service									
Air pollution control	103,457,575 (110,207,575)	106,003,000	106,003,000	110,503,000	107,753,000	+4,295,425	+1,750,000	+1,750,000	−2,750,000
Environmental control	56,663,010	[8] 55,920,000	52,580,000	62,000,000	58,720,000	+2,056,990	+2,800,000	+6,140,000	−3,280,000
Office of the Administrator	6,697,069	4,775,000	4,244,000	4,244,000	4,244,000	−2,453,069	−531,000		
Total, Environmental Health Service	166,817,654 (173,567,654)	166,698,000	162,827,000	176,747,000	170,717,000	+3,899,346	+4,019,000	+7,890,000	−6,030,000
Health Services and Mental Health Administration									
Mental health	354,220,662 (361,345,662)	346,656,000	368,516,000	390,516,000	379,516,000	+25,295,338	+32,860,000	+11,000,000	−11,000,000
Saint Elizabeths Hospital (indefinite)	14,917,000	14,823,000	14,823,000	14,823,000	14,823,000	−94,000			
Health services research and development	42,593,000 (42,772,000)	57,403,000	57,403,000	57,403,000	57,403,000	+14,810,000			
Comprehensive health planning and services	206,810,000 (218,049,000)	247,178,000	247,178,000	250,000,000	247,178,000	+40,368,000			−2,822,000
Trust fund transfer	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)				
Maternal and child health		[9] 255,339,000	255,339,000	255,659,000	255,659,000	+255,659,000	+320,000	+320,000	
Regional medical programs	96,605,000 (99,248,000)	96,502,000	96,502,000	115,000,000	106,502,000	+9,897,000	+10,000,000	+10,000,000	−8,498,000

Footnotes at end of table.

Agency and item	1970 enacted [1]	1971 Budget estimate [2]	1971 House bill	1971 Senate bill	1971 Conference agreement	Conference agreement compared with— 1970	Budget 1971	House	Senate
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
Health Services and Mental Health Administration—Continued									
Communicable diseases	$41,167,220	$41,538,000	$41,938,000	$50,000,000	$43,938,000	+$2,770,780	+$2,400,000	+$2,000,000	−$6,062,00
Medical facilities construction	176,396,820	89,321,000	181,521,000	[10] 205,224,078	[10] 196,521,000	+20,124,180	+107,200,000	+15,000,000	−8,703,078
Contract authorization				(30,000,000)	(30,000,000)	(+30,000,000)	(+30,000,000)	(+30,000,000)	
District of Columbia medical facilities	8,500,000 (10,000,000)			(11)	(11)	−8,500,000			
Patient care and special health services	78,962,268	79,889,000	79,889,000	79,889,000	79,889,000	+926,732			
National health statistics	9,366,000	9,918,000	9,668,000	9,668,000	9,668,000	+302,000	−250,000		
Retired pay of commissioned officers (indefinite)	16,700,000	19,501,000	19,501,000	19,501,000	19,501,000	+2,801,000			
Office of the Administrator	10,845,000	11,812,000	11,812,000	11,812,000	11,812,000	+967,000			
Total, Health Services and Mental Health Administration	1,057,082,970 (1,079,768,970)	1,269,880,000	1,384,090,000	1,459,495,078	1,422,410,000	+365,327,030	+152,530,000	+38,320,000	−37,085,078
Consisting of—									
Definite appropriations	1,025,465,970	1,235,556,000	1,349,766,000	1,425,171,078	1,388,086,000	+362,620,030	+152,530,000	+38,320,000	−37,085,078
Indefinite appropriations	31,617,000	34,324,000	34,324,000	34,324,000	34,324,000	+2,707,000			
National Institutes of Health									
Biologics Standards	8,237,000 (8,239,000)	8,640,000	8,838,000	8,838,000	8,838,000	+601,000	+198,000		
National Cancer Institute	180,848,563 (190,486,063)	202,383,000	227,383,000	235,383,000	230,383,000	+49,534,437	+28,000,000	+3,000,000	−5,000,000
National Heart and Lung Institute	160,634,000 (171,377,500)	171,747,000	178,479,000	203,479,000	193,479,000	+32,845,000	+21,732,000	+15,000,0000	−10,000,000
National Institute of Dental Research	28,754,331 (30,808,831)	34,563,000	35,257,000	36,257,000	35,257,000	+6,502,669	+694,000		−1,000,000
National Institute of Arthritis and Metabolic Diseases	131,761,000 (140,841,000)	132,152,000	138,339,000	140,339,000	138,339,000	+6,578,000	+6,187,000		−2,000,000
National Institute of Neurological Diseases and Stroke	97,319,000 (103,891,000)	96,972,000	100,807,000	115,807,000	105,807,000	+8,488,000	+8,835,000	+5,000,000	−10,000,000
National Institute of Allergy and Infectious Diseases	97,551,000 (100,486,500)	99,219,000	102,249,000	102,749,000	102,249,000	+4,698,000	+3,030,000		−500,000
National Institute of General Medical Science	148,294,274 (159,972,274)	148,376,000	166,072 000	171,072,000	166,072,000	+17,777,726	+17,696,000		−5,000,000
National Institute of Child Health and Human Development	76,095,000 (77,192,000)	93,303,000	94,436,000	94,436,000	94,436,000	+18,341,000	+1,133,000		
National Eye Institute	22,836,000 (24,342,500)	25,686,000	30,985,000	30,985,000	30,985,000	+8,150,000	+5,300,000		
National Institute of Environmental Health Sciences	17,573,000 (18,328,000)	19,843,000	20,620,000	21,620,000	20,620,000	+3,047,000	+777,000		−1,000,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,791,000 (2,954,000)	2,664,000	3,582,000	3,582,000	3,582,000	+791,000	+918,000		
Health manpower	212,963,096 (234,718,096)	242,234,000	260,934,000	332,650,000	275,934,000	+62,970,904	+33,700,000	+15,000,000	−56,716,000
Dental health	10,942,869 (11,840,869)	10,954,000	10,954,000	11,014,000	11,014,000	+71,131	+60,000	+60,000	
Research resources		63,701,000	66,201,000	66,801,000	66,201,000	+66,201.000	+2,500,000		−600,000
General research and services	68,026,000 (76,658,000)	(12)	(12)	(12)	(12)	−68,026,000			
Construction of health educational, research, and library facilities	126,100,000	126,100,000	126,100,000	150,000,000	141,100,000	+15,000,000	+15,000,000	+15,000,000	−8,900,000
National Library of Medicine	19,372,000 (19,682,000)	19,769,000	19,769,000	22,233,000	20,769,000	+1,397,000	+1,000,000	+1,000,000	−1,464,000
Buildings and facilities	1,615,000 (1,900,000)					−1,615,000			
Office of the Director	7,541,341	8,206,000	8,206,000	8,206,000	8,206,000	+664,659			
Scientific activities overseas (special foreign currency program)	3,455,000	32,444,000	32,444,000	32,444,000	32,444,000	+28,989,000			
Payment of sales insufficiencies and interest losses	957,000	3,083,000	3,083,000	3,083,000	3,083,000	+2,126,000			
General research support grants	(57,677,000)	(45,977,000)	(60,700,000)	(60,700,000)	(60,700,000)	(+3,023,000)	(+14,723,000)		
General research and services				[13] 15,000,000					−15,000,000
Total, National Institutes of Health	1,423,666,474 (1,511,770,974)	1,542,039,000	1,634,739,000	1,805,979,000	1,688,799,000	+265,132,526	+146,760,000	+54,060,000	−117,180,000
Office of Education									
Elementary and Secondary Education				[14] 70,400,000					−70,400,000
Social and Rehabilitation Service									
Grants to States for public assistance	7,498,304,000	8,651,950,000	8,651,950,000	8,651,950,000	8,651,950,000	+1,153,646,000			
Work incentives	102,000,000 (120,000,000)	170,000,000	120,000,000	98,000,000	98,000,000	−4,000,000	−72,000,000	−22,000,000	
Assistance to repatriated U.S. nationals	600,000 (700,000)	(15)	(15)	(15)	(15)	−600,000			
Rehabilitation services and facilities	463,398,000 (464,783,000)	571,640,000	566,640,000	579,140,000	570,390,000	+106,992,000	−1,250,000	+3,750,000	−8,750,000
Mental retardation	33,870,000 (37,000,000)	(16)	(16)	(16)	(16)	−33,870,000			
Maternal and child health and welfare	277,903,000 (282,367,000)	(17)	(17)	(17)	(17)	−277,903,000			
Programs for the aging	27,759,000 (28,360,000)	32,000,000	32,000,000	34,650,000	33,650,000	+5,891,000	+1,650,000	+1,650,000	−1,000,000
Juvenile delinquency prevention and control	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000	+5,000,000			
Research and training	58,704,000 (60,000,000)	81,435,000	75,435,000	79,435,000	76,435,000	+17,731,000	−5,000,000	+1,000,000	−3,000,000
Cooperative research or demonstration projects	11,219,000 (11,500,000)	(18)	(18)	(18)	(18)	−11,219,000			
Social and rehabilitation activities overseas (special foreign currency program)	2,000,000	7,000,000	4,000,000	4,000,000	4,000,000	+2,000,000	−3,000,000		
Salaries and expenses	33,502,528	37,439,000	35,067,000	33,000,000	34,067,000	+564,472	−3,372,000	−1,000,000	+1,067,000
Trust fund transfer	(360,000)	(390,000)	(390,000)	(390,000)	(390,000)	(+30,000)			
Total, Social and Rehabilitation Service	8,519,259,528 (8,548,516,528)	9,566,464,000	9,500,092,000	9,495,175,000	9,483,492,000	+964,232,472	−82,972,000	−16,600,000	−11,683,000

Footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

CONFERENCE SUMMARY—Continued

Agency and item	1970 enacted [1]	1971 Budget estimate [2]	1971 House bill	1971 Senate bill	1971 Conference agreement	Conference agreement compared with— 1970	Budget 1971	House	Senate
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
Social Security Administration									
Payments to social security trust funds		$2,599,886,000	$2,599,886,000	$2,599,886,000	$2,599,886,000	+$2,599,886,000			
Payments to trust funds for health insurance for the aged	$1,545,413,000	[19]	[19]	[19]	[19]	−1,545,413,000			
Payments for military service credits	105,000,000	[19]	[19]	[19]	[19]	−105,000,000			
Payments for special benefits for aged	364,151,000	[19]	[19]	[19]	[19]	−364,151,000			
Special benefits for disabled coal miners	10,000,000		[20]	[20]	[20]	−10,000,000			
Limitation on salaries and expenses	(943,559,239)	(997,461,000)	(997,461,000)	(997,461,000)	(997,461,000)	(+53,901,761)			
Limitation on construction		(2,800,000)	(2,800,000)	(2,800,000)	(2,800,000)	+2,800,000			
Total, Social Security Administration	2,024,564,000	2,599,886,000	2,599,886,000	2,599,886,000	2,599,886,000	+575,322,000			
Special Institutions									
American Printing House for the Blind	1,404,000	1,476,000	1,557,000	1,517,000	1,517,000	+113,000	+$41,000	−$40,000	
National Technical Institute for the Deaf	2,851,000	19,744,000	19,744,000	19,744,000	19,744,000	+16,893,000			
Model Secondary School for the Deaf		2,432,000	2,432,000	4,432,000	2,432,000	+2,432,000			−$2,000,000
Model Secondary School for the Deaf, salaries and expenses	429,529	[21]	[21]	[21]	[21]	−429,529			
Model Secondary School for the Deaf, construction	351,000	[21]	[21]	[21]	[21]	−351,000			
Gallaudet College		7,150,000	6,870,000	7,225,000	7,097,000	+7,097,000	−53,000	+227,000	−128,000
Gallaudet College, salaries and expenses	4,512,945	[22]	[22]	[22]	[22]	−4,512,945			
Gallaudet College, construction	1,106,000	[22]	[22]	[22]	[22]	−1,106,000			
Howard University		36,185,000	36,185,000	36,185,000	36,185,000	+36,185,000			
Howard University, salaries and expenses	21,391,003	[23]	[23]	[23]	[23]	−21,391,003			
Howard University, construction	30,410,000	[23]	[23]	[23]	[23]	−30,410,000			
Freedmen's Hospital	10,168,000	[23]	[23]	[23]	[23]	−10,168,000			
Total	72,623,477	66,987,000	66,788,000	69,103,000	66,975,000	−5,648,477	−12,000	+187,000	−2,128,000
Office of Child Development		11,455,000	5,917,000	[24] 405,417,000	5,917,000	+5,917,000	−5,538,000		−399,500,000
Departmental Management									
Office of Civil Rights	5,913,500	7,927,000	7,927,000	8,874,000	7,927,000	+2,013,500			−947,000
Trust fund transfer	(856,000)	(947,000)	(947,000)		(947,000)	(+91,000)			(+947,000)
Departmental Management		37,070,000	35,100,000	35,100,000	35,100,000	+35,100,000	−1,970,000		
Transfers		(5,855,000)	(5,725,000)	(5,725,000)	(5,725,000)	(+5,725,000)	(−130,000)		
Office of the Secretary, salaries and expenses	6,629,000	[25]	[25]	[25]	[25]	−6,629,000			
Trust fund transfer	(398,000)	[25]	[25]	[25]	[25]	(−398,000)			
Office of Community and Field Services, salaries and expenses	5,304,900	[25]	[25]	[25]	[25]	−5,304,900			
Transfers	(2,325,000)	[25]	[25]	[25]	[25]	(−2,325,000)			
Office of the Comptroller, salaries and expenses	11,812,700	[25]	[25]	[25]	[25]	−11,812,700			
Trust fund transfer	(2,060,000)	[25]	[25]	[25]	[25]	(−2,060,000)			
Office of Administration, salaries and expenses	5,734,200	[25]	[25]	[25]	[25]	−5,734,200			
Trust fund transfer	(350,000)	[25]	[25]	[25]	[25]	(−350,000)			
Surplus property utilization	1,401,500	[25]	[25]	[25]	[25]	−1,401,500			
Office of the General Counsel, salaries and expenses	2,695,900	[25]	[25]	[25]	[25]	−2,695,900			
Transfers	(1,396,000)	[25]	[25]	[25]	[25]	(−1,396,000)			
Total, departmental management	39,491,700	44,997,000	43,027,000	43,974,000	43,027,000	+3,535,300	−1,970,000		−947,000
Total, Department of Health, Education, and Welfare	(13,379,851,535) (13,526,649,035)	15,357,955,000	15,486,915,000	16,216,575,078	15,570,772,000	+2,190,920,465	+212,817,000	+83,857,000	−645,803,078
Consisting of—									
Definite appropriations	13,348,234,535	15,323,631,000	15,452,591,000	16,182,251,078	15,536,448,000	+2,188,213,465	+212,817,000	+83,857,000	−645,803,078
Indefinite appropriations	31,617,000	34,324,000	34,324,000	34,324,000	34,324,000	+2,707,000			
RELATED AGENCIES									
National Labor Relations Board	39,038,950	37,930,000	39,430,000	39,430,000	39,430,000	+391,050	+1,500,000		
National Mediation Board	2,353,000	2,394,000	2,394,000	2,394,000	2,394,000	+41,000			
Railroad Retirement Board:									
Payment for military service credits	19,206,000	19,969,000	19,969,000	19,969,000	19,969,000	+763,000			
Limitation on salaries and expenses	(16,462,000)	(16,740,000)	(16,740,000)	(16,740,000)	(16,740,000)	(+278,000)			
Federal Mediation and Conciliation Service	9,027,000	9,508,000	9,508,000	9,508,000	9,508,000	+481,000			
United States Soldiers' Home (trust fund appropriation):									
Operation and maintenance	9,529,000	9,822,000	9,822,000	9,822,000	9,822,000	+293,000			
Capital outlay	170,000	128,000	128,000	128,000	128,000	−42,000			
Office of Economic Opportunity	1,948,000,000	2,080,200,000	2,046,200,000	[26] 900,400,000	[27] 1,323,400,000	−624,600,000	−756,800,000	−722,800,000	+423,000,000
Federal Radiation Council	132,000	144,000	144,000	144,000	144,000	+12,000			
President's Committee on Consumer Interests	470,400	810,000	810,000	810,000	810,000	+339,600			
National Commission on Product Safety	1,488,200					−1,488,200			
President's Council on Youth Opportunity	300,000	300,000	300,000	300,000	300,000				
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	675,000	675,000	675,000	675,000	+138,000			
Payment for the Corporation for Public Broadcasting	15,000,000	[28] 22,500,000		27,500,000	23,000,000	+8,000,000	+500,000	+23,000,000	−4,500,000
Consisting of—									
Definite appropriations	(15,000,000)	(20,000,000)		(22,500,000)	(20,000,000)	(+5,000,000)	(.....)	(+20,000,000)	(−2,500,000)
Indefinite appropriations		(2,500,000)		(5,000,000)	(3,000,000)	(+3,000,000)	(+500,000)	(+3,000,000)	(−2,000,000)
National Credit Union Administration		500,000		500,000			−500,000		−500,000
Total, related agencies	2,045,251,550	2,184,880,000	2,129,380,000	1,011,580,000	1,429,580,000	−615,671,550	−755,300,000	−699,800,000	+418,000,000
Consisting of—									
Definite appropriations	2,045,251,550	2,182,380,000	2,129,380,000	1,006,580,000	1,426,580,000	−618,671,550	−755,800,000	−702,800,000	+420,000,000
Indefinite appropriations		2,500,000		5,000,000	3,000,000	+3,000,000	+500,000	+3,000,000	−2,000,000
Grand total, appropriations	(16,517,638,485) (16,664,435,985)	18,759,377,000	18,824,663,000	19,239,514,078	18,969,392,500	+2,451,754,015	+210,015,500	+144,729,500	−270,121,578

Footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

CONFERENCE SUMMARY—Continued

Agency and item	1970 enacted [1]	1971 Budget estimate [2]	1971 House bill	1971 Senate bill	1971 Conference agreement	Conference agreement compared with— 1970	Budget 1971	House	Senate
Grand total—Continued									
Consisting of—									
Definite appropriations	$16,486,021,485	$18,722,553,000	$18,790,339,000	$19,200,190,078	$18,932,068,500	+$2,446,047,015	+$209,515,500	+$141,729,500	−$268,121,578
Indefinite appropriations	31,617,000	36,824,000	34,324,000	39,324,000	37,324,000	+5,707,000	+500,000	+3,000,000	−2,000,000
Grand total, contract authorizations				30,000,000	30,000,000	+30,000,000	+30,000,000	+30,000,000	
Grand total, new budget (obligational) authority	16,517,638,485	18,759,377,000	18,824,663,000	19,269,514,078	18,999,392,500	+2,481,754,015	+240,015,500	+174,729,500	−270,121,578

[1] Includes supplemental appropriations. 1970 appropriations are adjusted to reflect the limitation contained in section 410 of Public Law 91-204. Where a 1970 appropriation has been reduced in the administration of this limitation, the amount carried in the act is shown in parentheses directly under the reduced figure.

[2] Includes an amendment contained in S. Doc. 91-97 and a proposed supplemental for fiscal year 1971 contained in H. Doc. 91-404.

[3] Includes $802,000,000 for work and training activities previously contained in Office of Economic Opportunity budget estimates.

[4] Includes $760,100,000 for work and training activities previously contained in Office of Economic Opportunity budget estimates.

[5] Included under "Manpower Administration, salaries and expenses" and "Unemployment Insurance Service, salaries and expenses" in the 1971 estimates.

[6] Included under "Wage and Labor Standards Administration, salaries and expenses" in the 1971 estimates.

[7] Included under "Manpower Administration, salaries and expenses," "Wage and Labor Standards Administration, salaries and expenses," and "Salaries and expenses," Office of the Solicitor in the 1971 estimates.

[8] Includes budget amendment of $5,140,000 (S. Doc. 91-97) which House did not consider.

[9] Formerly budgeted under "Maternal and child health and welfare" and "Salaries and expenses," Social Rehabilitation Service.

[10] Includes $15,000,000 for District of Columbia medical facilities.

[11] $15,000,000 included under "Medical facilities construction".

[12] Included under "Research resources" in 1971 estimates.

[13] To support NIH research activities at the laboratory and supporting facilities at Fort Detrick Frederick, Md.

[14] Follow Through program previously contained in Office of Economic Opportunity budget estimates.

[15] Included under "Grants to States for public assistance" in the 1971 estimates.

[16] Included under "Rehabilitation services and facilities" in the 1971 estimates.

[17] Included under "Maternal and child health," Health Services and Mental Health Administration, "Grants to States for public assistance," and "Office of Child Development," Office of the Secretary in the 1971 estimates.

[18] Included under "Research and training" in the 1971 estimates.

[19] Included under "Payments to social security trust funds" in the 1971 estimates.

[20] Open-ended; obligations authorized to be charged to subsequent appropriations.

[21] Included under "Model Secondary School for the Deaf" in the 1971 estimates.

[22] Included under "Gallaudet College" in the 1971 estimates.

[23] Included under "Howard University" in the 1971 estimates.

[24] Includes $398,000,000 for Headstart program previously contained in Office of Economic Opportunity budget estimates.

[25] Included under "Departmental Management" in the 1971 estimates.

[26] Reflects transfer of work and training activities to the Department of Labor and child development programs to the Department of Health, Education, and Welfare.

[27] Reflects transfer of work and training activities to the Department of Labor.

[28] Proposed supplemental for fiscal year 1971 (H. Doc. 91-404) which House did not consider.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

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

Mr. YATES. Can the gentleman tell me how much has been approved by the conferees under the Hill-Burton Act for construction of hospitals and related facilities?

Mr. FLOOD. I cannot say the exact figure from the top of my head, but the staff will locate it for me in a very few seconds. It is close to $200,000,000.

Mr. GROSS. While that information is being looked up, will the gentleman yield to me?

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

Mr. GROSS. I have enjoyed the gentleman's presentation very much.

Mr. FLOOD. We always enjoy each other's remarks, even though we have differing opinions on many things.

Mr. GROSS. Stripped to the running gears, this conference report is $144.7 million above the figure as the bill left the House; is that correct?

Mr. FLOOD. Quite correct. May I say to my friend, if I knew the proper tribunal to apply to I would ask that this be declared a minor miracle.

Mr. GROSS. Then I would hope for a major miracle.

Mr. FLOOD. Now, to return to the question raised by my friend from Illinois. To the gentleman from Illinois I say, the figure is $196,521,000, if you include the amount of $15,000,000 earmarked for the District of Columbia under the authority in the District of Columbia Medical Facilities Construction Act of 1968.

Mr. YATES. I thank the gentleman for giving me this information.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, in further answer to the gentleman from Illinois, beyond the $196 million for Hill-Burton we also accepted Senate language which would provide for $30 million additional for public hospitals.

Mr. Speaker, I agree with the distinguished chairman of the Labor–HEW Subcommittee that the House conferees did a good job in persuading the Senate conferees to give up over two-thirds of the unbudgeted amounts added to this bill by the Senate. I would, however, like to add a couple of points to place this conference report in better perspective.

First, as I mentioned the other day, this bill is really a much greater increase over the President's budget than the $210 million which shows on the surface. Neither the House nor the Senate adopted the provision requested in the budget which would limit Federal payments for administration, staff training, and social services in connection with welfare programs to a 10-percent increase over the 1970 payment. Failure to include this limitation adds another $217 million over the President's budget. So we are really talking here about an appropriation bill which is more than $425 million over the current budget request, although to be perfectly kosher we should anticipate another budget amendment to take care of this $217 million that will be required before the end of this current fiscal year.

Second, the appropriations in this bill exceed the 1970 appropriations by almost $2.5 billion. That is an increase of about 15 percent, about $1.1 billion of that increase is for public assistance, including medicaid. We already know that the amount in the budget request for public assistance is inadequate based on estimates which are coming in from the States, and that there will have to be a substantial supplemental appropriation for 1971. Exactly how large it will be, we do not know as yet. I bring this up to emphasize that the $2.5 billion increase in this bill is by no means the full amount which we are going to appropriate in fiscal year 1971 for the agencies covered by this bill.

Another $585 million of the increase is for payments to the social security trust fund, mainly for the medicare program. This is also something over which we have little or no control. It arises, of course, from the increase in the cost of medical care which we have been experiencing in the past several years.

There is a lot of money in this bill for health programs. Funds for the programs of the Public Health Service will increase by almost $430 million. That is for more health facilities, training of more doctors, dentists, nurses, and other professionals, more medical research, the operation of mental health centers, the rehabilitation of narcotic addicts, and so on.

Some of the other increases in this bill are $73 million for vocational rehabilitation, $34 million for Headstart, $8 million for the Corporation for Public Broadcasting, $6 million for programs for the aging, and $49 million for manpower training programs administered by the Labor Department. There are others which I will not take the time to list.

While I do not agree with everything in it, I think it is the best bill we are likely to get under the circumstances, and I urge the adoption of the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. BEALL).

Mr. BEALL of Maryland. Mr. Speaker, I recognize the fact that the conferees have labored mightily here to produce a conference report on this very important bill, but I would suggest there has been perhaps an oversight with respect to Amendment No. 40 which was adopted in the Senate. Amendment No. 40, adopted

in the Senate, provides for $15 million for the conversion of Fort Detrick in Frederick, Md., for use by the National Institutes of Health under the Department of Health, Education, and Welfare for research into the causes of various diseases with which we are stricken these days. Fort Detrick, as many of you know, was formerly the principal base for the biological warfare research that was performed by the Department of the Army. As we all know, President Nixon last year decided that it was no longer a proper function of the Department of the Army or, as a matter of fact, of this country to be involved in the development of biological warfare agents. Therefore, it has been declared surplus.

I would suggest that the facilities at Fort Detrick are unique in this Nation. For 30 years scientists there have been accumulating knowledge on the causes of diseases and ways of preventing them and on the development of antibiotics that will cure rare diseases.

I would suggest also at Fort Detrick there exists today a facility that can be used by other departments of our Government in the search for cures for diseases with which we are afflicted.

It is in the best interests of our economy, we believe, if the Congress of the United States decided it would take unto itself the responsibility for breaking down the barriers existing between the administrative branches of the Government and say to the Department of Health, Education, and Welfare we think this is a proper function in which you should be engaged and we think it is proper to save money and not have to build another facility somewhere else but, rather, use the existing facility we have to fight disease and at the same time to use the services of a group of valuable scientific personnel who will be otherwise lost to the U.S. Government.

Mr. Speaker, I point out that there are 1,228 acres involved at Fort Detrick and that there are over 1 million square feet of floor space of research facilities and that the value of this property is $175 million. If it is not picked up by another agency, it is going to go to waste. I think it is a shame that it has not been used at this time.

Mr. Speaker, I include a detailed explanation concerning the Detrick Laboratories:

THE DETRICK LABORATORIES: A NATIONAL RESOURCE—WHY WASTE IT?

An existing physical plant, modern, ultra-safe, with many unique facilities; an existing research team, with unique experience and capabilities—why lose them?

Demonstrated competence in achieving critical national defense goals; unlimited potential for solving current national health and environmental problems—let's use it!

On November 25, 1969 President Nixon announced that the United States would no longer engage in research, production and stockpiling of offensive biological weapons. Several months later the Department of Defense announced that the Fort Detrick site of the Army's Biological Defense Research Center was surplus to the Army's needs.

As a result of these two announcements, the Fort Detrick research staff is being disbanded and by June 30, 1971 the laboratories will be closed.

The nation cannot afford to allow this research facility, a national resource, to be put into mothballs and be wasted. It cannot afford to let an integrated, multidisciplinary research team of unique capabilities and experience be broken up.

What do leaders in the field of science have to say about Fort Detrick, its research staff and the necessity for creating a health and environmental research facility here? Three examples may be cited.

"As a result of President Nixon's decision to renounce biological warfare, one of the nation's largest collections of microbiologists, plus assorted other scientific personnel at the Army's Fort Detrick, Maryland, have been left in a state of uncertainty about the future. Detrick's personnel and laboratories represent such an important scientific resource for the containment and study of infectious materials, that the key question seems to be not whether Detrick, but whither?" Andrew Hamilton, writing in the official journal of the American Association for the Advancement of Science, *Science* 166:3912:1490, 19 December 1969.

"Well, we know that Fort Detrick is [a] major research center. . . . We have figures on the number of professional people employed there. . . . It is certainly a very considerable research establishment, with people professionally qualified in many of the important areas related to microbiology, biochemistry, and public health. . . . I would think that we desperately need some national center where even the apparently most innocuous chemicals would be given thorough-going tests before being introduced into our ecosystem and bodies. . . . What better way to do this than to convert an already established center? I think it would be most appropriate . . . to have a taxpayer-supported facility that will give the people honest answers regarding the toxicology of chemicals that are to become a part of their environment." Dr. Arthur W. Galston, testifying before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, 2 December 1969.

"Microbiological research must be expanded in programs of public health research for defense against our natural enemies. In fact, the public health bureaucracy has refused to give prudent thought to the recurrence of major pandemics of human disease . . I would like to put in a counter-bid for the utilization of Fort Detrick, . . . and that is simply to open it up. . . . We need open, public research that is available to the international community for defenses against biological attack, both natural and potential from other sources. . . . I think we could have this staff in situ change its assigned mission very, very slightly, indeed, but open it up as an international laboratory." Professor Joshua Lederberg, testifying before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, 2 December 1969.

Thus, one of the Nation's leading scientific journals, a nationally recognized botanist and lecturers at Yale University and the 1958 Nobel laureate in physiology and medicine, all agree on the value of Detrick's laboratories and personnel. Why? Because they recognize (i) the excellence of the existing physical plant, (ii) the well-rounded competence of the research team, (iii) the team's record of past accomplishments, and (iv) the superb, and in many instances unique, potential of the laboratory and staff for contributions to the solution of current urgent national health problems. Let's take a look at these four items.

THE PHYSICAL PLANT

Location: The Detrick laboratories are located on 1,229 acres of Federally owned land in Frederick County, Maryland, adjacent to the city of Frederick, 45 miles west of Baltimore and 45 miles north of Washington, D.C., on the I–70 research corridor.

General Description: Technical facilities and accompanying support facilities occupy about 400 acres. The remaining acreage would be available for possible future expansion or as an outdoor area for ecological and environmental research. The complex has its own water purification, sewage decontamination, and sewage disposal plants. The existing technical facilities encompass 1,850,000 square feet of modern, safe, and, in some cases, unique research laboratories.

Costs: The existing facilities represent an initial investment of 84 million dollars. Current replacement cost of these facilities is conservatively estimated at 175 million dollars.

Research Facilities: There are nine major modern laboratory complexes and a number of smaller laboratory facilities. Each complex consists of numerous research suites, animal holding and service areas, office space, and in several cases conference rooms complete with projection equipment. The research suites generally all possess biological containment hoods. Several of these hoods are extremely complex containing automated conveyor systems, constant temperature waterbaths, incubators, refrigerators, deep freezes, and nitrogen atmosphere systems. Four pilot-plant facilities provide for the moderate to large-scale production of bacteria, viruses, tissue cell cultures. Seven systems and individual chambers are available for aerosol research on such diverse subjects as airborne human disease and airborne chemical air pollutants. Two of the latter facilities are unique: the 1,000,000-liter test sphere and the sunlight aerosol laboratory.

Hazardous Operations and Safety: The Detrick laboratories and staff long have been recognized world leaders in the design, development, and application of techniques and equipment for the safe conduct of hazardous operations. A laboratory design criteria manual, compiled by Detrick from its 27 years of accumulated experience, has served as the basic design guide for such diverse facilities as the NASA Lunar Receiving Laboratory, the National Cancer Institute's Emergency Virus Isolation Facility, the USDA's National Animal Disease Laboratory, and a special Virus Laboratory of the National Drug Company. Based on statistics of the National Safety Council, of which Detrick is a long-time member, Detrick's past safety record is equal to or better than *any* all-industry average, 8 to 14 times better than that for *all* Civil Service employees, and 20 to 50 times better than many single industry averages.

Suitability: The quality of the existing laboratories is unsurpassed. They are located in an area where (i) housing is more than adequate, (ii) school facilities, including a community college, are considered good, (iii) commuting time is minimal, and (iv) a variety of educational, recreational and cultural facilities are within the immediate vicinity. In short, area conditions are conducive to obtaining and retaining a competent professional staff.

THE RESEARCH TEAM

Make-Up: Although it has been reduced by about 25% as a result of the past year's reductions in force and resignations, the Detrick research team still includes more than 300 degree-holding scientists and engineers. These include specialists in nearly every major scientific discipline, including bacteriology, virology, immunology, plant pathology, plant physiology, chemistry, biochemistry, physics, biomathematics, human and vet-

erinary medicine, ecology, and epidemiology, all types of engineering, and science administration. In addition, this degree-holding group is supported by a substantial number of biological science, physical science, and engineering technicians that represent an irreplaceable fund of accumulated research-support experience. A detailed breakdown of the Detrick degree-holding professional community is shown in Table 1.

Interdisciplinary Approach: The successful past achievement of Detrick's assigned national defense goals required, by the very nature of the work, the development of the interdisciplinary approach to scientific and technical problems. In fact, in its 27 years, the Detrick professional community can be said to have pioneered in the cooperative solution of tough scientific problems—in "team" research. Although this team effort has been devoted to national defense problems in the past, this team concept is equally applicable to the solution of current urgent national priorities in the fields of human health and environmental quality. Most important, the team research attitude is not a commodity that is readily purchaseable on the open market; the attitudes, understanding, and cooperation necessary to efficient and effective team research are not readily available.

National and International Involvement: Since 1946, when wartime restrictions on open publication were removed, Detrick scientists and engineers have published over 1,400 articles in scientific and technical journals. In the past decade, Detrick has sponsored or co-sponsored six scientific symposia on widely diverse subjects. Most of the Detrick staff are members of one or more professional societies, and, annually, many of the staff participate in regional, national, and international meetings of the various societies. The last Scientific Director at Detrick was a past president of the American Society for Microbiology, and many other staff members have served their societies as officers, board members, and committee chairmen.

Research Support: The size and depth of the Detrick multidisciplinary research team demands quality research support in the fields of experimental animal husbandry, computer sciences, technical information, operations research, and mathematics and statistics. At Detrick, such support has been developed, is available, and has provided outstanding scientific results in terms of acceptance by the worldwide scientific community. The Detrick Animal Farm has supplied laboratory animals of outstanding quality not only to Detrick research facilities but also (because of the shortage of quality animals from commercial sources) to such diverse research groups as the USPHS National Center for Disease Control, the SEATO Laboratories in Bangkok, the William Hooper Foundation in San Francisco, and numerous other government agencies, universities, and private organizations. The value of automation was recognized at Detrick as early as 1949, and its computerized technical information systems, which became operational in 1964, were among the first in the Nation and continue to lead the state of the art. Its automated chemical and biological data management system that became operational in March 1970 is widely believed to be the finest chemical retrieval system per dollar currently available anywhere. With the exception of major facilities such as the Library of Congress and the National Library of Medicine, the Detrick Technical Library holdings, which include over 50,000 books and monographs, 40,000 technical reports and over 1,000 scientific journals in medicine, microbiology and related fields, are among the most complete available.

PAST ACCOMPLISHMENTS

A rather good-sized book would be required to detail and evaluate Detrick's contributions to science and technology over the past quarter century. For example, a series of three articles currently running in a national journal presents only the highlights of such Detrick contributions in just three scientific disciplines (*Ordnance* 55 (302):118–122, 1970. *Ordnance in press. Ordnance in press*). Thus, no attempt will be made here to be either all-inclusive or detailed in presentation. Rather, emphasis will be placed on some representative contributions that demonstrate Detrick's potential for research in areas of current national concern.

Immunology: Research and development at Detrick has resulted in the development, experimental evaluation of, and methods for the production of a number of vaccines and toxoids to protect people against infectious diseases and toxic products. These include: (i) anthrax, an occupational hazard for cattlemen, livestock breeders, veterinarians, and employees in wool-processing mills, (ii) botulinum toxin, one of the most poisonous substances that occurs in nature in improperly processed foods, particularly home-canned products, (iii) Q fever, a disease that affects veterinarians, dairy workers, farmers, and personnel in diagnostic laboratories, stock yards, and meat rendering and packing plants, and (iv) tularemia, better known as "rabbit fever." Reliable vaccines and toxoids resulting from Detrick work have been made available to qualified clinical and investigators worldwide through the auspices of the Investigational Vaccines Program run by the USPHS's National Center for Disease Control, Atlanta, Georgia. In fact, Detrick was instrumental in initiating the program.

Aerobiology and Airborne Infection: Detrick may well be called the father of modern aerobiological research. Its scientists have made numerous and fundamental contributions in techniques, equipment, and experimental design that were instrumental in making aerobiology and airborne infection the quantitative sciences they are today. Detrick's expertise in these fields is widely recognized, and its research staff frequently has been asked to participate in studies with other government agencies, universities, and the like. Representative examples of the latter include:

Collaborative studies with The National Cancer Institute on mouse leukemia virus, a disease that often occurs in mouse colonies maintained for cancer research. The occurrence of this disease in the mouse colonies not only can confound experimental results but also may ruin months or even years of scientific study.

Those perennial problems the "flu," the "common" cold, and related respiratory diseases are responsible for more absenteeism than all other infectious diseases combined. Detrick scientists have participated in studies of some of these diseases with National Institutes of Health and Baylor Medical College investigators since 1963. These studies have uncovered much about the nature and transmission of these diseases, and studies currently in progress could lead to the development of a relatively inexpensive and broad-scale treatment for these diseases.

Studies with the National Institute of Allergy and Infectious Diseases on Marek's disease, a highly contagious, paralytic, and tumor-producing disease of domestic fowl long of major economic importance in the poultry industry.

Cooperative field studies with the University of Arizona on coccidioidomycosis, a fungal disease endemic in the southwestern U.S., where its infectivity for long-time residents and cattle approaches 70 and 80%, respectively.

Numerous other studies have been carried out on such diverse diseases as tularemia, botulinum food poisoning, Rocky Mountain spotted fever, Q fever, respiratory anthrax, psittacosis, and yellow fever, several of which are of public health importance.

Standards Development: Developed irradiated safe nonliving reagents for the serological diagnosis of some virus diseases of man, thus making it possible for such diagnostic tests to be performed in public health laboratories and hospitals not equipped for hazardous operations. Developed and evaluated time-and-temperature standards for the safe disposal of contaminated air, trash, and sewage. Designed and tested a series of prototype containers for the safe shipment of biological hazardous materials, and established performance standards for these containers that are now under active consideration for incorporation into U.S. public law. Developed a standard automated method for diagnosing syphilis in human specimens that makes it possible for one trained technician to perform between 150 and 200 tests per day with a high degree of reliability, a substantial improvement over older methods.

POTENTIAL FOR SOLVING CURRENT URGENT NATIONAL PROBLEMS

The inherent characteristics of the existing Detrick plant and the existing Detrick research team, together with the record of their past accomplishments, provide unequivocal evidence of their potential for solving current urgent national health and environmental problems. Moreover, this is re-inforced by the testimony of representatives from many other government agencies with current unfillable or potential future responsibilities in these fields.

In recent months, Detrick has been visited by representatives from a number of government agencies. All have indicated that work for their agencies could be done in Detrick facilities with little or no modification required. These agencies have included: Technical Services Division, Consumer Marketing Service, USDA; Food and Drug Administration; a panel from Dr. Emil M. Mrak's Advisory Committee on Pesticides and Their Relationship to Environmental Health; Veterinary Biologics Division, USDA; Federal Water Pollution Control Administration, Department of Interior; Environmental Health Service, USPHS, DHEW; National Cancer Institute and National Institute of Allergy and Infectious Diseases, NIH, DHEW; Communicable Disease Center, USPHS, DHEW; and Consumer Protection Division, USPHS, DHEW.

Members of the Federal Legislative Branch who have visited Detrick recently and are familiar with its personnel and facilities include: Mr. Mark Mathis, Assistant to Senator Charles McC. Mathias; Miss Mary Jo Sottile, Counsel to Congressman L. Mendell Rivers; Senator-elect J. Glenn Beall; Senator Thomas J. McIntyre; Senator Joseph D. Tydings; and Senator Margaret Chase Smith.

What are some of the areas in which Detrick can make contributions? The simple fact of the matter is that Detrick can provide research facilities and a proven staff for work in almost any field of biomedical and environmental interest to existing or new Federal agencies that currently lack either the personnel or facilities to pursue assigned programs. A few representative examples follow:

Interpretation and elucidation of the National Institutes of Health program published in the Congressional Record supporting Senate amendment No. 837—or the Tydings-Mathias amendment explained

NIAID

1. "Slow Virus" Disease Research: Slow viruses cause diseases in which the incubation period (time from infection to clinical symptoms) may be several years in duration. A number of good animal models of such diseases are now available for study. There are several human diseases such as multiple sclerosis, which cause chronic degeneration of the nervous system, that are suspected of being caused by slow viruses. Laboratory investigation of animal models of slow virus diseases are severely restricted to laboratories that have extensive holding facilities for infected animals. In this type of research it is not uncommon to hold animals for 2 or 3 years after they've been infected with a virus. Fort Detrick has some of the best animal holding facilities in the world and because of this, would be in a good position to significantly contribute to the understanding and eventual control of these diseases.

2. Hazardous Virologic Research: The Fort Detrick laboratories are known the world over for their facilities designed to reduce and eliminate the hazard to scientists working with extremely virulent microorganisms. These laboratories pioneered the present day concepts for containment of biohazards. There are many diseases, on which further research is needed, that represent a real danger to the investigator if studied in ordinary laboratory facilities. Among these are viral encephalitis (recent outbreaks have occurred in Texas, Florida, Wisconsin, Illinois, New Jersey, Pennsylvania, and California), hepatitis (worldwide distribution) and highly fatal group of diseases known as hemorrhagic fevers. These diseases can only be studied in laboratories that provide maximum protection to the investigators. All of the above mentioned diseases have been responsible for laboratory infections among personnel involved in research.

3. Other Research Requiring Special Facilities: Many respiratory diseases represent a major health problem in the U.S. today. A research program with the ultimate goal of controlling these diseases in man must necessarily include studies in airborne infection (aerobiology). Aerobiology requires the use of highly sophisticated equipment that in many cases is only available at Fort Detrick. The technology and trained personnel at Detrick could be immediately applied to this group of diseases. The aerobiological approach would be applied to understanding the natural transmission of these diseases, to methods of immunization, and to the administration of antiviral drugs.

NINDS

1. Relocate the Patuxent Laboratory: The reasons for relocating the slow virus research program has been outlined under NIAID item 1, above.

2. Relocate animal holding facilities: See NIAID item 1, above.

3. Epidemiological and infectious disease studies: See NIAID item 1, above.

4. Genetic Engineering Research: According to Dr. Joshua Lederberg, Nobel laureate, it has been estimated that at least 25%, and perhaps one-half of our total health care burden has a genetic basis. Consequently, it is of vital importance to the health of the Nation to explore all avenues for correction of these genetic deficiencies. The knowledge, skills, and facilities of a group of geneticists and tissue culture specialists already assembled at Detrick, should now be utilized to explore the curing and prevention of hereditary diseases by genetic therapy. This involves the substitution of correct genetic information for faulty genes.

DBS

1. Vaccine Studies: Research on viral vaccines often requires the large-scale production of cells, or a large number of embryonated eggs, for use in the preparation of vaccines. The tissue culture pilot plant and the virus pilot plant already at Detrick can supply these facilities. The tissue culture pilot plant has the capability for growing cells under a variety of conditions which will meet any viral production need. Figure 2 shows a typical array of infection tanks. The virus pilot plant is typified by the virus egg line seen in Figure 2. Here it is possible to use embryonated eggs to grow large quantities of viruses which cannot be produced by any other method.

NIAMD

1. Large-Scale Pilot Plant Production of Bacteria:

(a) Bacterial Pilot Plant: A vital need exists for substantial quantities of highly infectious bacterial cells, their toxins and metabolites. Universities and medical schools tend to avoid basic studies on highly infectious agents because the facilities and equipment are not available for their production without hazard to personnel. The Bacterial Pilot Plant, Figure 3, could produce and supply pathogenic materials on request to universities and medical schools throughout the country. A more specific example is: The National Institute of Arthritis and Metabolic Diseases is interested in studying the Streptococcal cell as it relates to arthritis. Production, purification, and concentration of the organism constitute the hazardous operations which would be performed here.

(b) Simulant Pilot Plant: This facility can be used for the production of substantial quantities of bacteria which are noninfectious to man. In the past, this facility has continuously supplied pound-quantities of such organisms as *Bacillus globigii, Serratia marcescens,* and *Escherichia coli* to universities throughout the country.

2. Tissue Culture: A highly qualified team of tissue cell culture investigators utilizing specially designed laboratories and equipment are available for basic research on the nutrition and physiology of human cells and tissue. These investigators can study genetic and biochemical interactions in human tissues.

NIDR

1. National Caries Program: Fort Detrick has a large number of professional bacteriologists, biochemists and chemists that could be utilized immediately in a dental caries research program. The laboratory space and equipment are also available. The animal farm at Fort Detrick has the capacity to quarantine and condition 4,000 monkeys yearly for use in dental caries research.

2. Viral Etiology of Oral Lesions: Viruses can cause diseases of the mouth such as cold sores. There is a need for expanded research in this area since at least one group of these viruses may be involved in causing cancer.

NEI

1. Laboratory for Animal Models of Eye Diseases:

2. Laboratory for Ocular Tissue Research:

3. Tissue and Organ Culture Research:

The above areas of research are self-explanatory and the facilities at Fort Detrick would be well adapted for this type of research.

4. Ocular Toxicology: Very little is known today regarding the effects of air pollutants and other eye irritants on vision. Since a common method of introducing contaminants in to the eye is by way of aerosols, the aerobiology training and facilities at Fort Detrick could make a unique contribution in this field.

NIHHHD

1. Gerontological Research: Only recently has emphasis been placed on understanding the process of aging. Research in this area involving animals necessarily requires holding the animals for extended periods of time. Again, the extensive animal holding facilities at Fort Detrick would make this laboratory uniquely qualified to embark in this kind of a research program.

NCI

1. Engineering and Consultation for Containment of Biohazards: Fort Detrick is without doubt the most qualified laboratory in the world regarding the problem of containing infectious organisms that might be dangerous to the laboratory investigator. These laboratories are best equipped to evaluate the hazard involved in an operation and to design facilities that will reduce or eliminate the risk. The technical know-how in biohazard research developed at Fort Detrick has been utilized by many government agencies including HEW, NASA, and DOT. Fort Detrick has been instrumental in the design of research facilities in universities. The pharmaceutical industries individually and as a group have repeatedly asked for assistance from Fort Detrick on biohazard problems.

2. Tissue Culture-Virus Production: Tissue Culture Pilot Plant: This facility could be used to produce and supply substantial quantities of "cancer" viruses to universities, medical schools, and research institutes throughout the country. In this complex the capability exists for growing cells either on the surface or submerged within fermentation tanks; moreover virus production can be performed on either surfaces or in fermentation tanks. A typical array of infection tanks is illustrated in FIGURE 3.

3. Large-Scale Production of Suspect Viral Tumor Agents: In an attempt to link cancer to viruses the Special Virus Cancer Program has enlisted the support of many contractors all over the United States. When new viruses become suspect as causes of tumors in man there is a need for large-scale production of the virus so that quantities can be shipped to many of these contractor laboratories for additional research. The facilities described in DBS item 1, above, would be applicable to this kind of production.

4. Purification of Viral Reagents: The large-scale virus production facilities at Fort Detrick also includes the necessary equipment for purifying the product. In addition to the equipment, the Fort Detrick staff has well-qualified biochemists and virologists trained in methods of purification. In this field, Fort Detrick has been involved in active research for many years.

Central Support Services:

The above research programs would be supported by the following central services that are presently part of the Fort Detrick complex:

Animal Farm: The Fort Detrick animal farm can produce 100,000 guinea pigs, 1,000,000 mice, 55,000 litters of baby mice and 2,500 rabbits yearly. The production facilities are highly automated to reduce labor costs and these laboratory animals are considered among the best available.

Fort Detrick has computers which can be applied to data analysis and information storage, retrieval and dissemination.

The Fort Detrick Technical Library is among the most complete available anywhere.

At Fort Detrick there is an engineering staff and machine and model shops that can design and fabricate special equipment for research use.

The sewage disposal system at Fort Detrick has been uniquely designed for handling highly contaminated waste with no risk to the surrounding community.

TABLE I.—FORT DETRICK PROFESSIONAL COMMUNITY, NOV. 9, 1970

	PH. D.	M.D.	D.V.M.	M.S.	B.S.	Total
Microbiology:						
Bacteriology	10			7	14	31
Virology	11			2	5	18
Immunology	5			4	6	15
Aerobiology	6		1	10	19	36
Industrial	2			5	10	17
Other	2	1	1	3	8	15
Biology science administration	3				2	5
Biology/entomology	1			3	4	8
Plant sciences:						
Plant pathology	9			2		11
Plant physiology	5					5
Other	2			1	5	8
Physical science:						
Physical scientist	3			4	4	11
Chemist				3	8	11
Biochemist	9			3	8	20
Physicist				1	8	9
Other					2	2
Math statistician	2			2	4	8
Medical doctor		1				1
Doctor veterinary medicine			4			4
Engineering:						
Mechanical				1	22	23
Chemical				2	16	18
Other				1	9	10
Biology laboratory technician					9	9
Physical science-engineer technician					6	6
Attorney					1	1
Administration				5	15	20
Total	70	2	6	59	185	322

Note: Includes only those technicians with degrees.

The following section contains expanded examples of the types of research that could be initiated immediately by the Fort Detrick Research Team at these facilities if the Tydings-Mathias amendment funds were made available.

Cancer research

Another immediate area where an intense research effort is now being concentrated is in the attempt to eliminate cancer as a major disease. Senator Yarborough has stated that the goal of biomedical research is the "elimination of cancer as a major disease by 1976." Further, Dr. Carl G. Baker, the new director of the National Cancer Institute was quoted in *Biomedical News* as saying "Viral oncology is breaking wide open," "We may have a shortage of virologists in this country if cancer research continues to consume them at the current rate." "The virus cancer link looks like it is holding up. The new work is giving us a whole new approach to blocking the cancer process." Dr. Frank J. Rauscher, Scientific Director of N.C.I., has been quoted by *Biomedical News* as saying "We think we are close."

Of the individuals who hold degrees in microbiology, many are currently engaged in, or extremely capable of research in the field of virology. The Fort Detrick talent bank from which potential cancer researchers could be drawn include: virologists engaged in the study of disease transmission (epidemiology); virologists who study the relation between the virus and the infection of man (pathologists); and virologists who seek answers to the riddles of life itself by solving and finding the meaning of the complicated virus molecular structures. In addition, potential cancer research at Fort Detrick can be ably supported by resident scientists in the fields of biochemistry, physical chemistry, physics, and genetics. Furthermore, the facilities exist for the safe, large-scale growth and production of cancer viruses. The importance of this capability is second to none, since answers to the secrets held by cancer-producing viruses can only be unlocked by studies with large amounts of the viral agent. In addition the capability for the production of experimental vaccines for large-scale testing must be available once a specific cancer-producing virus is isolated and analyzed.

All these important factors are now available at Fort Detrick. Not only is this facility available for immediate full-scale utilization into these problems, but in a small way some of these problems are currently being investigated by Fort Detrick scientists in cooperation with colleagues at the National Institutes of Health.

Infectious diseases

Modern biomedical research has become so complex that it now requires teams of scientists and engineers with varied backgrounds and experience to achieve research goals. The professional staff at Fort Detrick includes the variety of scientists and engineers to fulfill this requirement. Among these are virologists, bacteriologists, immunologists, geneticists, molecular biologists, biochemists, biophysicists, ecologists, epidemiologists, bioengineers and statisticians. This family of scientists is one of the most important assets of Fort Detrick. It provides the basis for the contention that these laboratories have considerable flexibility in dealing with a wide variety of biomedical research programs. Secondly, the team approach can be effectively applied to selected research problems which will surely improve the chances of success.

Fort Detrick facilities have been expressly designed for infectious disease research. The research team has had over a quarter of a century experience in this type of research. Effective utilization of Fort Detrick's resources in this field require nothing in the way of facilities modification or research staff supplementation. Just how the immediate utilization of the Detrick team in this important area of biomedical research can be shown by the following example. If Fort Detrick were assigned the role of investigating human respiratory disease such as influenza, the common cold or pneumonia this would require the services of many different types of scientists. Virologists and bacteriologists would be needed to grow and study the organisms that cause these diseases. Since these diseases are often transmitted through the air, engineers would be needed for the continuing design of equipment for studying these airborne diseases. The biophysicists would examine the effects of the environment on airborne particles and the physical factors involved in the penetration of the respiratory tract. Pathologists, immunologists and biochemists would direct these efforts to the changes that occur as a result of infection. In other words many scientists with different specialties would bring the pieces of the puzzle together to create the picture.

Another current situation which would demand the expertise of such an assembled research team is the immediate problem of that world-wide resurgence of the cholera organism.

Against a gauntlet of infectious diseases, protective measures for the mass population must be developed which are painless and inexpensive. Russian scientists have made great strides in developing a vaccination method whereby protection is realized by inhalation of vaccine organisms. The research team at Detrick, having in its midst, the equipment and know-how in the field of aerobiology, would be a prime candidate for the development of such techniques for vaccine advancement.

Items not covered specifically in the Mathias amendment

A. Epidemiology and Ecology Studies: Ecological studies require a multidisciplinary scientific team effort. As indicated previously, such a team is already assembled at Fort Detrick and work could begin immediately without any modification of existing facilities or change in the research staff. In fact, much of the research at Detrick for the past 27 years has been the ecology of diseases which includes (1) the susceptibility of various animals to disease organisms, (2) the study of the disease process in animals, and (3) the growth of microorganisms in artificial medium, tissue culture, embryonated hen's eggs, etc. A few examples of the kinds of ecological studies Detrick personnel could undertake immediately are:

(1) Develop instruments for the *rapid* detection of air or water pollutants that exceed acceptable limits and pinpoint the source.

(2) Develop and produce, in existing facilities, microorganisms which are capable of biodegrading solid and liquid waste.

(a) Examples of existing biodegradation of this type can be found at most modern sewage disposal plants.

(b) One example of the tremendous untapped potential of biodegradation would be the utilization of microorganisms which metabolize petroleum to remove oil spills from our coastal waters. Although much research is going into this field, Detrick has, in addition to the research talent, the facilities and expertise to produce large quantities of the microorganisms in its pilot plant and then freeze-dry them so they would be available for instant use.

(3) Study the effect of various air pollutants on health and determine whether the inhalation of these airborne particles increases the susceptibility of man or other animals to respiratory diseases such as influenza, the "common cold", or lung cancer.

(4) Study the long-term effect of soil pollutants such as pesticides on animal health, behavior, and reproductive capacity.

(5) Study the ecology of human, other animal, and plant diseases that are presently a menace in the USA or pose a very serious threat of being accidentally introduced from foreign countries. It should be pointed out that many diseases of animals can be readily transmitted to humans when environmental conditions are suitable.

(a) Diseases which threaten the lives of man include Rocky Mountain spotted fever, viral encephalitis, influenza, smallpox, yellow fever, cholera, malaria, staphylococcal and streptococcal diseases, and lassa fever. The latter disease is found in Africa and is extremely lethal. While studying the disease at Yale University a world famous scientist, Dr. Jordi Casals, nearly died of lassa fever. His chief technician was killed.

(b) Animal diseases of importance include hog cholera, "swamp fever" of horses, respiratory diseases of cattle which may cause abortion or death, foot and mouth disease, inderpest, Rift Valley fever, etc.

(c) Important plant diseases include rice blast, wheat stem rust, corn leaf blight, cotton root rot, etc.

All of the above mentioned diseases are not now readily controlled and in many instances their ecology is poorly understood. Fort Detrick has excellent animal holding facilities equipped with a unique air filtration system which can be used for containing a wide range of animal species. It would be of particular interest to study the susceptibility of wild and domesticated animals and insects in the USA to certain diseases endemic in other parts of the world. This would give some indication of the potentiality of an outbreak should the disease be accidentally introduced.

B. Vaccine Production and Methodology:

(1) Vaccines for typhus fever and psittacosis are not being manufactured commercially and available stocks are on the verge of exhaustion. We are capable of producing these vaccines which are *not* commercially feasible for private industry.

(2) Production facilities and manpower are available for emergency vaccine production in those cases where the private sector, for reasons of cost or facilities, cannot handle the job.

(3) Fort Detrick would be able to assist the private sector in the technology for handling dangerous organisms, and, if necessary, to actually handle these organisms which industry could not.

(4) Supply universities and research institutes with substantial amounts of research material. An example is the research on the chemistry of substances responsible for several kinds of food poisoning. Detrick has developed the methods for isolating the causitive chemicals in three different kinds of poisoning and has superior production facilities for preparing them. Virtually all of the chemical and physiological studies that have been carried out in this country on Botulism, Staph food poisoning, and shellfish poisoning were made possible because of gifts of these materials to the investigators by Detrick researchers.

C. Technical Consultation: Detrick can provide technical consultation, equipment, and assistance to other countries involved in disease outbreaks which represent a threat to their health and economy. It is distinctly in the interest of our nation to assist any country, especially those neighboring the USA, confronted with an outbreak of disease in order to prevent a similar episode from occurring here.

Mr. GUDE. Mr. Speaker, will the gentleman yield to me?

Mr. BEALL of Maryland. I am glad to yield to my colleague from Maryland.

Mr. GUDE. I would like to join in the remarks of my colleague from western Maryland.

Converting the biological warfare facilities at Fort Detrick to a medical research installation is probably the best example of beating our swords into plowshares that we have. We have a great, golden opportunity here to take a research facility which has been directed toward warfare and destruction and to convert it with the great team of technical and professional personnel they have there to an institution devoted to ridding society of some dreadful diseases. I would hope we could move forward with this proposal and that the delay received as a result of this conference report will be overcome next year.

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

Mr. MICHEL. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. These $19 billion appropriation bills give me concern in this respect, as to whether there is going to be any money in the retirement fund, if I should get around to retirement; and if there is any money, whether it will be worth anything.

Mr. MICHEL. Well, of course, the gentleman from Iowa serves on the committee which has to do with funding the Federal civil service retirement fund.

Mr. GROSS. Of course, the Appropriations Committee has to do the funding.

Mr. MICHEL. But, we do not have that particular item in this bill.

However, I will say to the gentleman from Maryland that some of the questions presented to the committee involved the fact that if we summarily took over this facility, as the gentleman said a facility in excess of 1,200 acres, we would automatically be adding 700 persons to the NIH operations. I do not think on the strength of an amendment added to the bill on the Senate floor, with no hearings held on the matter by our subcommittee or the comparable committee in the other body, that we ought to act in that speedy manner in this instance in taking over that facility, as good as is the argument which the gentleman from Maryland makes.

We do have some people downtown, particularly in NIH and the Department of Health, Education, and Welfare and we shall ask them to take a good look at this and study this and come prepared before our subcommittee next spring when they testify as to the validity of the gentleman's claim and it could be that we could act favorably at that time or at least explore it fully.

Mr. BEALL of Maryland. I appreciate the concern of the gentleman from Illinois and the fact that he assures me that a study is to be made, but during that time it is possible that this facility and this personnel would be disbanded and probably the recommendation of HEW would be to build a new facility rather than to use the old facility.

Mr. MICHEL. We hope that will not be the case. However, I am sure that there will be an opportunity for a hearing to explore all avenues next year when we hold our regular hearings. I think that the gentleman makes a very persuasive one, and that he is to be commended for his efforts on this matter.

Mr. HULL. Mr. Speaker, as a member of the conference committee on H.R. 18515, I urge adoption of the conference report. This legislation will provide for over $18.969 billion in new budget—obligational—authority during fiscal year 1971. This represents an increase of over $2.451 billion in the amount which was appropriated for fiscal year 1970.

In dealing with the Senate and House bills, the conferees were faced with difficult decisions in assigning priorities. There are many legitimate demands on the Federal budget in this legislative area.

I believe that the final product is something of which the Congress can be proud. While we would have liked to provide for programs at a higher level in most instances, it was absolutely necessary to make adjustments to have a bill which was fiscally responsible in light of present fiscal conditions.

The conference report represents a compromise of both House and Senate positions. As proposed, the report represents an increase of $144.729 million over the House-passed bill and a decrease of $270.121 million from the Senate version. I urge adoption of the conference report.

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

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 1: On page 2, strike lines 3 through 7 and insert the following:

"MANPOWER TRAINING ACTIVITIES

"For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and title I, parts A, B, and E of the Economic Opportunity Act of 1964, as amended, $1,546,964,000: *Provided*, That the amount of $744,694,000 appropriated herein for the Manpower Development and Training Act of 1962, as amended, shall remain available until June 30, 1972: *Provided further*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123 (a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers."

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: Strike out the sum of $1,546,694,000 proposed by said amendment and insert in lieu thereof "$1,504,794,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 8: On Page 12, line 8, strike "$89,549,000" and insert the following: "$90,399,000, of which $1,000,000 shall be available only for carrying out the provisions of the Flammable Fabrics Act, the Child Protection and Toy Safety Act, and such other product injury control programs of the Department of Health, Education, and

Welfare that are now in or may be transferred to the Food and Drug Administration."

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disgareement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: Strike out the sum of $90,399,000 proposed by said amendment and insert in lieu thereof "$89,549,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 25: Page 17, line 15, insert *"Provided further,* That the Secretary is authorized to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act which shall constitute contractual obligations of the United States, the total of such outstanding commitments not to exceed $30,000,000 at any given time; to sell obligations received pursuant to such commitments as provided in section 627, and the proceeds of any such sale shall be used to make a direct loan pursuant to the outstanding commitment under which the obligations were received."

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 59: Page 34, line 14, insert the following:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, and for the conduct of the Project Headstart program under section 222(a)(1) of the Economic Opportunity Act of 1964, $405,417,000, of which $398,000,000 is for Project Headstart."

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, $5,917,000."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 62: On page 37, line 9, insert the following: "the National Technical Institute for the Deaf, the Model Secondary School for the Deaf".

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 66: Page 44, line 18, insert the following:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $22,500,000 to remain available until expended: *Provided,* That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows: In lieu of the sum of $22,500,000 proposed in said amendment insert "$20,000,000"; and

In lieu of the sum of $5,000,000 proposed in said amendment insert "$3,000,000".

The motion was agreed to.

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

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report just agreed to.

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

There was no objection.

CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I call up the 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, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 14, 1970.)

Mr. PASSMAN (during the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement may be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, so ordered.

There was no objection.

Mr. PASSMAN. Mr. Speaker, may I take a moment to comment on the figures contained in the conference agreement. As the figures appear they are indeed misleading and reflect that the conference agreement was not as favorable to the House position as to the Senate position. That is not true. May I direct the attention of the House to the explanatory notes which appear at the end of the table in the statement of the managers on the part of the House.

The net figures reflected in the conference summary include $200 million for military credit sales which was not included in the Senate bill. This creates a distortion, and of course the $90 million for the Peace Corps which was not included in the House bill creates another distortion.

If we use factual figures which reflect the total change from the House position as provided in the bill as passed by the House, and the total change from the Senate position we find that we are $458,349,000 over the original House bill, but $469,329,000 below the Senate bill. To make these figures work out factually we have to take into account that the House bill provided $272,500,000 for military sales, whereas the Senate bill provided only zero. But if you will take title I only, it reflects that the conference report before you is $295,235,000 over the original House bill, but $264,215,000 below the Senate bill. It would appear that we did not divide down the middle on title I, but there were some additions made by the Senate dealing with supporting assistance and the development loan fund which bordered on an emergency. So, in the overall, this is one of the reasons for the difference. But on title II we had to work from $272,500,000 against zero, so this is a distortion.

Mr. Speaker, the total budget request for all three titles amounted to $2,876,539,000. The conference report before you calls for $2,534,310,000, which makes a reduction below the budget request in the amount of $342,229,000.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Speaker, all minority members of the conference signed this report, and I urge its adoption by the House today. The total budget authority for fiscal 1971 included in this conference report is $2,534,310,000. This represents a net reduction of $176.2 million below last year's appropriation, and $342.2 million below the budget request.

The House conferees succeeded in reducing increases made by the Senate by $270 million. This reduction was offset

by the inclusion of $200 million for foreign military sales, for which the Senate had made no provision. Two items for which the House conferees agreed to higher Senate recommendations were supporting assistance and the contingency fund, both of which are important to the President's Vietnamization and Nixon doctrine programs. In most other items, the differences between the House and Senate figures have been split.

The report also includes $1.54 billion for an increase in the quota of the United States in the International Monetary Fund. This amount is considered a change of assets, and is not included in the total for new obligational authority.

Mr. Speaker, the minority members of the subcommittee support this conference report.

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

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

Mr. GROSS. The bill is still $313 million above the House bill; is it not?

Mr. PASSMAN. The gentleman is correct. But if the gentleman will look through the report, he will observe that we yielded $90 million for the Peace Corps which was not funded at all in the House bill and was added in by the Senate. In addition, we had $272,500,000 in military credit sales in the House bill and the Senate had zero. If you will refer to the figures I just used, you will find that that is what has distorted the normal figure comparisons. The explanation appears on page 7 of the conference report. Yes, it is higher than the House bill, but it was the very best compromise we felt we could reach. The gentleman from Kansas has said he believes this bill is a good bill, if there is such a thing as a good bill in this area. But it is $342 million-plus below the budget and $176.2 million below last year's appropriation.

Mr. GROSS. The gentleman has spoken of the Peace Corps. I note that the conferees provided it with $90 million, with $30 million for administrative expenses.

Mr. PASSMAN. That was because the Senate added the item. As far as I am concerned, you could abolish the Peace Corps, and with it one of the worst organizations in Washington. If there ever was an unnecessary program that should be stopped, it is the Peace Corps, and I advise all Members to check into it and stop yielding to pressure from some youngster back home about the greatness of the Peace Corps. It is the worst agency ever created by the Federal Government, in my opinion. These youngsters have been invited out of, I believe, nine nations for various reasons. Leaders in one nation said, "Get out. You are corrupting our youth." The record is there. Rather than listening to appeals about the goodness of it, the people should go to the record.

Yes, we had to yield on that. I did so reluctantly.

Mr. GROSS. I certainly concur in what the gentleman has had to say about winding up the dubious career of the Peace Corps, and I was in hopes that the committee would do just that.

Mr. PASSMAN. I had that desire, but I did not have the votes to sustain me. I would bring them all home as soon as we could provide transportation. In my opinion, it would be a great service to this country.

Mr. GROSS. The expenditure of one-third of the total appropriation in any other agency for administrative expenses would be considered unconscionable.

Mr. PASSMAN. It is ridiculous, and the gentleman has well described it again. There is a lot of appeal to the Peace Corps, but those who make the appeals for the youth to go abroad do not know the facts.

Certainly there are some nice youngsters in the Peace Corps but I am speaking of the rank and file. The way to ascertain the facts on the Peace Corps is to amend the law whereby the volunteers would have to serve in the Army before being eligible to serve in the Peace Corps. I do not have to elaborate, just use your imagination for the answer.

Furthermore, this outfit has cost the overburdened American taxpayer approximately $1 billion. Can you put your finger on any substantial tangible results for this astronomical expenditure?

I have had my say, it is the way I feel and my statements are substantiated by facts. I question if I could ever in good conscience bring out another bill with the Peace Corps in it.

I thank the gentleman for his contribution.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. The Chair will state that there are five amendments in disagreement.

Mr. HALL. I want a vote on the acceptance of the conference report, to which I object violently, and I object to the vote on the ground that a quorum is not present and, I repeat, I make a point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Will the gentleman withhold his point of order?

Mr. HALL. No, Mr. Speaker, I will not withhold the point of order. I insist on my point of order. The point of order has been properly made.

The SPEAKER. Will the gentleman indulge the Chair? There are quite a few Members at the White House, and it would be the purpose of the gentleman from Texas if the gentleman from Missouri will withhold his point of order, to ask that further proceedings on the conference report and the amendments in disagreement be postponed until tomorrow, because there are many Members at the White House with their wives.

Mr. HALL. The only question of the gentleman from Missouri is: Why was this not considered before the conference report was called up?

Mr. Speaker, under those circumstances, and with that understanding and for no other purpose, I will yield until the gentleman from Texas makes his request.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until tomorrow and that this be the first order of business on tomorrow.

Mr. GROSS. Mr. Speaker, reserving the right to object, when this is followed up in the morning, will the distinguished gentleman who wants to put this over give us any kind of assurance that the rollcall vote will be available, or will somebody put on a quorum call and then we would not go on record on the vote?

Mr. MAHON. It would be the purpose of the committee to have the rollcall on the conference report, and I would cooperate with the gentleman in securing a rollcall.

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

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

Mr. GERALD R. FORD. Mr. Speaker, I join the gentleman from Texas in making the commitment with the gentleman from Texas that to the degree we can control it, that will be the case.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, further reserving the right to object, it seems exceedingly strange that we draw out the meeting of the House of Representatives day after day and give the Committee on Rules permission to file more and more reports when Christmas is coming and we are dangling at the call of the leader of the other body, whereas with any kind of leadership—which this demonstrates none of—this would not be the case, but we are to continue to Christmas, and now there is even talk of coming back in session after Christmas to complete the business that should have been long since acquitted by any Congress of the United States.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER. Accordingly, the matter is postponed until tomorrow, when it will be the first order of business.

CONFERENCE REPORT ON THE POISON PREVENTION PACKAGING ACT OF 1970

Mr. STUCKEY, on behalf of Mr. STAGGERS, filed the following conference report and statement on the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1755)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for

other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

SEC. 4. (a) For the purpose of making any household substance which is subject to a standard established under section 3 readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if—

(1) the manufacturer (or packer) also supplies such substance in packages which comply with such standard; and

(2) the packages of such substance which do not meet such standard bear conspicuous labeling stating: "This package for households without young children"; except that the Secretary may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(b) In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(c) In the case of a household substance subject to such a standard which is packaged under subsection (a) in a noncomplying package, if the Secretary determines that such substance is not also being supplied by a manufacturer (or packer) in popular size packages which comply with such standard, he may, after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer (or packer) exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of special packaging is necessary to accomplish the purposes of this Act.

SEC. 5 (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than paragraph (3)(B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b)(1) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(3) Upon the filing of the petition under paragraph (1) of this subsection the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under paragraph (2) of this subsection, the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to paragraphs (1) and (2) of this subsection, it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside.

(4) With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(5) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

SEC. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of sub-

sistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended—

(1) by striking out "which substance" in the part preceding paragraph (1) and inserting in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance"; and

(2) by adding the following after and below paragraph (2):

"The term 'misbranded hazardous substance' also includes a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2(f) of this Act and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.".

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof "; or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

"(n) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

"(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out "and (h)" and inserting in lieu thereof ", (h), and (p)".

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

"(f) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

SEC. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

SEC. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
HASTINGS KEITH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
P. A. HART,
FRANK E. MOSS,
JAMES B. PEARSON,
CHARLES E. GOODELL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The conference substitute is identical to the bill as amended by the House except for the provision in section 4(a) authorizing manufacturers (or packers) of household substances subject to special packaging requirements to package such substances in packages not complying with such requirements for the purpose of making such substances readily available to the elderly and handicapped unable to use such substances in packages complying with such requirements.

In section 4(a), as amended by the House, the manufacturer (or packer) of a household substance subject to a special packaging requirement was given similar authority to package such a substance in noncomplying packages if he also packaged such substance in at least one package size complying with such standard and if the noncomplying packages were labeled to show that there were complying packages which should be used in households with young children. Thus, under the House version, most of the packages used in the marketing of such substances could be noncomplying packages. Complying packaging could have been the exception to general marketing practices.

Section 4(a) of the conference substitute is designed to make substances subject to special packaging requirements available to the elderly and handicapped in packages which do not unnecessarily hinder them in their use of such substances. A manufacturer (or packer) is permitted under such section to use for such a substance one size of packaging which does not meet the special packaging requirements if he also supplies the substance in packaging which complies with the requirements. In addition, the noncomplying packaging must be labeled to show it is not for households with young children.

It is expected that specially packaged substances will be the rule rather than the exception for substances regulated under this legislation. Also, it is expected that manufacturers (or packers) will not exact a premium price for specially packaged substances and will make every effort to assure the adequate distribution and advertisement of specially packaged substances so that the public will become acquainted with special packaging and familiar with its operation. Since the purpose of this section is to assist the elderly and handicapped, it is expected that the manufacturers (or packers) will use noncomplying packaging only when the required special packaging is of a kind that will create significant difficulty in use for the elderly and handicapped, and that manufacturers (or packers) will in using noncomplying packaging choose package sizes most likely to be used by the elderly and handicapped.

Although it has been pointed out that the majority of households do not contain young children, it was felt that, in order to adequately protect young children, the marketing in complying packaging of substances subject to special packaging requirements had to be made the general marketing practice.

Section 4(b) of the conference substitute is identical to the House amendment and provides that in the case of household substances which are dispensed only upon prescription such substances (if subject to special packaging requirements) may be dispensed in noncomplying packages only when directed in the prescription or when requested by the purchaser.

Section 4(c) of the conference substitute is the same as section 4(b) of the House version and authorizes the Secretary to require exclusive use of special packaging for substances if (1) he determines that the substance is not being supplied by the manufacturer (or packer) in popular sizes of special packages; and (2) after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, he finds, after opportunity for hearing, that exclusive use of special packaging is necessary to accomplish the purposes of this Act.

The legislation as passed by the Senate contained a special provision (section 3(e)) authorizing the Secretary to exempt categories of substances subject to special packaging requirements. That special provision was not contained in the House version and is not contained in the conference substitute because the Secretary may provide such exemptions while prescribing such special packaging requirements. In addition, if the Secretary wishes to make such an exemption after he has prescribed special packaging requirements, he may use the informal rulemaking authority provided in section 5 of the conference substitute to amend the regulation prescribing such requirement.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
HASTINGS KEITH,
Managers on the Part of the House.

A COMPETENT PROFESSIONAL NEW YORK ENGINEERING FIRM REPORTS THE TRUTH: COSTLY EXTENSION OF THE CAPITOL'S WEST FRONT IS NOT NEEDED TO PROTECT THE BUILDING FROM COLLAPSE

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

Mr. STRATTON. Mr. Speaker, as the frustrations of this lameduck session build up, there is very little good news for Members of Congress still pinned down here in Washington. That is why I am particularly happy to be able to convey one piece of good news to my colleagues this morning that will not only be welcome but very reassuring.

The Capitol will not fall down on us while we stay here in lameduck session.

That fact has now been clearly substantiated by a professional and impartial firm of engineers in New York City, Praeger, Kavanagh, and Waterbury. This is the firm selected by a group of deans of schools of engineering at the suggestion of the gentleman from Illinois (Mr. YATES) in an effort to resolve the long controversy that has existed over the proposed west front extension, and that ended last year in an appropriation impasse between the House and the Senate.

After that impasse developed everybody agreed that nobody really wanted the costly, garrish $60 million west front extension idea that has been kicking around here for years, but they claimed it was the only way technically possible for us to prevent the Capitol from collapsing around our heads from the pressures of 170 years of aging and weathering.

To resolve this technical question the matter was turned over to the New York firm. Now they have completed their report and its conclusions, printed in the Washington Post for December 9, are that the Capitol is in good shape, needs no extension to preserve it, and can be adequately restored for only $15 million, a saving to the taxpayers of about $45 million.

Mr. Speaker, this report is expected to be submitted to the Architect of the Capitol within the next couple of weeks. I hope we will have it available in final form before the end of the 91st Congress, and I also hope—let me be very frank—that prior publication of the basic findings of this report will not result in any alteration of its conclusions before the document is submitted to the Architect's office.

As one who has led the fight now for 4½ years to prevent this costly and unnecessary destruction of our Nation's No. 1 historic shrine, I am delighted to see that we have finally won our battle.

I trust, too, that, with the formal receipt of this report, the model which is now cluttering up the center of statutory hall will have vanished as an untimely and irrelevant anachronism, by the time the 92d Congress convenes.

PUBLIC REVENUE SHARING

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

Mr. WAGGONNER. Mr. Speaker, the New Orleans Times-Picayune published an editorial the other day under the title, "Public Revenue Sharing" which incisively states my position on this subject. It is, you will find, a particularly persuasive argument and, though it deals with the justification insofar as my State of Louisiana is concerned, it applies to all other States with equal logic.

I would like to make this editorial a part of the RECORD today and commend it to the attention of every Member.

PUBLIC REVENUE "SHARING"

Murray L. Weidenbaum is authority for the announcement that the national administration "revenue sharing plan" will be revised in 1971 to give more money to local government.

Mr. Weidenbaum is the assistant secretary of the treasury for economic policy. His comments were made in Atlanta, where the National League of Cities is holding its 47th annual congress.

With full consideration of the needs of all states, we believe that the first place where the federal government should increase sharing its revenues is Louisiana. Specifically, it should share with this state and with others bordering offshore oil fields the very substantial revenue from those fields.

States in which there are oil-producing grazing lands, national forests, parks or other territory owned by the federal government share with Washington the royalties received from mineral production.

We know no reason why states touching the Atlantic and Pacific oceans and the Gulf of Mexico should not have the same treatment. They perform many costly services for the workmen and families of workmen who produce minerals from water bottoms off the coasts, just as states like Montana, New Mexico, Colorado and Wyoming perform many services for their workmen who produce oil from federal grazing lands, national forests and parks. These states receive federal compensation for these services in the form of a share of the minerals revenue.

Louisiana provides education, roads, police and fire protection, health services, welfare services, insect control, library service, recreation, stream and air pollution control, agricultural services, enforcement of fishing and wildlife regulations, soil and water conservation, local flood control and many other services for residents of coastal areas who come and go from the offshare rigs, and for their wives and children.

Considering that all these services are provided at the expense of the state, it seems to us that there are innumerable, compelling reasons why the revenue received by the federal government from offshore oil production should be shared with Louisiana.

Certainly the coastal states should receive what is justly due them. Louisiana isn't asking or expecting more than its fair share.

THE SENIORITY SYSTEM: A PROPOSAL FOR ITS ABOLITION

The SPEAKER pro tempore (Mr. BOLAND). Under a previous order of the House, the gentleman from California (Mr. MCCLOSKEY) is recognized for 60 minutes.

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

GENERAL LEAVE

Mr. MCCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

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

There was no objection.

Mr. MCCLOSKEY. Mr. Speaker, I rise today to propose a change in one aspect of the seniority system under which the House has operated since 1911. Under the present system, the majority party traditionally names as chairman of each standing committee that majority member who has served the longest period of time on such committee. This procedure is technically referred to as an "election," but the custom and tradition of the Democratic Party, at least, has been to automatically confirm the senior member as its chairman, whether or not such chairman be inept, incompetent, or approaching senility.

In a recent letter to a colleague, one House committee chairman referred to the seniority system quite accurately when he said:

Each one of us will be protected, in whatever present position on Committee we have, by automatic reassignment each new 2-year term of Congress.

The essence of the system is thus protection of a chairman, even though that chairman be overage, incompetent, or merely unable to work the 12-hour day which is often required of a responsive and responsible committee chairman.

The gravest defect in the system, however, lies in its insulation of a chairman from the duty to account for his actions.

If a chairman is protected by automatic reassignment every 2 years, it is clear he is no longer accountable to his colleagues for the quality of his performance, the wisdom of his leadership, or the workload of his committee. He may be arrogant, slothful, negligent, or infirm; nevertheless, his position of chairman remains secure. If the bills awaiting consideration by his committee are never heard, if hearings are cursory and incomplete in nature, if witnesses expressing all shades of opinion are not called or permitted to testify, who can complain? The chairman is the key to the whole legislative process. It is his management and leadership ability which determine the ultimate craftsmanship of the laws we ask the Nation to respect and obey.

That the chairman should often be the most senior member is not subject to challenge. The evil of the system is that the senior member must be chairman under the system. Other things being equal, I believe most of us would recognize that a member of 10 years' experience should have preference over a member with 5 years of experience.

To require that the member with the longest continuous service also be the chairman, however, is to invite incompetence. Who amongst us would not stay beyond our declining physical and mental capabilities if we are assured that survival alone will one day give us power? Who amongst us will willingly retire and give up power once it is attained through patient service? We suggest the retirement of elder justices such as Justice Douglas, but few of us choose to retire once the privileges of power are irrevocably in our grasp. It is not human nature to do so.

The legislative process in the United States may be one of the most important processes in the world today. We deal with appropriations of over $200 billion a year; we approve or disapprove of foreign aid, military and economic, to nations around the world. We have before us next year the review and reformation of some of our most important national policies, nearly all of which are acknowledged to be either failures or badly in need of substantial overhaul—welfare, housing, agriculture, trade, education, land use, and energy, not to mention the allocations of our defense expenditures between strategic and tactical arms and continued involvement in Indochina.

These problems are immense, and on our ability to respond with careful judgment may well rest the peace of the world as well as our own domestic tranquility. In seeking to solve these problems, it seems important above all else that our procedures permit careful, thorough work. Our committee system is set up for precisely this purpose, to allow each of us to specialize in a few particular aspects of legislative purview. An essential part of careful, thorough work, however, is that the leadership be the best that can be found.

Generally, we as a Nation are committed to the election process as the means of designating our leaders.

The process of election, after all, is at the very heart of the democratic process. It is our own election which entitles each of us to represent our own one four-hundred-thirty-fifths of the American people; it is our future election which makes us accountable to our constitutents for the caliber of our work here on their behalf.

We elect our Speaker, our majority and minority leaders, our clerks, doorkeepers, caucus and conference officers.

Stockholders of corporations elect their directors; the directors elect corporate officers. This is true whether the corporation's assets are $200 or $200 million.

How possibly, then, can we abandon the election process when it comes to the designation of the 21 individuals who are perhaps most responsible for the success or failure of our collective efforts in handling a $200 billion budget?

Significantly, the average age of the chief executives of the top 100 U.S. corporations is 58; last year the average age of 10 of our most powerful committee chairmen was 74, and three were over 80.

This is not a partisan matter, nor should it be one of ideology or political philosophy. The legislative process is one of hard work, exhaustive study and effective leadership. Most of our final work products, the bills that ultimately are enacted into law, are the results of cooperation and compromise between Democrats and Republicans, liberals and conservatives.

The abandonment of our own rules of election in the House, however, is a partisan matter, established and pursued solely by the Democratic Party.

Last year, when the 91st Congress convened, the committee chairmen of five committees—Ways and Means, Appropriations, Armed Services, House Administration and Rules—were named by two voice votes on the first day, January 3.

Over 3 weeks later, on January 29, the chairmen of the remaining 16 committees were elected, this time by a single voice vote. The record discloses no dissenting votes against these elections, and it is my recollection that none were cast.

These so-called elections in fact amounted to no more than automatic reassignments by the majority party. No real elections were ever held. As was pointed out in the letter I have previously referred to, from our distinguished colleague, CHET HOLIFIELD, to our equally able colleague, ROBERT LEGGETT, the seniority system requires that the selection be automatic.

In following this procedure, the majority party has not followed the rules of the House. It has actually subverted the rules of the House which specify that the chairman shall be elected. Rule X of the House, section 3, provides:

> At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof . . . in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

This rule was adopted on April 5, 1911, and replaced the earlier rule of Jefferson's Manual, section 11:

> Standing committees . . . . are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House.

Therefore, since the very inception of Congress, itself, it seems clear that committees were either to elect their own chairman or the House was to elect them. It was the abandonment of this power to Speaker Cannon and the latter's abuse of such power which led to the House revolt of 1910 and 1911.

It seems important to note, then, as a first point, that to abandon the seniority system would not represent a change in House rules; it would actually be a return to both the language and the spirit of the House rules to require that committee chairmen actually be elected by the House.

Missouri Congressman, Champ Clark, Speaker of the House for the 62d through the 65th Congress, referred to seniority in his autobiography as follows:

> Of course no party will ever make committees solely by the rule of seniority—which would be exceedingly unwise and would end in disaster—but that seniority has always been and always will be an important factor in making committee assignments is absolutely certain and no mortal man can give any philosophic or tenable reason why it should not be. Other things being equal, why should not length of service count in a member's favor?

The key phrase is "other things being equal." As I have mentioned earlier, where capabilities are equal, I believe we would accept Champ Clark's suggestion that seniority should prevail.

However, by the end of Speaker Clark's tenure, seniority, in the Democratic Party at least, had become a fixture and it has remained so to this day, whether or not the senior member's capacities are even remotely comparable to those of his junior colleagues. Therefore, if the seniority system is to be changed, the challenge lies with the Democrats in the House. As Chairman HOLIFIELD pointed out in his letter, the rules can be changed if and when we have the votes of a majority of the Members. I want to propose to my Democratic colleagues today a specific plan to meet that challenge.

The Republican Conference has before it a proposal to restore the principle of election rather than automatic reassignment. On October 13, our distinguished minority leader, specifically speaking for the Republican leadership, stated that the leadership would urge the adoption of this principle at the organizing meeting of the conference for the 92d Congress.

The recommendation which the Republican leadership supports is as follows:

> The Republican Committee on Committees will select the Member it believes should be the chairman or ranking Member of each committee, and each name will be submitted separately to the Republican conference. There a secret vote will be taken on the nomination. If the nominee is rejected by the conference, the Committee on Committees will be charged with submitting another name to the conference.

It is reasonably clear that the conference will adopt the leadership recommendation, particularly since four out of five of the Republican Members of the 91st Congress who answered a questionnaire on this subject last spring indicated their desire that there be some degree of change in the present seniority system.

As President Nixon recently pointed out, however, the Republican Party is essentially a minority party. We have been privileged to control the House of Representatives for only 4 years of the last 38. Therefore, if the change is to occur, it must be with the participation of at least a substantial segment of the Democratic Party in the House.

A PROPOSAL TO END SENIORITY

I would, therefore, like to humbly recommend to my Democratic colleagues the following plan for ending the seniority system once and for all.

It is my understanding that there is a reform-minded group called the Democratic Study Group. This group, or some other appropriate group, committee or task force, might well provide the means of developing a slate of proposed chairmen for recommendation to the Democratic caucus. It is possible that such slate might include all or nearly all of the men known to be "most senior," but in any event the Democratic caucus would then truly elect its choices for the committee chairmanships.

In view of the penalties which have sometimes befallen those who oppose committee chairmen, it might be appropriate that such elections be conducted by secret ballot in the same way that the Republican Party proposes. Following such election, should the result be other than unanimous, those dissenting from the choice of the Democratic caucus might then wish to propose to the full House, when we convene in January, their alternative candidates for the committee chairmanships. Since the House has the right to conduct its proceedings in secrecy, when desirable, it is possible that our joint leadership might wish to conduct a secret ballot of the full House for the ultimate selection between the two Democratic candidates tendered.

I propose this plan as being a return to both the spirit and intent of the present rules of the House and one which will give the reform-minded Democrats a chance to display the same courage

they have displayed on other occasions during these past 2 years.

So that my colleagues might have the benefit of opinions other than my own, I would like to supplement these remarks with copies of the correspondence to which I alluded earlier, together with some comments from representative editorial writers, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 23, 1970.

Hon. ROBERT LEGGETT,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR BOB: This is in response to your letter of November 20th.

I made the announcement at the Tuesday, meeting of the delegation that Committee assignments would be one of the three subjects *discussed* at the midweek special meeting. Jeff's seat was not filled nor the nominee selected at the midweek meeting. The matter was *discussed.*

On the Appropriation Committee, the North-South tradition was established at the time two seats became available. Harry Sheppard was serving as our sole Democratic member at that time. Our delegation set the precedent by selecting Jack Shelley from the North. When the Sheppard vacancy occurred, no members from the South would leave their positions of seniority on their committees to claim the seat. The matter was discussed at some length and I stated at that time that under the circumstances (no southern claimant) I would support Jeff. But, I clearly stated that my support of Jeff was not to be considered a precedent for the future.

I do not agree that a seat on Appropriations is less important to California than seats on the committees you mentioned. Quite the contrary.

California's *is* one state—it is one of the largest and will be the largest in 1973. Because we do and will have such a large number of members, we can claim two seats on most of the most important Committees. I believe it is a fair principle because of the length, population density, and other factors, for us to distribute as widely as possible our representation from our State on the important committees. This *is* and *has been* a well accepted principle in our delegation.

The principle of seniority is an even longer established principle not only in our delegation but in the Congress. More important, it is an accepted principle in the Committee on Committees by the fifteen regional members who vote on committee assignments. Jim Corman cannot serve our members without going along with this powerful procedure in assignment of nominees.

I understand completely the seniority arguments both pro and con. It is unnecessary for us to debate the esoteric merits of the principle.

It is necessary for Jim, and for me as your Dean, to play the game according to the principles which are now in being and which are now supported by the majority of our House members.

I grant freely the right of each member to disagree with the present rules of the game. They are free to change and upset the present rules *when* and *if* they can obtain the majority of the votes.

In the meantime, each one of us will be protected, in whatever present position on Committee we have, by *automatic re-assignment* each new two-year term of Congress. (I note that you are on the ninth rung from the bottom on the Armed Services ladder.) Starting on that basis of position security, we can claim, if we desire, other assignments to other committees on the basis of our term seniority.

Jim must, under the system, carry the continuing major load of securing new assignments for old and new members with my help and such personal influence as I have. We also need all the assistance and co-operation we can get from every member.

I am most anxious to maintain the cohesiveness and harmony of our delegation, not for my own ambition be it selfish or noble. I believe that we are stronger in helping each member reach his goal if we present a united effort than we would be if we are bickering and biting at each other. Many delegations have diminished and depleted their collective power by such disunity.

We may not like the principle of seniority, but each of us has

(1) received our assignment originally by the help of senior members. (Believe me the assignments were not obtained by the process of immaculate conception.)

(2) We have advanced up the committee ladder under the seniority system.

Incidentally, I was here eighteen years before I became the alternate Chairman of the Joint Committee on Atomic Energy. I was here for twenty-eight years before election as Chairman of the House Committee on Government Operations. For twenty-four of those years I served next to and below William Dawson. For the past six years I have carried the load of Chairman without the title or power of the Chairmanship. If anybody knows the faults of seniority, I believe I do.

But, my good friend, it's the only game in town and if we want to play in the game, we have to play according to the rules. If the rules of the game are too distasteful, we can take our chances of accepting their protection and bucking them at the same time.

When I first came to D.C. in 1943, Sam Rayburn told the class of newly elected Congressmen, "Boys, if you want to get along, go along." As the years have passed by I have repeated that admonition to myself many times when frustration was about to overwhelm me.

You are a great guy, Bob, and I like you or I would not have spent over one-and-a-half hours on Saturday afternoon handwriting this letter for my secretary to type Monday morning. As George Washington was prone to end his letter,

I beg to remain, as ever, your obedient servant,

CHET HOLIFIELD.

NOVEMBER 20, 1970.

Hon. CHET HOLIFIELD,
Rayburn Building,
Washington, D.C.

DEAR CHET: I was sorry I didn't know the agenda for our Delegation meeting yesterday included anything but the Majority Leader nominees and the Chairman of the State Central Committee issue.

I was surprised to learn that Jeff's seat on the Appropriations Committee was filled without debate. I am sure we are all aware of the fact that there was some talk about a North-South seat on the Appropriations Committee at the time that Jeff was appointed but on examination this appears to be a very short-lived tradition indeed.

As you recall Harry Sheppard served on the Appropriations Committee with distinction for a great number of years since the 30s. It was not until the 83rd Congress that California was entitled to a second seat and then Jack Shelley was appointed and he served on the committee for a little over 10 years.

At the time Shelley was appointed there were only a dozen Democrats representing California in the Congress and double committee assignments were rare indeed. Since that time we have had double assignments on Public Works, Interstate and Foreign Commerce, Government Operations, Armed Services and Interior and it would seem to me that there is much more reason to have North-South seats on many of these committees where the committee work is not nearly as splintered as it is on the Appropriations Committee

I don't believe it is a life and death matter that any Member be appointed to any particular committee. Certainly I make this point with some trepidation. However, I think California is one state; I think it would be ridiculous to rotate Chairmanship of our Delegation North and South or the appointments to Rules Committee or Ways and Means.

In short, I think we have a holdover tradition that has been observed more in the breach than in the respect. I do not believe it in the interest of our Delegation that we have North-South positions on any committee.

I would therefore request that this matter be referred to the Delegation for further discussion.

I believe any election to the committee would be premature until Jeff's departure actually leaves a vacancy.

Most respectfully and sincerely,
ROBERT L. LEGGETT,
Member of Congress.

[From the Washington Post, Feb. 17, 1970]

WHO WILL ABOLISH SENIORITY?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Waldie, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and what-not."

Probably the most practical maneuver at the moment is that sponsored by the Democratic Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against senility in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff

any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the New York Times, Dec. 8, 1970]

STAMPING OUT SENIORITY

(By Tom Wicker)

WASHINGTON, Dec. 7—Back in 1961, almost before he had had time to take the oath of office, President John Kennedy was plunged into what is still remembered around here as one of the great legislative battles of that or any other year. The result was that Mr. Kennedy and progressive Democrats won control of the powerful House Rules Committee by expanding its membership; but neither in 1961 nor in later rules amendments was there a change in the fundamental power of the Rules Committee—which is to send legislation to the House under certain rules of procedure, or to withhold it from the floor.

In case anyone had forgotten the latent powers of the committee, it reverted to its old style last week when one of the members of the usual majority, Richard Bolling of Missouri, turned up missing. By 7–7 tie votes, the committee refused to permit the House to vote on an important consumer bill, or on giving real teeth to the Equal Employment Opportunities Commission, although both measures had passed the Senate and had much support in the House.

The difference between procedural reform and political control was seldom better shown. Both are important, and Senator Fred Harris of Oklahoma, the latest of a distinguished line of Quixotes who have sought to change things in the Senate, is proposing quite a bit of each. He is circulating a memorandum suggesting, for instance, a more representative Democratic Steering Committee, more equitable ratios of progressive Democrats to conservatives on committees, and even a vote among Democrats as to whether Harry Byrd of Virginia, elected as an independent, should be in the party caucus.

These are matters of control. The Harris memo also proposes the important procedural reform of limiting debate. But the main point of the memo goes to what Mr. Harris and others consider the heart of the problem in the Senate—the seniority system. Since the practice of assigning committee chairmanships by seniority is not a rule but a rigid custom, and since the powers of committees and chairmen would not be affected, this may seem only a matter of political control; it would nevertheless have a profound and probably lasting effect on Senate procedure.

It would have that effect because chairmen wield such immense practical power over what the Senate can and cannot do; and while that power would not be diminished, chairmen would be called to account for its use—which they are not now.

The proposal would have the Democratic caucus ratify, at the beginning of each Congress, the list of chairmen submitted to it by the Steering Committee. In most cases, that list would be made up of the senior men; in most cases, they would be routinely approved; but the occasional exceptions could be of vital importance, and the sure knowledge that the caucus would review and pass upon their records would have chastening effect on chairmen tempted to act autocratically.

A rule for the mandatory retirement of any chairman reaching a certain age (although he could remain a member of the committee) might also be proposed to the whole Senate. It would be most unlikely to pass, but it would serve to put members of both parties on record and would at least bring the issue into open discussion on the floor.

There is not much doubt that reform would be a popular public move; Congressional elders have been losing recent elections wholesale, and many politicians and reporters observed in this year's campaign the public's obvious impatience with unresponsive and indifferent political institutions. Last week's SST vote was a startling example of what well-directed public pressures can achieve, and John Gardner's national Common Cause organization, for one, is reported ready to push the seniority issue. Besides, the number of younger Senators, hungry for a greater role, has increased.

Moreover, Republicans in the House are officially pledged to something like the seniority reform Mr. Harris proposes, and if they follow through there will surely be pressure on the Democrats to move, too. And once the question arises among Democrats in the Senate, seniority is likely to become an issue in the brewing fight between Senators Robert Byrd of West Virginia and Edward Kennedy of Massachusetts for Mr. Kennedy's post as assistant leader.

And since most of the Democrats' potential Presidential candidates are Senators who bill themselves as progressives, wouldn't they have to back the reform? The thing might just prove catching.

CONGRESS: THE HEAVY HAND OF SENIORITY

"All things are changing," Republican Leader Hugh Scott told his Senate colleagues not long ago. "And we are changing with them. *Omnia mutantur, et nos mutamur in illis.*" Right on, Senator Scott! Congress may be changing, but at what a pace. About as often as the planet Pluto swings around the sun, Congress does indeed bestir itself, examines the archaic rules by which it conducts the nation's business and gently blows away some of the accumulated dust of more than 180 years. But never enough to disturb one tradition—the hallowed rule of seniority—that has often prevented Congress, whether liberal or conservative, Democratic or Republican, from working effectively to represent the will of the electorate.

The effect of the seniority system on the Federal Government can be explained by three facts: 1) most of the real work in Congress is done in and by committees; 2) the chairmen of these committees have vast, often dictatorial influence over the legislation that falls within their realms; 3) with almost no exceptions, these chairmen have gained their exalted positions for the simple reason that they have been on their committees longer than anyone else in the majority party, which, of course, always controls the committees. The seniority rule thus gives the U.S. the peculiar distinction of having the only legislative gerontocracy on the globe.

A GREATER DEGREE

Consider the results: twelve of the 16 Senate committee chairmen are 65 and over; five of these are in their 70s, and one is 80. Fourteen of the 21 chairmen in the House of Representatives are 65 and over, seven in their 70s, two in their 80s. The figures are comparable for the Republicans and will be about the same in the new Congress, despite the death, retirement, or defeat in the recent elections of several powerful patriarchs.

Admittedly, age is not an automatic disability. Some statesmen—like Churchill or De Gaulle—come into their own when those around them are heading for the nursing home and the checkers table. But one does not have to join the youth cult to suggest that length of tenure should not be the sole criterion for choosing the men who help determine the country's future.

Despite some restraints instituted in recent years, chairmen on many committees still control the agenda and can bring up a bill at their own convenience. In some committees a chairman can refuse to bring up a bill altogether. Mississippi's James Eastland, 66, chairman of the Senate Judiciary Committee and one of the most notorious racists in the upper body, has often ignored and sometimes killed civil rights bills by that method. Through similar control of procedures, Wilbur Mills, the Representative of a rural Arkansas constituency, has as much as or more power than the President in determining changes in tax, welfare and Social Security laws, simply because primeogeniture has given him the chairmanship of the House Ways and Means Committee (even his opponents, however, concede that he is able and conscientious).

Control of the agenda is only the beginning of the chairman's powers. He rewards his supporters and punishes those who vote against him by granting or withholding favors. He can even reward or punish their constituents by influencing the allocation of federal grants and the placement of installations. Since charity begins at home, he can almost always point to the many benefits seniority has brought his own district.

MARGINAL ROLE

The congressional seniority system is thus the last and most important stronghold of a near-medieval system of fealty. The House Armed Services Committee, for example, is subdivided into 21 other committees, each with great if somewhat lesser power than the whole, and each with a great if somewhat lesser chairman. While he owes allegiance to his chairman, the head of a subcommittee still has considerable power of his own and considerable authority over those under him. As a result of so much power being concentrated at the top, there is virtually none at the bottom. In the House, where the seniority system is most oppressive, a new member is virtually impotent. Whatever his talent or promise, he must resign himself to a marginal role in Congress for his first few terms. "The damage you never see is the worst," says Columbia University Pilosopher Charles Frankel, who watched Capitol Hill from 1965 to 1967 as Assistant Secretary of State for Educational and Cultural Affairs. "Young, bright Congressmen come to Washington full of ideas and interest, and shortly become discouraged."

Many of the men who run Congress are stodgy and opposed to new ideas. But their age is only part of the problem. To get to the top they must be elected over and over again: generally those constituencies that give such automatic approval are in rural, one-party districts or are dominated by big-city machines. In either case their Congressmen are unlikely to be responsive to change and sensitive to the strong currents that buffet junior and more vulnerable colleagues from swing districts.

There are, to be sure, significant arguments in favor of seniority. It provides stability and expertness, it eliminates the possibility that outside pressure groups or cliques could elect complaint chairmen, and it guarantees access to power to representatives of minority groups—if they will only wait their turns. Without the seniority system, for example, it is doubtful that Harlem's flamboyant Adam Clayton Powell could ever have become head of the powerful House Education and Labor Committee. Moreover, it is by no means true that senior Congressmen are all incompetent or senile. One case in point is Carl Hayden, who was an able chairman of the Senate Appropriations Committee for most of his 41-year tenure, until his retirement in 1968 at the age of 91. Sometimes, too, a good chairman, secure in his fortress of seniority can use his position to kill or modify a popular but unwise measure that colleagues support. Over the years, New York's Emanuel Celler, 82, chairman of the House Judiciary Committee, has quietly smothered several injudicious anti-subversive and anticrime bills.

Still, the price of these boons is exorbitant. No other American institution respects seniority the way Congress does. "Of all the

institutional failings of American Government," says Political Scientist James Mac Gregor Burns, "the seniority system of Congress is by far the most serious."

SEVERAL ALTERNATIVES

Paraphrasing Churchill, House Majority Leader Carl Albert admits that the seniority system may be "the worst possible system—except for all the alternatives." Albert notwithstanding, several alternatives, have been proposed by angry congressional juniors. One plan would give a party caucus the authority to choose a chairman (or for the minority party, the ranking member) from the party's three most senior members on a committee. Even such a limited change might have dramatic impact. Thus Stuart Symington, a Viet Nam dove, could be chosen to replace the hawkish John Stennis as chairman of the Senate Armed Services Committee, and James Eastland could be bumped for Sam Ervin Jr., a scholarly constitutionalist, as head of the Senate Judiciary Committee. Obviously, the system would not always benefit one faction; it could work to advance conservatives as well as liberals.

The proposal would probably have less impact on the House, however, where committees are much larger and where the Democrats have no fewer than four of the 65-and-over set patiently waiting to take the place of Chairman L. Mendel Rivers, 65, on the Armed Services Committee. But the plan would at least give the rank and file some leeway in picking its leaders. More important, it would put a chairman on notice that he held his post by approval and not by right.

A second proposal would give the Speaker of the House authority to choose chairmen from the entire membership of the majority. Since he is chosen by all members of his party, the theory goes, the Speaker would be sensitive to their needs and demands. Instead of the system of divided responsibility that now prevails, one man could be charged with leadership. In fact, this was the system used by the House until 1910, when Congressmen revolted against the authocratic rule of Speaker Joseph Cannon. Better 21 dukes than one monarch, opponents might well argue.

A third suggestion would put the choice of chairmen up to the caucus, which could choose from any of its members. This would be the most democratic method and, in theory anyway, would allow choices to be made on merit alone. The principal objection to this plan is that it could lead to all sorts of unseemly plotting and bargaining; conceivably, it might take Congress weeks to organize itself after every election.

Still a fourth plan would either set an age limit, 65 say, for any chairman, or limit his tenure in the post. (A dethroned chairman could still remain in Congress, of course, since the Constitution, which sets a minimum age of 25 for Representatives, 30 for Senators, does not provide a maximum.) Most other institutions have mandatory retirement ages; only last month Pope Paul VI ruled that cardinals over 80 could henceforth neither hold "Vatican Office" nor vote in a papal election. If chairmen were forced to step down at 65, three-fourths of the Senate chairmen and two-thirds of the House chairmen in the current Congress would have been replaced. William Colmer, 80, an unreconstructed Southerner, for example, would have given way to Richard Bolling, 54, a liberal from Missouri, as head of the House Rules Committee. The same plan, however, would have pushed aside George Mahon, 70, the able chairman of the House Appropriations Committee, for Jamie Whitten, a Mississippian who is best known as a regular sponsor of anti-Negro measures.

OTHER FAULTS

In both House and Senate, younger members are vigorously pressing for changes in the seniority system in the 92d Congress. Indeed, Republican House elders, who have no chairmanships and no immediate prospects, are likely to acquiesce to the recent recommendation of a G.O.P. study group. Under this scheme, the Committee on Committees would nominate top-ranking committee members, and the caucus—all the Republicans in the House—could either accept the choice or demand another. The Democrats, however, have yet to come up with a reform plan that would appeal to their veteran Congressmen.

An end to the oppressive rule of seniority would not cure all the ills that plague Congress; to a great extent, Congress is still the legislative body designed for and by 18th century rural gentry. Research staffs are often inadequate. There is far too much duplicated effort and far too little concern for even the rudimentary lessons of modern management. While it has appropriated millions for computers for the executive agencies, the House is only now buying itself one so that it can understand where all the federal billions are going. The Senate apparently feels that adding machines are enough. Compared to the seniority system, however, other faults seem small. No great improvement can be expected so long as power is placed in the hands of men for no other reason than that they endure.

TIME TO ACT

The seniority system is a custom, not a rule, of Congress. It awards the chairmanship of each committee to the member from the majority party who has served on that committee for the longest stretch of time. He may be approaching senility, he may be diametrically opposed to his party's position on national issues, he may not have had a new idea since World War II. But if he has served on the committee one day longer than other members, chairman he will be.

It is a strangely illogical system. The party that organizes the Senate or the House earns that privilege by the time-honored principle of majority rule. But the party members are not allowed to choose their own committee chairmen by majority rule.

Committee chairmen are the power structure in Congress. Neither the party leaders, nor the Speaker of the House, nor the President of the United States can tell a chairman what he must do. Once entrenched in power, a committee chairman can be totally unresponsive.

The practical consequences are known to everyone in or out of Congress who has tried to move that body toward significant social change. Whether working for civil rights or peace or food for the hungry, advocates all too often encounter a committee chairman who is wholly unresponsive, even to fellow members of Congress, because their opinions of him cannot affect his grip on power.

In January, for the first time ever, seniority will be officially debated by the two parties in the House. (The Senate is not yet ready for this step.) Representatives will meet shortly before the new Congress convenes in January and consider whether and how to change the seniority system.

The likelihood of some change is good. Both parties appointed committees to study the issue this year. Their reports will be taken up in the party caucuses, the traditional separate meetings that Democrats and Republicans hold before a new Congress convenes. (The caucuses are also known as the Democratic and Republican Conferences.)

THE NEED FOR CHANGE

No other parliamentary body in the free world employs the seniority system. No legislature in the 50 states employs it.

The system places overwhelming power in the hands of aging men, and makes it virtually impossible for younger men to play significant roles of leadership. In the early 1800's Henry Clay served brilliantly as Speaker of the House, beginning at the age of 33. Contrast that with the situation today in which the Speaker is retiring at the age of 79 and the median age of House chairmen is 69 compared with 53 for all members of the House. Comparable figures for the Senate are 67 for chairmen and 58 for the Senate as a whole. Some men and women are superbly vital in their 70's but others are not—and the business world normally expects its executives to retire at 65.

The chairman of a House committee who died recently at the age of 84 missed more than one-third of the roll-call votes in the House for the last four years. The infirmities of age made it utterly impossible for him to function effectively.

Sen. Richard Russell, chairman of the powerful Appropriations Committee, is 73, suffers gravely from emphysema and it is generally acknowledged that his physical disabilities make it impossible for him to exercise vigorous leadership. His term runs until 1973, which will be his 40th year in the Senate. The Senator is a relative youngster compared to recent Appropriations chairmen in both houses; four of the last five served to age 91, 85, 84 and 75. The present House chairman is 70.

The seniority system throws the weight of Congressional power to the one-party states and House districts, since those areas reelect the same man year after year. Some candidates from such districts run for reelection without any opposition in either a primary or general election. Their constituents value their seniority, but the country may suffer.

The chairman of the House Agriculture Committee, W. R. Poage, age 71, is a Texan from a district where the Republicans don't even bother to run a candidate against him. He is interested almost exclusively in farm programs and has shown little concern for major issues that affect the rest of the nation. He has the food stamp program in his committee's jurisdiction and has consistently held up action on this important program.

Of the 23 House chairmen, 11 are Southerners and 7 are from one-party districts in the East. If the Republicans were the majority party, 11 chairmen would be from safe districts in the Midwest.

In both the House and Senate, Southerners have an undue proportion of chairmanships in view of their share of the total Democratic membership in the House and Senate:

	House	*Senate*
Percent of chairmen who are Southern	48	55
Percent of members who are Southern	36	37

A study published in 1969 showed that more than one-third of 114 Democratic committee and subcommittee chairmen in the 90th Congress voted more often with the Republican party position than with their own party.

THE SOLUTION

Something more than longevity should be the qualification for committee chairmen. Party members should have the right to pick the chairmen, and the selection should be made in public session, not behind closed doors.

Common Cause members should let their Representatives know, before January, that now is the time to change the seniority system.

WHAT TO DO

Write your Representative, before January, telling him why you think the seniority system should be changed.

It is particularly important to convince the 56 new members of the House of the need for change. Congressional oldtimers may have their minds made up. The newcomers probably do not. Hearing the views of their constituents can have a real impact

The new Congressmen won't have offices in Washington until January, so letters and phone calls should go to their district offices.

If your Representative has been re-elected to Congress, write him at the House of Representatives, Washington, D.C. 20515. If you aren't sure of the name of your Congressman, call the news desk of your local paper and ask for his name.

Contacting Congressmen should be only part of the strategy. Congressmen pay close attention to their local newspapers. Common Cause members should encourage editors to run stories on the seniority issue and to editorialize for change.

Use letters to the editor and listener participation programs on the radio to make the point that the seniority system must be changed.

Get your clubs, lodges and unions to discuss Congressional reform and to pass resolutions on the seniority issue. See that these are publicized in your local paper and sent to your Representative. Let your voice be heard!

[From the Sacramento (Calif.) Bee]

SENIORITY SHOULD NOT BE SOLE TEST

The California Democratic delegation in the House of Representatives has a chance to strike a blow against the ironclad seniority system in Congress by naming a member to the House Appropriations Committee on the basis of experience rather than time spent in Washington.

A seat on the committee is being vacated by Rep. Jeffrey Cohelan, D-Berkeley, who was defeated in his bid for re-election.

Rep. Chet Holifield, D-Los Angeles, committee chairman, tentatively awarded the position to Rep. Edward Roybal, D-Los Angeles, on the basis he is from Southern California and is the most senior man who had expressed interest in it.

This decision is being protested by younger delegation members who are campaigning to reform the House away from its strict reliance upon the seniority system.

Holifield commented:

"When I first came to DC in 1943, Sam Rayburn told the class of newly elected congressmen: 'Boys, if you want to get along, go along.' As the years have passed I have repeated that admonition to myself many times when frustration was about to overwhelm me."

With all due deference to the many years of good service in Congress Holifield has given, it should be pointed out the times are changing.

No longer is it right nor publicly acceptable just "to go along."

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

Mr. McCLOSKEY. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to commend the gentleman from California for the great contribution he has made in this area. He has served on the Republican Task Force, and he has done a great deal of study in the area of congressional reform. The subject we are discussing is of great concern to my constituents and to all Americans. They know that the seniority system has become the major stumbling block to responsive and effective performance by the legislative branch.

The seniority system is not written on stone. It developed as an alternative to great power in the Speaker, power which was perhaps not bad in itself, but like the power of seniority, came to impede or frustrate the will of the House. The U.S. Congress is the only legislature in the free world to operate under a strict seniority system. None of the 50 States selects its legislative leaders by this system. Our States have not cared to imitate our example because seniority as a system of selecting leaders is out of tune with modern principles of democracy and modern standards of merit.

There is no shortage of suggestions to remedy the problem. My own preference is for election of committee leadership by committee members, by secret ballot. As the gentleman from California has pointed out (Mr. McCLOSKEY), this system has roots in the rules followed in the past. At the very least, we must change to a system that will allow members to express a vote of confidence or a veto of leadership choices by secret ballot. This would permit the retirement from leadership of those least able to lead.

When we had a congressional reform bill here during the summer, there was a great deal of optimistic speculation that rule changes would point Congress in the direction of the 20th century context. But I believe the gentleman from California has touched on the nub of the problem: Regardless of how we change the rules of the House, this great institution cannot respond as it must without leaders of outstanding energy and initiative, as well as experience and judgment.

There are many Americans who fear that our democratic institutions are not equal to the problems and pace of modern society. So long as we cling to the seniority system, we are not giving those institutions a chance.

I thank the gentleman for yielding.

Mr. McCLOSKEY. Mr. Speaker, I thank my Republican colleague from Maryland. Would the gentleman agree that the matter lies now not in the hand of the Republican Members of the Congress, but only in the Democratic Members who can change the system presently used, and comply with the rules of the House?

Mr. GUDE. I would hope that initiative would come from the Democratic Party. I would perceive that if it is not possible that they could do this in their Democratic caucus, that we should take the initiative and attempt to alter the rules of the House in some manner to bring this about, but I do feel that the responsibility lies in the hands of the majority party.

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

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

Mr. WALDIE. Mr. Speaker, I join in the commendations to the gentleman for the work he has done in the past on this matter, and for the proposal that he has made to the House in this instance. I will ask a question or two concerning that proposal, but before I so do I would like at least to state my own position on the seniority system, which may make the questions I shall ask more understandable:

My primary objection to the seniority system is that it has resulted in the diffusion of power in the legislative branch where the committee chairmen, because of the seniority system, have presided over autonomous enclaves in the exercise of the powers of their committee. That diffusion of power has I think two damaging consequences to this institution, and to its ability to provide solutions to the problems confronting the Nation.

The two damaging consequences are, in the first instance, because of the diffusion of power you are unable to assess responsibility for its abuse by committee chairmen or, for what is more commonly the case, their failure to exercise power constructively, which equally is an abuse.

It seems to me the second damaging consequence to this institution resulting from the diffusion of power involves the relationship of the supposed equality that is supposed to exist between the legislative and executive branches. There has been an enormous concentration of power in the executive branch and as a result the lack of concentration of power in the legislative branch has made it unequal to its constitutional task of representing a check and balance against the executive branch.

I would then suggest a proposal in terms of a solution to the seniority system problem—a proposal that I suspect would not be widely supported by many of my colleagues—that we concentrate this power that it is now diffused by the seniority system into the Speaker of the House of Representatives and that he have the power to appoint committee chairmen on any criteria that he deems proper and responsible and that his decision as to the appointment of committee chairmen then be approved or disapproved by the caucus of the majority party.

And I answer, anticipating a criticism that this would be a return to the Cannon system that brought about the revolt that diffused the power—and I answer to that argument that the situation is not at all analogous to that today in my view to what existed in the Cannon era. And it is not analogous in two primary respects.

First, the ability to discern abuses of power on the part of the press which is after all the primary guardian of the ethics and the interpreter of the responsible nature of actions of Congressmen and Senators—that responsibility can better be performed in this modern era than it was performed during the Cannon era. So abuses of this concentrated power would be more quickly detected and the abuses more quickly be assigned as to responsibility.

A second material distinction between this era and the Cannon era that causes that historical example not to be analogous, is that the executive branch today is overwhelmingly more concentrated in its power and the equality of the two branches therefore is far more out of balance than was the case in the Cannon era.

I would suggest, then, a concentration of power in the Speaker as a means of solving the seniority problem, bringing about easier assessibility of blame for abuse of power and more ready accountability as well as bringing about a better balance of power between the executive and legislative branches.

As a direct question as to your proposal, let me ask—rather let me preface my question—do I understand your proposal to be that if the majority party in caucus selected a slate of committee chairmen that a group of minority members of the majority caucus—meaning my type of

Democrat perhaps—disagrees with—that that group then comes to the floor of the House of Representatives with an alternative slate and asks for the adoption of that slate of committee chairmen?

Is that essentially your proposal?

Mr. McCLOSKEY. The election would be of the chairmen of the 21 standing committees.

Mr. WALDIE. But is it your proposal that the members of the majority caucus who are disappointed in the outcome of the caucus vote bring their disappointment to the floor and ask for support from the minority in support of their candidates?

Mr. McCLOSKEY. That is precisely my proposal.

I think the minority party would understand and agree that with 255 Democrats in the House and 180 Republicans—the chairman, no matter what his seniority, should come from the Democratic Party that controls the House.

Mr. WALDIE. I acquiesce in that principle that the majority party should have the committee chairmen.

Let me ask you one further question.

Why in your proposal do you suggest that the initiative come from dissident Democrats who are outvoted in their caucus? Could not the initiative—since the majority of the votes after all must come from the minority side of the aisle—should not the initiative come from them also?

Mr. McCLOSKEY. I think it would be improper that the initiative of replacing an incompetent chairman should come from a Republican.

I would suspect, however, that the 180 Republican Members of the House in the 92d Congress would like to at least have a choice.

The reason I propose the plan I do is that for 59 years it has been impossible for Republicans or members of the minority party to have a choice because the Democratic Party, instead of permitting an election, has made automatic the reassignment of chairmen based solely on seniority so that the election itself is a myth.

Mr. WALDIE. Though I thoroughly disagree with what has happened on the part of my party in the exercise of their responsibility in that regard and agree with your description of it entirely, there was nothing at any time to prevent a Republican from standing on the floor at the time these committee chairmen were proposed to the House and to propose in lieu thereof his own candidates for that position.

Mr. McCLOSKEY. You are absolutely correct. We could have at any time, and we can in the 92d Congress. It is quite clear that when we do so, however, the Democratic caucus will have already locked itself into an automatic reassignment and that our votes will be merely an exercise in futility.

The Democrat who votes with us votes at his peril. This is one of the insidious aspects of seniority, that anyone who rises to challenge it faces the loss of committee assignment, faces the loss of trips, faces the loss of having his bills heard by that committee chairman, perhaps even the loss of the budget of his subcommittee. These penalties that inhibit a challenge to the seniority system as it exists today obviously fall far more heavily on the Democratic Members than they do on the Republicans.

It would be a moot question for us to raise the question of an alternative selection of committee chairmanship. For this reason I have suggested that it should come from the Democratic Party.

Mr. WALDIE. You are suggesting that it come from the Members of the Democratic Party. But the implementation of that proposal must come from your side of the aisle, because it is quite obvious that the minority we are talking about does not have the votes or they would have had them in the caucus. So the only way such a change could be brought about would be if the Republican crosses over and elects the Democratic chairman.

Mr. McCLOSKEY. That is correct. As I count the Members, in the case of a chairman, say, who is obviously senile or incompetent, it would take 38 Democrats with 180 Republicans to elect another member of that committee as its chairman.

Mr. WALDIE. As a Democrat would that give you concern?

Mr. McCLOSKEY. I beg the gentleman's pardon?

Mr. WALDIE. As a Democrat would that give you concern?

Mr. McCLOSKEY. If I were a Democrat—it would be difficult for me to place myself in those particular shoes.

Mr. WALDIE. In conclusion, I would like to say to the gentleman from California I am quite sincere in my commendation of your efforts. Your efforts are bringing this matter to public discussion and public debate. After all, I am totally convinced that the seniority system will never be changed within the House of Representatives. It is not a self-starting matter. There are too many vested interests in the system to realistically expect Members to place the public interest in reform ahead of their own self-interest. That is sad, but I believe, true.

It will be changed only if the public insists, and they will insist as they learn the disabilities that accrue to them as a result of these failures, and your efforts are helping in that process.

Mr. McCLOSKEY. I thank the gentleman. I do not think it passes unnoticed that the gentleman's efforts a year or so ago have had some result here in the Congress itself.

I would like to say in response to the gentleman's comments on the alternative proposal of the Speaker naming the committee chairman that this would not particularly bother me either, because it recognizes the principle of accountability. The evil of the system arises from the lack of accountability, that once a man is chairman, he will remain chairman so long as he is reelected to Congress, regardless of his performance. That is the true evil of the system.

The proposal that the Speaker shall nominate or select the chairman does have the virtue that if he selects as chairmen those who are incompetent, the following Congress has the opportunity of electing a new Speaker. This could have been one reaction to Speaker Cannon's apparent autocracy in 1910 and 1911.

I made the proposal I did because we are now faced with the convening of the 92d Congress, whose problems will rank certainly among the greatest any Congress of the United States has ever faced. We will have to be responsible and responsive to a rapidly changing set of circumstances and problems.

For the 92d Congress, it seems to me the rules are already in existence for the House of Representatives which would permit the election of committee chairmen, and to follow those rules would be a simpler alternative than to change the rules of the House. I fully recognize that if the Democratic caucus wished to change the rules of the House of the 92d Congress, it could do so. But if it is unable to do so in caucus because a majority of the Democratic Members are not prepared to change the rules, then I suggest this alternative.

The way the House is organized is every bit the responsibility and the privilege of the Democratic Party, but if a minority of the Members on the gentleman's side is insufficient to achieve a rule permitting the Speaker to appoint committee chairmen, then I suggest this other alternative, where 180 Republicans might be able to join with a minority of Democratic Members and select the ablest men to chair these 21 committees.

Mr. WALDIE. If the gentleman will yield further, this is an extreme proposal, but it is not a proposal I reject out of hand. I trust that option will not occur for the Democrats, because I am hopeful, for my part, that we will enact rules that will not make the situation that presently exists as deplorable as it now is.

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

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

Mr. LOWENSTEIN. Mr. Speaker, I just want to inquire of my friend, the distinguished gentleman from California, whether the proposal he now describes is extreme because it is now coming from a Republican, or whether it struck him as extreme as when he and I proposed something very similar 6 months ago?

Mr. WALDIE. Mr. Speaker, if the gentleman will yield further, our proposal is somewhat different. We suggested, or at least I suggested, that if the gentleman from California in the well were to be nominated as a Speaker of the House of Representatives, and if the Democratic Party candidate for that position were not as committed to reform as is the gentleman in the well, then we would consider casting our vote for the gentleman in the well.

Mr. McCLOSKEY. I am complimented, but I want to make very clear that at this point I am not saying I think any of us during our first two terms in the Congress would want to be chairmen, or that the experience and wisdom of other Members of Congress is not a very important aspect of our deliberations. I mean to suggest in my remarks here today nothing that would depreciate from the principle, other things being equal,

that seniority is something to be properly respected, and that as between a Member with 20 years in the House and a Member with 10 years in the House, given equal capacities and abilities, we should follow the seniority system.

But the present system has led us into chaos, and it is inconceivable that the major legislative body in the world should be alone in following a rule which automatically takes the oldest surviving Member and make him chairman. I can conceive of no other body—corporate, armed services, municipal government, or State government—that follows this system.

Mr. LOWENSTEIN. Mr. Speaker, if the gentleman will yield further, does the gentleman imply that the House erred in electing Henry Clay as Speaker when he was, in fact, a rather junior Member?

Is the gentleman in his modesty about his own qualifications suggesting perhaps that Henry Clay's achievements as Speaker be retroactively downgraded?

Mr. McCLOSKEY. I know Henry Clay was 33 years old when he was elected Speaker. I do not know his experience before then. I can conceive how a Member, elected at age 25, with 8 years' experience, might well know enough to be a committee chairman or even Speaker in the early days of the 19th century.

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

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

Mr. RIEGLE. Mr. Speaker, it may well be that the gentleman from California in the well now is already too old to serve as a committee chairman. I rise to commend the gentleman's initiative in bringing this vital issue before the House today, and to say I agree in the main with what he has said. Certainly I agree fully with the concern the gentleman expresses about continuing to use the seniority system as the method for picking our committee chairmen in the House.

If I may, I would like to respond to a point or two made by the gentleman from California (Mr. WALDIE) on the other side of the aisle with respect to his suggestion that the Speaker ought to select the committee chairmen. I am wondering why it is logical to assume that the Speaker would be all-knowing on the question of who ought to be selected as chairman or who the best man was for each individual committee. It would seem to me the people who would have the best insight and who could perhaps exercise the best judgment as to who ought to be committee chairmen are, in fact, the Members who have actually served on the committees, and who ought to be able to express a collective judgment equal to, or better than, a single man—and I speak, of course, primarily of the carryover Members. So why not have the House as a whole participate in this process, because only the returning Members have had a chance to perform on the committees and to see their colleagues perform, and can bring together that collective judgment. I do not think any one man in the House, be he Speaker or anyone else, can duplicate that, because there is just too much to know.

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

Mr. McCLOSKEY. I yield to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, in response to the inquiry of the gentleman, my own point of view is that power as presently exercised in this system is exercised by a committee chairman as to whom it is impossible to assess responsibility or accountability for his actions.

The solution of the problem, then, would seem to be to concentrate the power.

To permit the committee to elect its own chairman would only further diffuse that power. The members of that type of committee would really have a little enclave operating in and of itself and would further isolate themselves from the accountability of the whole House.

I would not find that consistent with my personal view.

Mr. RIEGLE. It seems to me that the abuse which we are trying to correct now is an abuse of what the Member in the well calls automatic reassignment, the automatic reassignment of the senior Member as chairman. There is probably no more excessive abuse we can think of, that being the least logical way of selecting a committee chairman.

Mr. WALDIE. That is only a description of the machinery that permits the automatic accession to power. The abuse is there is no way of assessing responsibility for the actions or accountability for the actions.

Mr. RIEGLE. If I may suggest one more question to the gentleman from California (Mr. WALDIE) who is on his feet. The gentleman suggested earlier that he thought the press might have sufficient power today, as opposed perhaps to times past, to correct any abuse of power by the Speaker in selecting second-rate committee chairmen. I really wonder if that is so, when in fact the press today has been as unable as we have been to correct the abuse of the present seniority system. I just wonder if that is a fair burden to place there. I am not sure they can get that job done, when we ourselves cannot get it done. It seems to me they probably cannot be expected to correct the abuses which might occur under the system the gentleman has advocated.

Mr. WALDIE. I have just one final comment. I do not want to monopolize the time. I know many Members desire to speak.

I join in my colleague's regret with respect to the failure of the press to interpret to the public the damage done to the public by the seniority system. I believe it has been a massive failure on the part of the press; a failure which is being overcome, hopefully, it seems to me at least, in the past several years.

I am optimistic, is the only answer I can give to the gentleman.

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

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

Mr. REES. I wish to congratulate the gentleman, my colleague from California, for calling a special order on what I consider to be a terribly important issue, really related to the survival of our system, not just here in the Congress but throughout the country.

I believe that if we have problems in 1970 they have to be met by minds which are dealing with the problems of 1970 and not the problems of 1932 or 1938 or 1948.

I served with the gentleman from California (Mr. WALDIE) in the California legislature, and we had no seniority system, and it worked very well. The speaker would appoint the chairman, and he would appoint the members of committees.

The speaker really could not afford to appoint a "ringer," because if he appoints a bad chairman it would accrue to him; he would have the blame. So the speaker at all times was trying to appoint those people as chairmen who could do the job.

For example, I was chairman of the Committee on Banking and Currency the first year I was on the committee. They say this might be wrong, but I believe I was a good chairman.

Other members had been chairmen of some committees for 10 or 15 years. They also did a good job. But it was a mixture.

It also meant that a younger member could come into the legislature, and if that younger member were interested in an area of public policy, that younger member could go into the area of public policy, show an interest in it, and be given a subcommittee chairmanship, so as to be able to get out to do something about the problem. He did not get a staff. Most of the work was work he had to do himself.

In my second year in the legislature, in the year 1956, I was appointed the chairman of a special subcommittee of three to look into the health effects of air pollution. Some of the first material gathered nationally on the effects of air pollution on health was gathered at that committee meeting.

We did not have staff, but we knew the doctors we could call. We knew some of the studies that were going on. I believe we had very excellent committee hearings.

We had two smog alerts during the series, so we did receive a great deal of publicity.

I believe, as a result, people became more concerned about air pollution. We were able to draw up what, up to that time, was the most progressive air pollution law in America.

I do not believe this could be done here in the Congress of the United States because all power is concentrated on the basis of seniority.

You will find some chairmen who are chairmen not only of their full committee, but they are chairmen of the joint committee and of three or four subcommittees. If you look at positions within the party caucuses, you will find that they are also on the board of directors of various party caucuses. This power is guarded very carefully. I remember in my first term here a junior Member went into the problem of the inhumane treatment of animals to be used later for experiments. He got some good publicity on that, and afterwards the committee chairman jumped on the issue and put in a bill. The junior Mem-

ber soon found himself out in the cold. That is the problem.

If you want to come here and do a job, even though it does not threaten anyone or get into anyone else's jurisdiction, they say that this is a potential threat and they do not allow you to do it.

The biggest fights I have seen here are not on the issues of Vietnam or civil rights but on committee jurisdiction where you see 70-year-old chairmen cutting each other's throats because they think that one is taking jurisdiction away from the other chairmen.

I know that this situation has to be defused. On our democratic side we see the power is concentrated there in 20 or 30 elderly Members who are not ready to give away any of that power or to share it with anyone. That is the frustration I find as a Member of Congress 45 years of age. I think I am somewhat in tune with 1970 and its problems. I did not want to become a Congressman because it beat heavy lifting or some such thing as that. I became a Congressman because I wanted to do a job because I am very much concerned with what is happening in this country and I feel I have something to give.

Mr. McCLOSKEY. I agree with the gentleman and submit that it will only take 38 like-minded Democrats to change this system on the first day of the 92d Congress. If we can obtain such an agreement between enough Democrats and Republicans, we can vote out this system either through a change in the rules to permit the Speaker to appoint committee chairmen or to have other rules adopted which will change it.

Mr. REES. As you know, I am very much in favor of changing the basic ground rules of what we can do in the first 2 or 3 days. The first 2 or 3 days of this next session we can change the rules of the House and of our own caucus in regard to seniority.

Now, Mr. Speaker, I would like to make a few short comments.

As you know, Congressman CONABLE of New York has done a very excellent job in trying to loosen up the Republican seniority rules. We have a committee on our side headed by Mrs. JULIA HANSEN who expects to come up with some recommendations around Christmas time. We hope we will get those recommendations before we come back here to start the 92d Congress. I do hope that our committee will come up with some very strong rules. As you know, the Democratic Party has the power and can vote to come up with new rules on seniority. It is far tougher to come up with new rules on seniority when you have the power than when nothing is actually being lost. It is far easier on your side to come up with rules, because the power is not being lost.

Now, Mr. Speaker, I would like to insert at this time five different suggestions which I have as to where we might change the Democratic caucus. I will not read them all but only the titles and then ask that they be inserted in the RECORD.

First, in order to spread the base of responsibility among more members of the democratic caucus, there should be a limitation on the number of leadership positions any one member can hold.

Two, a democratic committee on committees, separate and apart from the democratic members of the Ways and Means Committee, should be elected by the democratic caucus at the beginning of each congressional session.

Third, committee on committees appointments should be referred back to the democratic caucus for specific ratification, especially of each chairman.

Four, the structure of the democratic caucus should be strengthened and the base of participation should be broadened.

Five, Members holding leadership positions should have the responsibility of supporting caucus policies.

These are five positions on these matters that I will send over the seniority committee, and probably the first day of the session I will have them drafted into specific amendments to the rules of the democratic caucus.

Again I congratulate the gentleman for having this special order. I think he will find a great deal of cooperation from all of us in changing the basic ground rules on seniority and on who will be able to participate in this body.

IN ORDER TO SPREAD THE BASE OF RESPONSIBILITY AMONG MORE MEMBERS OF THE DEMOCRATIC CAUCUS, THERE SHOULD BE A LIMITATION ON THE NUMBER OF LEADERSHIP POSITIONS ANY ONE MEMBER CAN HOLD

Currently there is too much responsibility and power concentrated in the hands of too few Members. This situation has come about mainly because of the slavish adherence to the principle of seniority. This is in direct contrast to the Republican side of the aisle which has limited the number of leadership positions any one Member can hold.

In the House no Member should be allowed to retain more than one chairmanship, whether that be the chairman of a full standing committee, subcommittee, or ad hoc committee.

At present some senior Members hold up to five chairmanships. In order to best utilize the talents of all Members, the responsibilities should be spread out. Chairmen could then concentrate their talents on one chairmanship, and in the long run do a more thorough job of serving.

There should also be an effort to limit leadership positions within the caucus. The caucus steering committee, research committee, and congressional campaign committee, as well as the committee on committees, should be devoid of multiple memberships. There could be elections to these committees by whip district, as in the case of the committee on committees, again with the possibility of devising formulas to allow adequate representation for new Members and for the smaller States.

There should be regular meetings of these committees, and all caucus members should be advised of the meetings, which would be open to caucus members.

A DEMOCRATIC COMMITTEE ON COMMITTEES, SEPARATE AND APART FROM THE DEMOCRATIC MEMBERS OF THE WAYS AND MEANS COMMITTEE, SHOULD BE ELECTED BY THE DEMOCRATIC CAUCUS AT THE BEGINNING OF EACH CONGRESSIONAL SESSION

The election of a separate committee on committees would, first, spread the base of responsibility among Democratic members and, second, give the Democratic caucus greater control over the selection of members of the committee.

Generally, the members of the Ways and Means Committee are senior Members of Congress who desired to serve on that committee because of its importance in dealing in such areas as taxes, social security and medicare, and trade and tariff policy. There is no reason why those committee members should have jurisdiction over selection of members to other committees. The appointment of Democrats to House standing committees is incidental to their primary committee policy duties.

A committee on committees should be newly appointed every new session of Congress, and an effort should be made to have a broad spectrum of representation. This is not possible with the present setup because the seniority positions of incumbent members are jealously guarded and membership on the Ways and Means Committee is static, changing only with the defeat or death of a member.

Members of the committee on committees could be elected on a one-man one-vote whip zone basis. In order to spread the base of representation, an additional member might be elected by the freshman class. Other such additions might be made as, for example, giving small States specific representation inasmuch as whip zone elections might tend to work in favor of large States.

COMMITTEE ON COMMITTEES' APPOINTMENTS SHOULD BE REFERRED BACK TO THE DEMOCRATIC CAUCUS FOR SPECIFIC RATIFICATION

While technically all appointments to committees, chairmanships, and rank in committees are approved by the caucus, the action is pro forma.

The Democratic caucus should be required to have a specific vote on all recommendations of the committee on committees for committee chairmanships, as these positions are leadership positions and directly affect every member of the caucus.

Any member of the caucus should also have the right to call for a specific caucus vote on any appointment to a standing, factfinding, or joint committee.

The recommendations of the committee on committees should be made available 3 days in advance to all caucus members.

If a proposed chairman or committee assignment is turned down by the caucus, the matter would then be referred back to the committee on committees for further consideration and alternate recommendations.

The caucus rules should specify that in its deliberations the committee on committees need not make its recommendations solely on the basis of members' length of service.

THE STRUCTURE OF THE DEMOCRATIC CAUSUS SHOULD BE STREGTHENED AND THE BASE OF PARTICIPATION SHOULD BE BROADENED

At present, the structure of the causus is practically nonexistent. The committees which do exist do not meet, and the purposes of the committees are vague.

There should be the following committees:

Steering committee.—This committee

should direct the overall activity of the caucus. Emphasis should be placed on the approach to issues pending before the Congress. The steering committee would act as a policy committee.

Research committee.—This committee's responsibility would be to develop new policy positions on issues on a long-term basis; position papers on future policy should be developed. The committee would also retain its present duty of researching current issues.

Campaign committee.—The Democratic Campaign Committee would be part of the formal structure of the caucus. The committee should be broadened in scope somewhat along the lines of the equivalent Republican counterpart. Emphasis should be on full time fund raising, services to members in developing campaigns and analysis, bulk purchase of media, and ongoing production of newsletters, questionnaires and press releases. There should be strong liaison with the Senate Campaign Committee and the Democratic National Committee in order to coordinate activities and eliminate duplicated effort.

As mentioned in the proposal to broaden the base of responsibility, every effort should be made to avoid overlapping memberships on the steering committees of these three committees.

MEMBERS HOLDING LEADERSHIP POSITIONS SHOULD HAVE THE RESPONSIBILITY OF SUPPORTING CAUCUS POLICIES

Under the present rules of the caucus, all members must follow the decision of the caucus on the appointment of party leadership positions, such as Speaker. A member not adhering to caucus recommendations would cease to be a member of the caucus and would, in all probability, lose his committee assignments and seniority.

The rules do not impose any such discipline with regard to policy positions of the caucus. Policy positions on issues are taken by the caucus, but a member who disagrees is not held accountable if he merely states that the position is contrary to his commitments to his constituents' best interests.

This is wise. The Democratic Party is a broadly based party, and a requirement of slavish adherence to policy would be destructive.

A higher level of duty, though, is required of those who have been elected by the caucus to assume leadership and policymaking positions. These would include the offices of Speaker, floor leader, whip, and the chairmen of the standing committees.

If 60 percent of the caucus members support a policy position, but a member in a leadership position does not support that policy, the matter should then automatically come before the next regular caucus for discussion.

Inasmuch as the caucus has the power to appoint individuals to leadership positions, it should also have the power to remove them from those positions if it so chooses. Any action or nonaction on the matter by the caucus would be at its discretion.

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

Mr. McCLOSKEY. I yield further to the gentleman from Michigan.

Mr. RIEGLE. I might just say in response to what the gentleman from California (Mr. REES) just said—and I shall try to be brief—that if there is anything sadder than an 82-year-old committee chairman in the House it is a man who lives to be 78 and is serving on a committee, who is fourth ranking on that committee, and is in poor health. We will suppose that he has been here for 35 years. He faces the hope that perhaps within 10 or 15 years he can become a committee chairman. Regardless of his ability, he cannot become a committee chairman unless he can outlive his senior colleagues on that committee. And so the Member in question is caught between the terrible pressures of the seniority system on the one hand and failing health on the other.

Mr. Speaker, I think it is important for the public to know that around the floor of this House, out of sight of the galleries, is oxygen equipment, stretchers, and other emergency medical facilities which can be brought onto the floor of the House very quickly ir. order to revive a senior Member or any other Member that may require emergency medical attention. I say this not in a disparaging way because clearly such emergency equipment is needed and should be available, but the fact of the matter is the seniority system has created yet another abuse. That is that no one wants to retire from the House of Representatives because it forecloses any opportunity to become a committee chairman and thus most members undertake to stay on as long as possible and try to outlive everyone else, so that he might someday become the chairman of his committee. We have men now serving here in the House who, 10 or 15 years ago, were in good health, were mentally alert and were men who should have been elected committee chairmen at that time. But, Mr. Speaker, 15 years has passed and they are still not senior men at this time and sadly, time takes its toll on all of us—and we face the cruel irony that a man may finally become chairman at a point when he has lost his capacity to serve effectively. They were not able to occupy a position of leadership at the time when their abilities were at their peak. And now, if they ever do get into that position of leadership they will probably be in their 70's or 80's.

Thus, we have the problem of each Member having to outlive his senior colleagues if he is going to ascend to a position of leadership on the committee or become committee chairman.

The fact of the matter is, a new man can come to the House when he is 35, and can serve here for 20 years. At that point he car be the best qualified man on his committee, the man who possesses the greatest leadership, skill, energy and so forth but yet that man may have to wait an additional 22 years until he's 77 before he can finally become a committee chairman. This is wrong. It does not make sense. It underutilizes our manpower here in the Congress, destroys initiative, keeps elderly men here struggling up the seniority ladder when they should retire, and tends to produce a subpar congressional performance by the body as a whole.

Mr. Speaker, the main reason the United States is so troubled today is the fact that the Congress has not been able to deal effectively with our national problems. And the main reason the Congress has failed to get the job done is the seniority system, and the fact that we have not been willing to identify our most able men and give them proportional work responsibility.

Mr. Speaker, I again salute the gentleman from California (Mr. McCLOSKEY), for taking this special order because I think the gentleman is exactly right. If the Congress is going to help move the country ahead, we have to proceed first with respect to selecting the leadership of our committees in such a way that our most able men and women can serve as our committee chairmen. Unless we get past that present bottleneck, there is no way the Congress can come to grips with the urgent problems of the seventies.

Mr. McCLOSKEY. I thank the gentleman from Michigan for his contribution.

Mr. Speaker, I was impressed with the letter which the press made available to us, from the gentleman from California, CHET HOLIFIELD, dated November 23, 1970, wherein he pointed out the fact that it was 28 years before he was able to become chairman of the House Committee on Government Operations, and then only when his 83-year-old predecessor passed away.

The Members may recall that we had before us earlier this year an attempt to give some of the powers of the chairman of the Government Operations Committee to the gentleman from California (Mr. HOLIFIELD) who was then acting as chairman.

We have created a situation wherein we require the employees of our executive branch to retire at age 65 and we strongly suggest that justices retire at the age of 70.

The gentleman from California (Mr. REES) pointed out the fact that the California legislature does not follow the seniority system. One of the documents I have points out the fact that not one of the legislatures of the United States follows the seniority system. This body alone follows this archaic system.

Mr. Speaker, we express some dismay on the Republican side of the aisle because we cannot change that system unless there is leadership on the other side of the aisle cooperating to do the job. This is the main purpose of this presentation today.

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

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

Mr. LOWENSTEIN. Of course, one aspect of the general problem is the vesting in committee chairmen, however selected, of powers that are inconsistent with the functioning of Congress as a democratic or representative body. In short, committee chairmen are not autocrats, or, more accurately, ought not to be given the authority of autocrats.

Whatever happens about the method of picking committee chairmen, we also ought to look into how the committees do their business.

On the general question of seniority, it is strange to realize how even in this discussion our thinking is limited—in a

sense, we are trapped—by the context we operate in the House. For instance, right now in this room there are people who would be, in any rational scheme of leadership selection, not only committee chairmen, but spokesmen for this body and for their parties in the country, but that cannot occur in the normal course of events.

As I have had occasion to remark before, even societies that worship their ancestors, do not automatically make them chairmen of all their standing Committees. Even Edward VII, when he finally inherited the British Crown, did not acquire with it tsarlike control over the legislative processes. But here we vest in inherited chairmanships imperial authority. And we are supposed to be—we are—the highest elective body of the greatest democracy on earth. The whole thing simply makes no sense. And it makes less than no sense for those Members who come from marginal areas to provide the votes without which their areas—and they themselves—could not be discriminated against in matters so vital to the interests of these areas.

So I would like to say as a lameduck singing his swan song, that I think the proposal of the great representative from California is a very sound one. It is inexplicable that those of us who represent the main stream of the Democratic Party, and who get elected in marginal on Republican districts, who represent the Roosevelt and Kennedy tradition that has made the Democratic Party great and made it the majority party in the country—that we should provide the tools to put into dominant positions men who could never get elected in the districts which we represent and whose social and political philosophies are so different from ours.

I do not want to drive anyone out of the Democratic Party. Both parties are coalitions, and there must be room in both for widely varying viewpoints. But I can't see why those of us who represent 75 or 80 percent of the Democratic Party should put into powerful offices people who 90 percent of the time represent the views of perhaps a quarter of our party. It doesn't seem unreasonable to me that committee chairmanships be shared more proportionally among the various points of view that make up the Democratic Party.

Furthermore, it would be very useful if a coalition on some issues could be developed here among members of both parties who share a sense of urgency about the necessity of bringing about some procedural reforms in this and other institutions—a coalition for social change through democratic process. We have long lived with a coalition for nonchange. Why should that be the only bi-partisan coalition that operates effectively?

But I must ask the gentleman in the well what on earth gives him the notion that he could produce anything close to half of the Members on his side for this kind of coalition? How many Republicans would in fact be prepared to take independent positions on these questions in the face of the attitudes and policies of the current Republican national administration?

Mr. McCLOSKEY. I am attacking only one problem here and that is the seniority system.

The reason I think that we Republicans can assist those Democrats who are concerned about this is that we sent out a questionnaire last spring to the entire Membership of the Republican Members in the House and four out of five responded and said they felt the seniority system should be changed.

I find it very difficult for a party that calls itself democratic to be clinging so strongly to the undemocratic process of denying the right of election. We do a lot of talking about "one-man one-vote" in the House of Representatives and this is a matter of debate throughout the Nation; Yet here in the House of Representatives we ourselves are denied even the right to vote on who are to be our leaders on 21 of our most important committees.

Mr. LOWENSTEIN. One last question. I would like to know if you think it is remotely conceivable that if those of us who feel as we do on the Democratic side were to join in an effort of this kind—if we were to nominate a more liberal or independent Democrat—that any substantial number of Republicans would cross party lines to vote for that candidate?

Mr. McCLOSKEY. On the basis of the ratio, of adding any Republicans by the probable makeup of the 180 Members that we will have in the 92d Congress, 130 at least might be moved to vote for the ablest man should there ever be 88 Democrats courageous enough to vote for the ablest member rather than the most senior member.

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

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

Mr. FRASER. Mr. Speaker, I thank the distinguished gentleman from California for initiating this discussion.

I must concur in the skepticism that is implicit in the remarks of the gentleman from New York that we can come to any agreement across party lines on the selection of committee chairmen. But I think the proposal is a serious one and worthy of consideration.

I would only like to make two comments.

First I think it is likely that a Democratic caucus will have before it a proposal that will bear a striking similarity to the proposal that you will have before the Republican conference.

As I understand it, the recommendations that are likely to be made next week by Mrs. HANSEN'S committee do provide for a caucus election of committee chairmen.

The second point that I would like to make is that I, personally, would strongly favor giving the Speaker a kind of reserve power, if you will, to name a committee chairman if he felt that the incumbent chairman was not providing sufficient cooperation in the workings of the House. I think that just having that power would assure much better cooperation.

Mr. Speaker, I want to commend and again thank the gentleman and ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. FRASER. Mr. Speaker, last summer we took a historic step toward reforming some of the outmoded practices and procedures which beset the House of Representatives when we adopted the Legislative Reorganization Act of 1970 which, among other improvements, will eliminate some of the secrecy which pervades operations of the House.

Next month we will have the opportunity to take another historic step toward making the House the kind of responsive national legislative body envisioned by the Founding Fathers. I refer, of course, to proposals for modifying the seniority system which will come before the Democratic and Republican caucuses at the beginning of the 92d Congress.

The evils of the seniority system are numerous and they are pervasive. The present system values longevity over ability and vests extraordinary power in the hands of a few committee chairmen.

The Democratic Study Group has been in the forefront of efforts to abolish the system of absolute seniority which now prevails to the detriment of the House of Representatives.

On February 9 of this year, DSG initiated the proposal calling for creation of a committee of the Democratic caucus to review the seniority system and recommend changes. A similar effort was launched on the Republican side, and in March both the Democratic caucus and the Republican conference established committees to review the seniority system in their respective parties.

In one sense, these efforts have already been successful because for the first time Members of the House are talking about "how" rather than "whether" to modify the seniority system. The Republican seniority committee has already made its recommendations and the Democratic seniority committee is scheduled to report its recommendations within the next week.

But the real test is whether the various proposals will bring about the kind of changes which are so desperately needed. I believe that we have an obligation to the Nation and to our respective parties to adopt substantive reform—not merely the appearance of reform.

We must provide mechanisms to make committee chairmen and ranking members responsive to their caucuses and we must provide equitably for committee assignments and leadership roles for more members. While meaningful reform of the present procedures must include many elements, the greatest need is for a separate and automatic caucus vote on each chairmanship. The Republican seniority task force has already recommended such a change and I would hope the Democratic seniority committee will meet this basic problem as forthrightly; for, as a practical matter, the present method of reporting committee assignments and chairmanships to the Democratic caucus does not permit a separate vote on each nominee for a

committee chairmanship. Instead, by reporting an omnibus resolution covering all chairmen and most committee assignments, the Committee on Committees of the Democratic caucus precludes separate consideration of its designees for the highest posts. Thus, seniority has become the only test of qualification for chairmanship.

The present practice of rigidly observing seniority in the selection of chairmen is not as old as many of us have thought. A recent study by the Democratic study group which I append to the end of my remarks points out that the inflexible character of the system is only 25 years old. The "inflexible" system has on occasion given way to sanctions voted by the caucus. Members have been stripped of their seniority for improper conduct and for opposing their party's candidate for President.

However, the present system often does not permit us to select the most able and experienced Members as chairmen of committees. Length of continuous service, the present test, may bear some relation to a Member's ability and performance, but it also testifies to a Member's assiduousness in cultivating the voters back home and often the one-sided political alinement of the district.

Senior committee members are sometimes defeated and the 1970 elections have provided current examples of this process.

But generally, committee chairmen reign until they die or retire on their own volition. To their credit, some do voluntarily retire. But we must recognize that under the present system there is no other way a chairman will relinquish his reins.

While modestly granting that the electoral process does yield some judgment about personal ability, it strikes me that this aspect of electoral politics should be reinforced. Voters are passing primarily upon the incumbent's performance as a Congressman generally, not upon his committee work specifically.

I am sure we agree that election of Congressmen is the best test of who should serve in this body. Certainly election rather than ratification of committee leadership would be the best way to assure that the persons who lead the committees of the House of Representatives on behalf of the Democratic Members represent the interests of their party and its constituents. In sum, a separate and automatic vote on each chairman is the key to party responsiveness and the restoration of effective leadership.

There are a series of other reforms of the seniority system which also should be adopted. The Speaker should be allowed to nominate a candidate for committee chairmanship where he determines he is unable to work with the incumbent chairman, subject of course to ratification by the caucus. No Member should be permitted to chair more than one committee or subcommittee or to serve indefinitely as chairman. The present system concentrates enormous power in the hands of a few of our colleagues. It prevents subcommittee chairmen from devoting as much time as may be necessary to their subcommittees. It permits a single Member to dominate a committee for decades; and it denies qualified men and women an opportunity to participate more fully in the legislative process by preventing them from ascending to subcommittee posts.

There should also be a change in the Committee on Committees. As presently constituted, that committee does not fairly reflect the views of the majority of the House. Seven of its 15 members represent Southern and border States. A vast majority of the committee has served in the House over 10 years. Only four of its members were first elected to the House in the 1960's.

Further, the operations of the Committee on Committees are often arbitrary. Zones do not follow a logical pattern. A zone representative has the power to blackball a qualified member from a given committee. Reform in this area might be accomplished by shifting jurisdiction to a new Committee on Committees, by expanding the present committee by the addition of other members broadly representative of the Democratic Party in Congress, or by setting specific guidelines for appointment of committee members by the Committee on Committees.

Both in and out of Congress today there exists great depth of feeling that the present method of designating committee chairmen must be scrapped and that steps must be taken to open up key leadership posts to the most able among us rather than the most senior.

I know this feeling exists among the members of the Democratic study group, 81 of whom sponsored the resolution creating the Democratic Seniority Committee.

Democratic study group seniority report of February 25, 1970, follows:

THE SENIORITY SYSTEM IN THE U.S. HOUSE OF REPRESENTATIVES [1]

The seniority system in the House of Representatives has again become a subject of public debate and concern, primarily as a result of its importance to and involvement with the issue of Congressional reform but also as a result of efforts to make it an issue in this year's election campaign. Because it is the subject of many myths and much misinformation on the part of both defenders and critics, DSG has prepared this special "fact sheet" report to provide a general overview and factual perspective of the seniority system. Specifically this DSG Special Report is designed to set forth the facts regarding development of the seniority system, summarize the arguments for and against the present system, and outline the various alternatives and modifications which have been suggested.

BACKGROUND

Contrary to widespread belief, the seniority system in the House of Representatives is a relatively recent development which has no legal or constitutional basis. It is neither a law nor a rule of the House. It is a custom which has become rigid and absolute in recent years—primarily since World War II.

While the origins of the seniority system are usually attributed to the 1910 revolt against Speaker Cannon, seniority had for many years been one of the prime factors involved in appointments of committee chairmen. Prior to 1910, Speakers not only named the chairmen of each committee but committee members as well—both majority and minority. In making these appointments, Speakers generally followed seniority. For example, a recent study of seniority in the House indicates that from 1880 to 1910 Speakers appointed 750 chairmen, following seniority in 429 instances and violating seniority 321 times.

Following the revolt of 1910, a Committee on Committees procedure, similar to that in effect today, was established to handle Democratic committee assignments and selection of committee chairmen. Over the next three decades, the rule of seniority gradually took hold. Nonetheless, it was still frequently ignored. The same study, for example, shows that of 900 appointments from 1910 to the end of World War II, seniority was followed 676 times and violated 224 times.

But unlike the decade prior to 1910, seniority violations after the revolt were more often compensated by naming the Member whose seniority had been violated to chair another committee or appointing him to some other position. Prior to 1910, 40% of seniority violations were uncompensated while only 12% were uncompensated in the period from 1910 to the end of World War II. Most of the post-1910 violations involved application of the norm that no Member should chair more than one committee, however, some also involved party policy decisions, especially in the period prior to 1919.

Since World War II, the rule of seniority has become virtually absolute, primarily because the Reorganization Act of 1946 reduced the number of committees from 48 to 19, thereby eliminating the array of minor committees used to compensate seniority violations. In fact, the only real seniority violation involving the appointment of committee chairmen in the past two decades was the removal of Adam Clayton Powell as Chairman of the Education and Labor Committee in 1967.

As mentioned, many of the seniority violations following the 1910 revolt involved party policy decisions. An insight into how the system worked following the revolt has been provided by former Secretary of State Cordell Hull who as Congressman from Tennessee during that period served as a member of the Democratic Committee on Committees which then as now handled Democratic Committee assignments and designation of committee chairmen.

Writing in his memoirs, Hull gave the following description of the work of Committee on Committees in making committee assignments for the 62nd Congress:

"We were determined to strip each committee of every possible vestige of special privilege and so to mold such committees as those on Agriculture, Labor and the Judiciary that they would join in securing maximum recognition by legislative actions for classes of American citizens who had been long neglected or discriminated against by numerous policies of the government . . .

"If we had the least doubt about a prospective member's attitude we sent for him beforehand, cross-examined him and pledged him unequivocally to do teamwork. We turned down William Sulzer as chairman of the Military Affairs Committee because he was extravagant. Edward Pou of North Carolina was removed from the Ways and Means Committee and Claude Kitchin, from the same state, substituted for the reason Pou had once voted for a tariff on lumber (Pou recovered to become Chairman of Rules in 1917 and 1931–34). All this was a tremendous job, but we accomplished it in good time, and thus made up the committees of

[1] There are actually two seniority systems in the House, one dealing with committee assignments and selection of committee chairmen and the other pertaining to assignment of office space, patronage, parking, and other household items. This DSG Special Report deals only with the former.

the House. The result was an effectively working organization along progressive lines."

It is also noteworthy that there were more seniority violations in the appointment of committee chairmen in the 10 years following the 1910 revolt than in the preceding 10.

Following is a chart of seniority violations in the appointment of chairmen since 1881 based primarily on data in the study referred to earlier. (See Polsby et al., "The Growth of the Seniority System in the U.S. House of Representatives." *American Political* science Review. Vol. LXIII, No. 3, September 1969, pp. 787–807.)

VIOLATIONS OF SENIORITY IN APPOINTMENT OF COMMITTEE CHAIRMEN, U.S. HOUSE OF REPRESENTATIVES—1881–1969 [1]

Congress	Year	Speaker and party	Seniority followed	Seniority violated	Total committees
47	1881	Keifer (R)	2	37	39
48	1883	Carlisle (D)	8	30	38
49	1885	do	21	19	40
50	1887	do	20	21	41
51	1889	Reed (R)	20	27	47
52	1891	Crisp (D)	12	35	47
53	1893	do	25	24	49
54	1895	Reed (R)	13	39	52
55	1897	do	36	16	52
56	1899	Henderson (R)	42	15	57
57	1901	do	49	8	57
58	1903	Cannon (R)	43	11	54
59	1905	do	51	8	59
60	1907	do	45	13	58
61	1909	do	42	18	60
62	1911	Clark (D)	25	27	52
63	1913	do	33	20	53
64	1915	do	50	6	56
65	1917	do	45	10	55
66	1919	Gillett (R)	35	22	57
67	1921	do	44	15	59
68	1923	do	40	17	57
69	1925	Longworth (R)	37	22	59
70	1927	Longworth (R)	43	1	44
71	1929	do	38	7	45
72	1931	Gerner (D)	27	18	45
73	1933	Rainey (D)	38	7	45
74	1935	Byrns [2] (D)	32	13	45
75	1937	Bankhead (D)	42	4	46
76	1939	Rayburn (D)	37	9	46
77	1941	do	39	7	46
78	1943	do	34	11	45
79	1945	do	37	9	46
80	1947	Martin (R)	9	4	13
81	1949	Rayburn (D)	19	0	19
82	1951	do	18	0	18
83	1953	Martin (R)	17	1	18
84	1955	Rayburn (D)	19	0	19
85	1957	do	19	0	19
86	1959	do	19	0	19
87	1961	Rayburn [2] (D)	20	0	20
88	1963	McCormack (D)	20	0	20
89	1965	do	20	0	20
90	1967	do	20	1	20
91	1969	do	21	0	21

[1] Data from 1881 to 1963 is from the previously cited article by Polsby, Gallagher and Rundquist. Data from 1963 on is from DSG.

[2] Byrns died in office and was succeeded by Bankhead; Rayburn died in office and was succeeded by McCormack.

Note: (R) Republican; (D) Democratic.

THE PRESENT SYSTEM

Structurally, the present system of selecting committee chairmen is similar to that established following the revolt of 1910. All Democratic committee assignments, including designation of chairmen, are made by the Democratic Committee on Committees which consists of the Democratic members on the House Ways & Means Committee.[2] The Committee on Committees follows the custom of seniority without exception in designating committee chairmen.

The work of the Committee on Committees is subject to approval of the caucus. However, the caucus has altered a decision of the Committee on Committees on only one occasion in recent times, primarily because there has been no opportunity to do so. The lack of opportunity is a result of the fact that for many years the Committee on Committees was permitted to reports its recommendations directly to the House, where they received *pro forma* approval, rather than returning to the Democratic Caucus for consideration and approval of its actions.

In 1965 DSG won re-instatement of the practice of having the caucus review the recommendations of the Committee on Committees, and in 1969 this review resulted in the stripping of seniority from Rep. Rarick of Louisiana for supporting an opposition presidential candidate in the 1968 election. The disciplining of Reps. Williams of Mississippi and Watson of South Carolina for the same offense during the 1964 elections was accomplished by the caucus instructing the Committee on Committees before it met rather than altering its recommendations afterwards during the review process.

Theoretically, then, the present system now does provide the caucus with an opportunity to consider the fitness, performance and acceptability of individual chairmen. In practice, however, there is no realistic opportunity for such consideration because Committee on Committees' recommendations designating committee chairmen are handled as part of one large resolution covering the committee assignments of all Democratic Members.

Thus even with caucus review, what exists, for all practical purposes is an automatic system where seniority is sovereign and inviolate in the selection of committee chairmen.

ARGUMENTS FOR AND AGAINST THE PRESENT SYSTEM

Following are the main arguments which are made in defense of and in opposition to the seniority system as it exists today:

Arguments for the seniority system

There are no workable alternatives for the seniority system.

The seniority system assures capable and experienced leadership. It guarantees that chairmanships go to the members who have had the greatest opportunity to master the complicated procedures of the House and the subject matters of their committees. This experience is particularly useful in giving a chairman the greatest perspective on programs and proposals. An experienced chairman can help the committee avoid the pitfalls of approaches which have been previously tried and found unsuccessful.

The present system avoids competition among committee members for the chairmanship. It thereby fosters cooperation since members are more likely to work together effectively when they are not campaigning against each other.

The seniority system eliminates pressure group influence in the selection of the committee chairman with jurisdiction over the area of their interests.

The seniority system works. It assures that when one chairman leaves office, he will be succeeded by the Number Two man on the committee who has been anticipating the day he would become chairman and has therefore been learning the job and its responsibilities. Thus, the system fosters stability and prevents the deleterious effects of selecting a chairman who is unprepared for the job.

The present system guarantees that the most expert politicians will become committee chairmen. Seniority in the House presupposes political acumen. The member with the greatest seniority has proven skill in getting reelected. This skill is extremely useful in evaluating proposals before the Congress to determine the sentiment of the voters and the effect of enactment upon the reelection prospects of party members.

The seniority system as it now operates permits great independence on the part of committee chairmen since they are not held to the test of party responsibility. This independence prevents the emergence of a strong and autocratic Speaker. Further, it allows a chairman to make decisions based on his own best judgment as a result of his familiarity with the circumstances. Because the present system grants a chairman wide discretion, he need not act on the basis of current political fashion but may take a long range view and better serve the needs of the country.

While the present system does produce an occasional bad chairman, other proposed systems would have the same result. In addition, the other proposed systems would curb the autonomy of the chairman and would prevent a chairman from acting his conscience without fear of reprisal from the Speaker or the caucus.

Seniority helps to insulate the Congress from encroachments by the White House and other quarters. At present, a President will not seek dismissal of a committee chairman who does not support his program since such an effort would be futile. However, nonautomatic chairmanships would open the door to interference in Congressional affairs by the Chief Executive, especially where he is a member of the majority party.

The seniority system provides the best opportunity for a member of a miniority group to become a committee chairman. If a member starts out young enough and continues to be reelected to Congress, he will eventually become a committee chairman automatically. If chairmen were chosen by another method, it would be more difficult for blacks, women and other minority representatives to assume the post of chairman.

The seniority system provides the best opportunity for flexibility and compromise in fashioning new legislation. Because, in effect, committee chairmen are not now bound to a party platform or accountable to the caucus, they are freer to compromise with the minority members of their committees. This increases the possibility of passing legislation.

There is no need for outside control over committee chairmen because committee

[2] The Republican system differs in that its Committee on Committees consists of one member from each state that has Republican representation in the House. Each member casts a weighted vote equal to the number of representatives from his State. Otherwise the GOP system is generally similar

members themselves can spur or veto an unresponsive or obstructionist chairman.

Automatic selection of committee chairmen promotes peace and harmony within ranks of the party. The seniority system thus avoids the politicking, logrolling and factionalism that would accompany any other system.

The seniority system stabilizes committee membership by discouraging members from switching committees. This enhances the effectiveness of the committee in handling legislation since not only the chairman, but also many committee members, are familiar with the subject matter.

A chairman's age is not a valid consideration since age alone does not cause diminution of mental vigor, alertness and leadership ability. Nor does it mean that a man become more conservative or lose touch.

ARGUMENTS AGAINST THE SENIORITY SYSTEM

The seniority system has fragmented and diffused power in the House, thereby crippling effective leadership and making it impossible to present and pursue a coherent legislative program. In 60 years time, the pendulum has swung from one extreme where virtually all power was lodged in one man, the Speaker, to the other extreme where power is scattered among dozens of powerful committee and subcommittee chairmen. Thus, as George Galloway notes in *Congress at the Crossroads*, "If the chairmen of committees owe their places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of party leaders."

The seniority system not only allows chairmen to be unresponsive to their party and the leadership, it also has permitted certain chairmen to obstruct, distort and emasculate party programs and policies with impunity. Thus over the past two decades, a small handful of powerful chairmen have been allowed to prevent Congress from responding to the nation's needs until the problems became searing crises. The classic example of such obstructionism is former Rep. Howard W. Smith of Virginia who, as chairman of the Rules Committee from 1955 to 1967, personally killed or blocked civil rights, housing, education, health, welfare and other needed social legislation for years.

The seniority system gives the power of the Democratic Party in Congress to those most opposed to Democratic programs and policies. DSG voting studies show that one of three Democratic committee and subcommittee chairmen vote against Democratic programs and against the majority of their Democratic colleagues more frequently than does the average Republican. In fact, opposition by Democratic chairmen was responsible for half of the major defeats suffered by the Democratic majority during the 90th Congress. Similarly, rigid Democratic adherence to the seniority system has, in the past 15 years, resulted in giving committee and subcommittee chairmanships to 59 Members who in 1956 signed the "Southern Manifesto" pledging that they would employ "every available legal and parliamentary weapon" at their disposal to reverse the Supreme Court's school desegregation decision and defeat all civil rights legislation coming before Congress.

The seniority system undercuts moderate and progressive political candidates in the South. As long as national Democrats in Congress give committee chairmanships to die-hard opponents of Democratic programs and principles and permit them to defy and obstruct those programs and principles, Southern voters have no reason to elect moderate or progressive candidates. Thus Southerners loyal to the programs and principles of the Democratic Party have been defeated and run out of politics altogether.

The present system gives undue Democratic power to a region which votes overwhelmingly against Democratic Presidential candidates. In 1968 every Southern and border state except Texas voted against the Democratic Presidential candidate. In 1964, only six states in the nation voted against the Democratic candidate—all Southern except one, the home state of the GOP candidate.

The seniority system has resulted in a steady increase in the average age of committee chairman. One hundred years ago the average chairman was in his forties—today he is 70 years old. There are only three chairmen under 60 years of age in the 91st Congress; of the remainder, eight are in their sixties, seven are in their seventies, and three are in their eighties. Thus, at a time when other American institutions—colleges, corporations, etc.—are turning over the reins of leadership to younger men, the leaders of Congress have been getting older. Thus the system aggravates the tensions and strains in the society at large, especially when it produces powerful chairmen who are hostile to change and dedicated to protecting and preserving the status quo.

The seniority system maintains the same individuals in power too long. For example, eight of the present chairmen have held their chairmanships for more than 12 years and three have been chairmen for 22 years. The remaining chairmen have held their posts for less than 10 years, however, their predecessors held their chairmanships for an average of 15 years each. Thus the average chairman can expect to hold power for at least a full decade and frequently longer.

The rule of absolute seniority results, on occasion, in the selection of mediocre, senile or otherwise incompetent chairmen and preserves them in office. Ironically, Members of Congress become committee chairmen about the time in life when most other Americans are forced to retire. If the same retirement rules were applied in Congress, all but five of the present 21 chairmen would have been forced to retire long ago—some more than 10 and 15 years ago.

The system permits committees to become personal fiefdoms of strong chairmen and special interests.

The system denies competent younger men a chance to exercise their leadership talents at the time in life when they are most able to meet the rigors of the job. It is therefore wasteful and inefficient.

The seniority system produces chairmen who are generally unrepresentative of America at large and are therefore unresponsive to its needs. Only those who get re-elected time after time can reach the top of the seniority ladder and become chairmen. Thus the system favors members from static one-party Southern districts and safe machine-dominated big-city districts, and tends to deny power to members who represent other sections of the country, especially those sections which are changing and are more politically competitive.

ALTERNATIVES AND MODIFICATIONS

Numerous proposals have been made for changing the present absolute system of selecting committee chairmen solely on the basis of seniority.

These proposals fall into two general categories:

Alternatives, which would involve discarding the present system and selecting chairmen on some other basis; and

Modifications, which would retain the present system insofar as possible while making only those changes necessary to correct major shortcomings.

The alternatives would not necessarily eliminate seniority as a factor in selecting chairmen, but would leave the matter totally to the discretion of the nominating authority.

The principal modifications, on the other hand, are based specifically on continuation of seniority as the dominant—but not the *only*—factor in selecting chairmen. These modifications are designed to provide an opportunity for consideration of factors other than seniority and introduce an element of flexibility and choice into the present rigid system while retaining the advantages and benefits the seniority system provides.

The main thrust of the major proposals, both alternatives and modifications, is not to eliminate the seniority system but to assure that committee chairmen will be responsive to their party caucus and the leadership regardless of how chairmen are selected—whether on the basis of seniority, drawing straws, or the color of their eyes.

Following are some of the major alternatives and modifications which have been proposed:

Use the seniority system to *nominate* chairmen subject to majority approval by the caucus. This proposal would entail a separate vote in the caucus on the chairman of each committee. If the senior member of a particular committee failed to receive majority approval, the caucus would consider the next most senior member, and so on until a chairman acceptable to the majority was elected. This modification would preserve seniority as the dominant factor in selecting committee chairmen, while providing for automatic and separate consideration of each potential chairman's fitness and acceptability without becoming involved in campaigns for various chairmanships.

Have the caucus elect committee chairmen from among the three most senior members of each committee. Like the first proposal, this modification would maintain seniority as the dominant factor in selecting committee chairmen while providing a mechanism for considering the fitness and acceptability of the most senior candidate and possibly by-passing him.

Authorize the Speaker to *nominate* chairmen subject to approval by a majority of the caucus. This would represent a compromise between today's system and pre-1910 days when the Speaker alone *appointed* all committee chairmen. Supporters of this proposal claim it would permit the most effective leadership while protecting against abuse and autocracy by subjecting the Speaker's decisions to caucus approval. Should the caucus reject one of the Speaker's nominations, he would continue making nominations until an acceptable chairman was found.

Authorize the majority members of each committee to nominate their chairman subject to caucus approval. This proposal is usually criticised on grounds that committee members would be under too much pressure to vote for the present chairman. Such a system would also be severely influenced by unbalanced committee make-up resulting from past decisions in making committee assignments.

Authorize the members of each committee—both majority and minority—to select their own chairmen subject only to approval of the whole House, which would probably be *pro forma*. This alternative is criticised on the same grounds as the preceding proposal, plus on grounds that it would introduce cross-party alliances into the selection process and totally eliminate any vestige of party responsibility by making chairmen primarily responsive to the alliance which elected them.

Establish a new special committee to *nominate* chairmen subject to majority approval by the caucus. This proposal would retain the present Committee on Committees for consideration of all committee assignments other than selection of committee chairmen. The new special committee could be elected by the caucus, or could consist of the majority Members of an existing committee, such as Rules, or could be made up

automatically of the sixth, seventh or eighth ranking Member of each standing committee. The latter would result in a 21-man committee which would change somewhat every two years and which would consist of middle-rank Members who could bridge the gap between senior and junior Members, but who would still be senior enough to tend to follow seniority in their decisions.

There are also three other frequently-mentioned proposals for modifying the present system. These proposals, however, all merely limit the length of time a Member may serve as chairman without touching the problem of making chairmen more responsive to the caucus and the leadership. They are as follows:

Set an age limit and require chairmen to give up their chairmanships when they reach that age.

Set a limit on the number of years a member can serve as chairman and require that after serving as chairman the Member leave the committee entirely and begin service on some other committee.

Rotate the chairmanship among the top three members every two years. Thus the senior Member would be able to serve as chairman only two out of every six years.

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

Mr. McCLOSKEY. I yield to the gentleman.

Mr. HATHAWAY. Mr. Speaker, I have taken a great interest in the revision of the seniority system, and I agee with most if not all of the suggestions that have been made here today.

Regardless of what system we come up with we are going to have committee chairmen and subcommittee chairmen and they are going to have the powers that the committee chairmen and subcommittee chairmen enjoy today.

And you know we may get some arbitrary and capricious actions on the part of those who are selected by any new method if we abolish the seniority system altogether. So, I think the real answer is for us on a bipartisan basis, to try to come up with some uniform committee rules that will dilute the powers of the individual chairmen and subcommittee chairmen so that members of the committee will have a lot more to say.

The adoption of uniform committee rules to restrict the opportunities of chairmen to act arbitrarily and without consultation would serve to emphasize the fact that the committee, and not the chairman, is sovereign.

The adoption of regularized procedures for committee operation and new rules to dilute some of the potentially dictatorial powers of committee and subcommittee chairmen can take the sting out of seniority and ameliorate the basic inadequacies of a system which makes duration of service the primary qualification for leadership positions.

The seniority system is one of the most archaic aspects of congressional organization. It diffuses legislative power among men who, as George Galloway points out in Congress at the Crossroads, "owe their places not to their political parties, but to the accident of tenure." Moreover, the system does nothing to guarantee that the leadership will be in the hands of people of superior ability, competence or fitness. It allows Members to rise to the apex of power through committee chairmenships awarded not on the basis of demonstrated ability, but on the basis of longevity of service on Capitol Hill. This is an anomaly in a nation which prides itself on its democratic system. Not only is it undemocratic, it is nonsensical. The law of the jungle is more sensible: survival of the fittest. Congress operates on the basis of survival, period. Yet, there would appear to be little if any relationship between the ability to chair a committee effectively and the ability to be reelected over and over again.

Another serious flaw in the seniority system is that it can produce chairmen who are unrepresentative of the times and their party.

A recent study of 30 key votes which reflected the national Democratic position of the 90th Congress showed that Democratic committee and subcommittee chairmen were themselves responsible for one-half of the 17 defeats experienced. And it showed that of the 75 House Democrats who voted in opposition more often than in support of the national Democratic position, 42 Members were part of the leadership. The tremendous impact of this deterrent to legislative progress can be but suggested by the realization that the 30 issues which formed the basis of the study were decided by record votes. How many other issues never made it to the House floor because of the opposition of committee chairmen?

A related problem concerns age and tenure. At a time when nearly all other American institutions are entrusting the mantle of leadership to younger men, the leaders of Congress have been getting older. Currently, there are more than a dozen committee chairmen in the House and Senate who are over 70; about half of these are over 75 and several of these are over 80. And some regardless of age have held their leadership positions for as long as 22 years.

The objection to this situation is assuredly not that all older Representatives are unable to shoulder the double daily burden of running a committee and attending the legislative business of their own congressioal districts—some of the ablest men in Congress have passed their 70th birthdays. Rather it concerns the rationale that the congressional committee can only function properly if it is constantly fed with new concepts, new ideas, new initiatives. Older and/or long entrenched leaders are not as apt to accept such innovation.

In a society where the average age is 27.7 years, it strikes many people as incongruous that the median age of their "Representative" congressional leadership should be 70. A legislative system cannot help but aggravate the strains and tensions of society when it produces leaders who are wary of change and dedicated to the protection and preservation of the status quo.

Faced with crises in the environment, in the cities, in the economy, Government must be flexible to meet these new challenges. The rule of seniority is the antithesis of this; it is inflexible and rigid. It must be modified.

Mr. McCLOSKEY. I share that recommendation. What we are talking about here is really a crisis in leadership and the process of selecting leadership. If we are going to meet the problem and ameliorate the defects that beset us, it will take leadership on our part, both on your side and on our side of the aisle, to come up with some sort of coalition so that effectively, on the first day of the 92d Congress, we can reach an agreement on a bipartisan basis either on a change of rules or in the execution of the rules through the election of committee chairmen.

I would hope that when we talk about leadership, we will do mcre than just talk, that we will get together, act, and exert leadership in those days that intervene between now and January 21st when the Congress reconvenes.

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

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

Mr. HOWARD. I thank the gentleman for yielding. I wish to commend the gentleman for taking this time on one of the great problems that faces the Congress, the problem of seniority. I believe the gentleman is correct in saying that this is only one of the problems. I have been here myself for 6 years, and I have felt that I might be able to contribute something, but, as with other Members who have about the same amount of seniority that I have, I am constantly told that we are too young, that we have not been here long enough, and that we need a little more seasoning. I am a grandfather. I will not get much more seasoning than I now have. I would like to be able to contribute something before my time is up. There are other considerations, and I think that we should keep these in mind, also.

Committee jurisdiction is something that is not proper in the House of Representatives. Many changes need to be made in it. I believe our committee structure is in need of repair. I believe we need some different committees. The gentleman from Arkansas is proposing a Committee on the Aging. I believe that is an important enough problem for Americans that it should be the concern of one committee. I have been proposing a Standing Committee on Transportation, placing transportation under one committee to work toward solving the problems relating to the movement of people in this country. A committee would have jurisdiction over that matter.

I believe committee power is another problem that we should be looking at. I believe it is unfair to the people in the country to have a Committee on Rules which can thwart not only the wishes of the administration, the wishes of the people of the country, but the wishes of the House itself. So I believe the gentleman is correct. There are many more than just the handful of us here today. It is those of us who have been here a short time, those of us who can look forward toward many more years of service, the people of his district being willing, who will have to make these moves and get together.

We will have to forget party lines, as the gentleman has said, and get together for what we think is in the best interests of the long-range future of this country.

I commend the gentleman and thank him.

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

Mr. McCLOSKEY. I yield to the gentleman from Maryland.

Mr. GUDE. It seems to me that this discussion may have come full circle. An earlier thought returns to me that where this Congress heads depends upon its leadership, the leadership of the chairmen and the leadership of the Speaker. Tonight we are speaking of the leadership of the committee chairmen. If we get new leadership in those committees where it is most needed through a change from the seniority system, I think many of the problems that the gentleman just outlined are going to be solved or at least attacked on a more rational basis. Much of the inertia of the Congress can be traced to tired leadership under the seniority system.

Mr. McCLOSKEY. I agree with the gentleman. If, for example, the chairman knew he would be answerable to the members of his committee and to the other Members of this body for his performance, I suspect that he would not be arrogant, he would not be negligent, that he would give fair hearing to these great issues before us.

The evil of the system is that he is not accountable in any way whatsoever.

Mr. GUDE. Accountability is the essence of the problem with the seniority system. In effect, we have 21 kings.

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

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from California has expired.

Mr. RIEGLE. I might say to my friend, the gentleman from New York, who is probably my favorite lameduck, that if the Democratic Party or a group within the Democratic Party were to single out the worst existing committee chairman and select the most able man on that committee as an alternative candidate for chairman, as a test case in the new Congress, and barring a change in the seniority rule, I think there is a good chance that such a move would probably produce many Republican votes in a showdown on the House floor.

Whether it would be 180 or 150 or 75 Republican votes for the most able man, we would have to wait and see, but I think that might be an interesting way to find out how many votes there are. I think if the least responsible chairman were challenged by the most able man on that committee, I think there is a very real possibility he might be elected by the House as a whole.

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

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

Mr. LOWENSTEIN. Mr. Speaker, I am puzzled as to how the gentleman would make the determination as to who the least able chairman is.

Mr. RIEGLE. I have great faith in the ability of the gentleman and his colleagues around him right now to make that determination.

Mr. MINISH. Mr. Speaker, I wish to commend the gentleman from California (Mr. McCLOSKEY) for reserving this time to discuss the important questions of congressional reform and the seniority system. This most useful exchange of ideas can serve as a basis for meaningful reform when the 92d Congress convenes next month.

As an original cosponsor of the Legislative Reorganization Act of 1970, I was gratified by the recent enactment of that measure. While the final version of that legislation did not provide as comprehensive reform in all areas as I had favored, nevertheless it did represent a worthwhile start in the effort to modernize the legislative branch of our Government.

Among the most important provisions of the Reorganization Act were the sections to provide for the recording of teller votes, to make committee votes public, and to open committee meetings to the public. Other meritorious reforms include additional time for the filing of minority and supplemental views to committee reports, a strengthening of the rights of the minority party, an expansion of the Legislative Reference Service, and more time for Members to study legislation before voting.

Unfortunately, the Legislative Reorganization Act did not deal with the pressing issue of the seniority system under which a Member of Congress rises in position on his committee according to the amount of time he has served on that committee. This system, with all its shortcomings, has produced many outstanding chairmen of various committees. As but one example, I would point to the chairman of the Banking and Currency Committee, on which I am privileged to serve. No Member of Congress has served his country more diligently or with more genuine concern for the public good than WRIGHT PATMAN, of Texas.

The seniority system does facilitate the selection of chairmen who have had the greatest opportunity to master the complicated procedures of the House and the complex subject matters of their committees. It also fosters cooperation among members of committees since members are more likely to work together effectively when they are not campaigning against each other.

On the other hand, Mr. Speaker, Edmund Burke once said:

Reform in order to preserve.

Obviously we must, from time to time, reform our accepted and longstanding practices in order to make our institutions more responsive to the needs of the day. In recent years, the seniority system has resulted in fragmented and diffused power in the House, with committee chairmen uncommitted to any coherent and unified legislative program. Moreover, the system denies competent younger Members the opportunity to exercise their leadership talents to the benefit of the country.

Numerous proposals have been advanced for altering the present system of selecting committee chairmen solely on the basis of seniority. A few of these are: Selecting the chairman from among the three most senior members of the committee, rotating the chairmanship among the three senior or among all members of the committee, electing the chairman from among members of a committee either through the committee itself or the party caucus, authorizing the Speaker to nominate chairmen who would be passed upon by the party caucus.

Mr. Speaker, a workable alternative must be found for the seniority system, in order to insure that the Congress will continue to function as a viable institution in the second half of the 20th century.

Mr. EDWARDS of California. Mr. Speaker, first may I commend my colleagues for their efforts to reform the seniority system under which this House now operates. It is an act of high courage, considering the political risks involved, and of great service to the American people.

As one writer recently noted, the seniority system as it has evolved since World War II has given the United States the "peculiar distinction of having the only legislative gerontocracy on the globe." The same writer, Gerald Clarke, of Time magazine, also rightly observed:

No great improvement in the operation of Congress can be expected so long as power is placed in the hands of men for no other reason than that they endure.

The seniority system is, in the opinion of many, the most serious institutional failing in American Government. It was created by flat, evolved by accident and has all but paralyzed this great institution. The time for reform is long past due.

I have always held that the test of leadership in Congress as elsewhere in our society should be ability and integrity, not age. Age in itself is not a liability; experience and maturity are important facets of leadership. But age alone should not be the sole basis for leadership. Even the most primitive systems of government protected themselves against senility.

My colleagues have and will discuss at length the evils of a system that chooses its leaders for no other reason than that they endure—the diffusion of power, the lack of accountability, the loss of party control over its members, to name but a few. We need to look no further than our noses to find examples of how power has miscarried in the present gerontocracy, this system of all power to the aged and none to the young and inspired. Even those of us—myself included—who risk losing future power and privilege by ending this abysmal system, know, when we can put our selfish interests aside, that the system must be changed, will be changed, either by us or by forces beyond our control. The times call for change, and when institutions cannot meet the challenge of the times, they die.

Several good proposals for change have been advanced. If the two-party system has any value at all, I believe the majority party should be able to retain control of its members in the House—that is, House committee chairmen should be held accountable to the party caucus. Only in this way can the will of the party be exercised. The simplest and most direct way to accomplish that goal, it seems to me, is to have the caucus vote

on all committee chairmanships. No chairman could then look upon his position as a matter of right until death or retirement. Committee chairmen would be held accountable to the party each year and thus would be forced to heed the will of the party or step aside.

Each chairmanship should be approved by vote of the caucus, taking the senior member of the majority party first, and if he is rejected, the next most senior member, and so on, until a chairman is elected. In this way the advantages of tenure—stability, experience and know-how—would be preserved, while the disadvantages of party infighting would be kept at a minimum. This seems to me a reasonable solution, and one which I hope my Democratic colleagues will endorse. But whatever solution is finally deemed acceptable, let us be of one mind at this point that change is imperative. And let us search diligently for the best alternative.

PERSECUTION OF SOVIET JEWRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, the mistreatment and persecution of Jews in the Soviet Union has recently reached alarming proportions. The religious and cultural harassment of yesterday has deteriorated to the point of physical detention, arrests, imprisonment, and trials on trumped-up charges which have all the earmarks of the Stalin era.

At this very moment a trial is taking shape against 34 Jews in the Soviet Union who have been under arrest for several months on the alleged charge of attempting to hijack a plane in order to leave the country for Israel. The trial had been scheduled for last month, but because of protests in many countries of the free world it was postponed temporarily and is now believed scheduled for December 15.

It is a known fact that the Jews of the Soviet Union, who number some 3 million, are not allowed to practice their religion, to teach their children in their faith, or to pursue their cultural and spiritual heritage. The number of synagogues which numbered several thousand in pre-Communist Russia has now dwindled to less than 100. Prayer books in Hebrew are not published nor allowed to be imported for use in the synagogues. Religious education of the young is forbidden.

But most deplorable of all is the fact that the Soviet Government will not permit the emigration of those Jews who wish to go to Israel where they can settle among their people and live as Jews practicing their faith in their traditional manner. This is a denial of the most elementary principles of freedom and human rights. The Soviet Union denies all charges of anti-Semitism, but its actions against the Jewish minority speak louder than words and the whole free world deplores such activities against a small and defenseless group.

Obviously, the Soviet Union is pursuing a policy of repression against its Jewish minority in order to discourage all feelings of Jewish identity and every desire for emigration to Israel. This is in line with its anti-Israel and pro-Arab policy which finds its strongest expression in Stalin-type show trials aimed to bring fear into the hearts of every Jewish man, woman, and child in Russia.

It is truly amazing that more than a half century after the Communist revolution, the Soviet Union, which still clings to the fiction of being the spokesman and protector of the rights of all oppressed and downtrodden nations, has found it necessary to conduct circus trials and to bring charges against a helpless people whose only crime is its desire to live in freedom, to worship its God, and to live by the precepts of its faith and tradition.

To all freedom-loving people Moscow's decision to go through with a show trial against 34 innocent people will only be taken as proof that the spirit of Stalin and Hitler is not dead. The Kremlin will not frighten the Jewish minority in Russia into silence, or suppress their spirit, or stop them from yearning for Zion and the practice of their faith. What the trial will achieve will be to further blacken the name and reputation of the Soviet Union and its leaders in the eyes of the world.

The U.S. Government has on numerous occasions in the past protested in the United Nations and other forums against the denial of human rights and elementary decency in the treatment of Jews in the Soviet Union. I believe that continued protests to Moscow, vigorous diplomatic efforts, and condemnation by the United Nations aimed at alleviating the suffering of Soviet Jewry are very much in order. I shall be ready at all times to support such efforts by our Government. It has been our traditional policy to speak up for the persecuted and the oppressed, but it is incredible that at this stage in the 20th century it should still be necessary to condemn a major power for the mistreatment of its own citizens.

THE VICTIMS IN NEW YORK CITY: THE WELFARE FAMILIES AND THE TAXPAYERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Saturday, December 12, I visited with a number of community leaders at a hotel in my district where some 75 welfare families are being sheltered. The word sheltered really is inappropriate because the conditions under which these families are living, including more than 100 children, are among the most wretched I have ever seen. As I inspected some of the rooms and talked with the women and the children, I thought how can we in this day and age treat our fellow human beings this way? The rooms were small and filthy with as many as five people—two adults and three children—sleeping in a single room measuring approximately 10 by 12 feet and punctuated by gaping rat holes, peeling ceilings, and broken plumbing. In one room a husband and wife and infant child slept in a double bed while their two other children slept head to toe on a single narrow cot.

The people I spoke with told me of almost daily fires in the hotel, causing evacuations in the middle of the night. One family said they slept with their clothes on because of the danger. By chance, I tried one emergency fire exit door and found it to be nailed shut.

Many of the families quartered in these welfare hotels had been living in their own apartments at reasonable rentals for New York City but were forced to move from their dwellings by fire or by a modest rent increase that placed their rentals over the limit established by the social services department. I inquired as to the rents being paid by the city for the various hotel accommodations and was appalled to learn that the weekly rent for a family is computed on the basis of $5 a day per person and that the rents per family ranged from $260 to $400 a week. This is a weekly rental not a monthly rental. These high costs are acceptable to the social services department because hotel accommodations are classified as emergency housing.

But the so-called emergency quarters have for some become permanent homes in which they have been required to live for as long as 6 months. Each of the families with whom I spoke had been seeking permanent housing elsewhere and their histories were always the same. Let me illustrate: one woman with four children had gone to a real estate broker and found a five-room apartment in the city to rent for $200 a month. The rent paid by the city of New York to the hotel for housing this family is $1,200 a month for two small rooms on separate floors. The city of New York would not approve the proposed $200 a month for the five-room apartment; the family's caseworker said that the maximum that could be approved for a family of five was $165 a month. And so, the city of New York continues to pay the hotel $1,200 a month for two rooms on separate floors, rather than provide this same family a decent five-room apartment that would cost the city only $200 per month. The moneys used by the city of New York for welfare are to a great extent furnished by the State of New York and the Federal Government. This matter is so crucial and because it involves large amounts of State funds, I have written to Gov. Nelson Rockefeller urging his intercession.

Equally, if not more deplorable, is the fact that more than 100 school-age children in that single hotel which I visited are not enrolled in schools. The parents that I spoke with want their children to attend school but have not received any help in enrolling these children in the local public schools. Most of the families in the hotel lived in other parts of the city before they were forced to move to the hotel. They have not, in some cases, the subway fare, the clothing, nor the stamina needed to make the effort to take these children by subway to the schools in other boroughs.

The effect of this kind of maladmin-

istration by the city of New York on the welfare system is double edged. The welfare recipient is not helped but on the contrary is degraded and embittered. What must such a person think when handed a $400 check each week to turn over to a hotel keeper for the most squalid of accommodations when, as one mother told me she has not had clothes for herself or her children for months because when she went back to her burned out apartment everything had been looted? She worries each night that her children will be bitten by rats in this $1,200 per month accommodation furnished to her by the city. Is it any wonder that crime increases in the city? The question that should be asked by those concerned is "Who is the real criminal?"

And on the other hand, many hard working taxpayers in the city of New York and the rest of the country say, and understandably so, "we live with our families in decent apartments for which we pay $200 a month rent and our children go to school, and then there are those welfare people living in hotels at a cost of $1,200 a month to the taxpayers where the children run wild and are truants from school."

Both taxpayers and welfare recipients alike have become embittered and are filled with hate, fear, and recriminations against one another. In my judgment it is those who administer the welfare program in such a wasteful manner that are in great part responsible for this.

Mr. Speaker, I intend to pursue this matter and will keep our colleagues informed of developments.

At this time I would like to insert for printing in the RECORD my letters of December 14 addressed to Governor Rockefeller and Harvey Scribner, Chancellor of the Board of Education of the city of New York. I am also including a report carried in the New York Times on December 13, 1970, of my visit to the Broadway Central Hotel. In addition, because I believe them to be pertinent and because they are so timely, I also am appending two articles which appeared in the Village Voice of December 19, 1970.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1970.

NELSON A. ROCKEFELLER,
Governor, the State of New York, State Capitol, Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: On Saturday, December 12 I visited the Broadway Central Hotel with a number of community leaders representing Community Planning Board No. 2 in Greenwich Village. The purpose of the visit was to make an on-the-site inspection to inquire into the living conditions of families placed there by the Department of Social Services of New York City including the circumstances surrounding the death of a four year old boy placed in the hotel with his family by that department. You may have seen the New York Times story of December 13 reporting on the visit. For your convenience, in the event you did not see the story, I enclose a copy. The known facts concerning the death of the child are described in that article.

It is my understanding that the wretched living conditions existing in the Broadway Central Hotel and the outrageous rentals paid by the City of New York for these alleged temporary quarters are duplicated in many other hotels throughout the City. Federal and State monies are obviously being wasted by the City of New York by its Human Resources Administration. Many children in these hotels who are of school age are not attending school and the City of New York knowingly permits that situation to continue. Deputy Mayor Richard Aurelio was informed by Community Planning Board No. 2 of these conditions many weeks ago and has not taken effective action to remedy the situation.

The Chairman of Community Planning Board #2 and I request that you meet with us as soon as possible to discuss measures which the State of New York could take to remedy this outrageous situation, so costly in terms of human dignity to welfare recipients as well as financially burdensome to the tax payers of the City and State. Adequate welfare assistance for these families and others similarly situated must be provided, but to shelter these families in flophouses and under the most wretched of physical circumstances at a cost to taxpayers of as much as $1200 per month for a family is neither helpful to these families nor acceptable to their fellow citizens bearing the tax burden.

I would appreciate your having your secretary call my New York Office to arrange an appointment for the officers of Community Planning Board #2 and me to meet with you so that we may give you further details on our inspection, conclusions and recommendations.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1970.

HARVEY SCRIBNER,
Chancellor, Board of Education, Brooklyn, N.Y.

DEAR MR. SCRIBNER: As you know this past weekend I visited the Broadway Central Hotel to examine the horrifying conditions which the Department of Social Services considers "emergency housing" for welfare families, and for which it pays exorbitant rents.

During my visit to this wretched hotel, almost all of the mothers wtih whom I spoke told me that their children were not attending school. This is a matter of grave concern; not only is the City wasting huge amounts of money on those welfare hotels but it would seem that there is tragic waste of potential human resources as well, insofar as many of those poor welfare children are getting no education whatsoever.

I would like to know the dimensions of this problem and have several questions that I would like to have answered. First, how many school age children are in the Broadway Central, how many such children are being housed in welfare hotels city-wide and how many are not attending school?

I have been advised that there may be as many as upwards of 200 children in the Broadway Central alone and approximately 1,060 children registered in some 40 welfare hotels located within School District 2. If this is the case, it would appear that the school absenteeism is truly an enormous problem and it leads directly to another question.

As I understand it, the formula by which the City receives state funds for its school system is based on weighted average daily attendance, meaning that any children regularly out of school are in effect depriving the City of educational funds.

Obviously the rate of truancy for children in these welfare hotels is high, and I would like to know if you are able to estimate how much money the City is losing as a result.

Of course, one must also question why these children are not attending school for the welfare mothers want their children in school. Does not this situation in fact constitute a violation of the law and is not this violation the responsibility of the members of the Department of Social Services?

It is my understanding for example that there is a truant officer at the Broadway Central Hotel, but if so, what is she doing?

I would appreciate your earliest possible response to these questions as well as your recommendations on how to deal with these problems. The waste of funds spent on rentals is bad enough; to simultaneously deprive these children of an education is tragic.

Sincerely,

EDWARD I. KOCH.

[From the New York Times, Dec. 13, 1970]

STATE ACTION ASKED ON "WELFARE HOTELS"

(By Grace Lichtenstein)

Representative Edward I. Koch inspected the Broadway Central Hotel yesterday and then said that he and Greenwich Village community leaders would ask for a meeting with Governor Rockefeller on what he said were the "outrageous" conditions in the city's "welfare hotels."

Charging that previous discussions with Deputy Mayor Richard R. Aurelio and other city officials had produced no improvements, Mr. Koch said he would approach the Governor because the state contributed more money for welfare than the city did.

The city says that it has moved families on welfare into a number of hotels because it could not find suitable housing for them after they were burned out or otherwise forced from their homes.

Mr. Koch also accused Mayor Lindsay of having raised a "phony issue" regarding how much the city can pay in rent for welfare families in regular apartments. The rent for such families, according to city officials, is limited, with few exceptions, to $200 a month. However, hotels are considered "emergency" housing, a category for which there is no rent ceiling.

There are no Federal or state regulations setting such limits, Mr. Koch said yesterday, "so if there are restrictions they are of the city's own making."

Accompanied by members of Community Planning Board Two, Mr. Koch spoke to several families in the rundown hotel at 673 Broadway, in Greenwich Village, where a 4-year-old boy was found dead Monday morning at the bottom of a stairwell. The boy, Gerald Wilmore, apparently fell from the fifth floor, where he shared a room with six brothers and sisters. His mother was living on the floor below because the hotel did not have two adjoining rooms for the family.

One woman, Mary Johnson, said that the hotel was charging $271.95 a week for two small rooms on the fifth floor that she shared with her hubsand and their six children. Standing beneath the peeling paint and exposing pipes in one of the rooms, Mrs. Johnson said she had been at the hotel for five weeks.

Her children were not enrolled in schools, Mrs. Johnson said, because they had no winter clothes. Pointing to her 8-year-old son Ernest, who was sitting on a cot rolling his head back and forth in an apparent trance. Mrs. Johnson said he suffered from lead poisoning and had recently been hospitalized with pneumonia. Her husband was too ill to work and she herself suffered from asthma, she added.

FIRE EXIT LOCKED

Another woman, Inez Brown, told Mr. Koch that there had been eight fires in one night at the hotel the previous week. She complained that the door and window at the bottom of the staircase, labeled as a fire exit, were kept locked.

The hotel manager, Leo Tencer, showed visitors the locked door, saying "the Fire Department knows about it."

Mrs. Brown said the hotel was full of rats. She herself had chased one "larger than a kitten" from underneath the refrigerator in one of the two rooms her family occupied, she said. Mr. Tencer said he did not know of any rats in the building.

Mrs. Brown said the hotel was charging $399 a month for the two rooms, on separate floors, that she occupied with her four children. When she found a permanent apartment Friday on Staten Island for $200 a month, she said, a city caseworker told her the family was not large enough to qualify for such a high rent.

[From the Village Voice, Dec. 10, 1970]

HOUSING: THE CRIME WITH VICTIMS

(By Jonathan Black)

"Will the following defendants please come forward: Mayor John V. Lindsay; the *Honorable* Albert A. Walsh; New York City Housing Chairman Simeon Golar; Mother *Innocent* Migliore; President of the Bowery Savings Bank John Larsen . . ."

There were 10 names. When Durie Bethea had finished reading them, she looked up from her microphone. No one was rising from the audience. She rubbed her hand across her pale-blue Free Bobby sweatshirt. She smiled at the cheers. Then she coiled around the microphone and said, "The defendants have failed to appear. They are in contempt of the court of the people."

I was 16 when I read Irving Stone's "Clarence Darrow for the Defense." I shivered with each new client. I thrilled at his epic monologues to the jury, at his startling triumphs in court. When Darrow got William Jennings Bryan to admit on the witness stand that the Creation could have lasted one day or 1000 days, I was sold. Lawering for me.

The five judges took turns reading the indictment. Next to Durie was Iris Morales, wearing the purple beret of the Young Lords Party. Next to Iris was I-Liang Lee wearing the black beret of I Wor Kuen, the militant Chinese youth group. Jane Benedict from the Metropolitan Council on Housing sat on the other side of Durie. She had gray hair, a gray dress, and no beret. The fifth judge was Enrique Nazario from the Movement for Puerto Rican Independence.

"The people will call its first witness," said Iris Morales. A woman walked down the aisle to a microphone. "I live on East 4th Street," she said. "I live in one apartment with four other families. Me and my two children sleep in one bed. I don't sleep so much. I stay up all night because there are rats in the bed. We have one bathroom outside in the hall, but last week I found a dead drug addict out there, so now we use a pail. . . ."

"How do you qualify as a people's witness?" asked one of the prosecutors, Leroy Benton of the Tenant Strike Committee. "I qualify as a witness," said another woman, "because I've been kicked around by the city for 15 years. I have been literally put in the street. I have been placed in a welfare hotel where I lived for nine years with my children. Those hotels are traps. There is no way out. You cannot save a penny. You starve. I went to Operation Move-In, and within a week we had liberated a building. We put in plumbing, toilets, doors, windows. We built that house. If they throw in tear gas to get us out, we'll throw it back. If they dig us a hole, we'll fill it up. The only way to get us out of that building is to kill us, and if it comes to that we are *ready* to die!"

Iris Morales looked down from the bench: "If you are ready to die, take a couple of them with you. Do not die alone."

Have you ever been in part 1-a of the Criminal Courts at 100 Centre Street? It is an arraignment part. People who have been arrested are brought there from jail and a judge determines their bail. It looks more like a bus terminal than a court. It is a little noisier than a bus terminal. And a little more crowded. Every few minutes a guard points angrily at a spectator and shouts, "Put away that reading material!" Doesn't the fool know this is a court? There are no flashbulbs popping in 1-a, no reporters, scribbling. If a case is important, there'll be time enough for news coverage when trial rolls around, maybe in six months. That is if the defendant is the one out of the 10 whose case ever gets to trial. And there is a nice legal aid lawyer, learning all about the courts. His client already knows. The lawyer looks at some pieces of paper; a few words in the ear of his client, a few words in the ear of the lawyer, a few words to the judge, "thank you, Your Honor," so the next man doesn't also get screwed. Part 1-a is a court. See the judge. See the people. See the people come from jail. See the people go back to jail. See the lawyer shake his head. Can you find the real criminal? What is missing in this picture?

"Please tell the court your name."

"Juanita Kimble."

"Where do you live?"

"130 Morningside Drive."

"Do you have a lease?"

"No."

"Do you pay rent?"

"I offer Columbia my rent—$149.28—and they don't take the check. But I'm not moving. I was first living at . . . 10 children . . . no heat, refrigerator, front door . . . then I was living at . . . rats, no plumbing, no . . . then I was living . . . Now I have a clean elevator building, an eight room apartment, right here at Columbia. I'll go to jail before I move. From nothing to nothing. It don't make no difference. There's a woman just said she and her family's got no place to live. Sister, come on over! There's a nine-room apartment next to mine, we'll break in and go to jail togther. We don't have to ask—let's take it!"

In the middle of the cheers and whistles and shouts of "right on!" Durie Bethea speaks solemnly into the microphone: "This court commends the sister for a revolutionary act."

I have been to the trials of Black Panthers. The District Attorney says the Panthers are part of a conspiracy. The Panthers say it is a pig frame-up. The jury sits in its box and looks at the accused. The judge looks. The accused is guilty under the law. The people are the law. The law is the people. The glass in a New Haven courtroom is bulletproof, and the clock is permanently stuck. The judge has had his time. When will the accused have his? When will someone fix the clock? The master control is broken in the basement, I am told.

"There are 22 vacant apartments, parquet floors, tile baths, an elevator. It's just beautiful. That's why I became a squatter . . . Tell me it's illegal."

I have friends who are lawyers. Most of them file papers. Sometimes they work out deals with district attorneys and charges are reduced. Sometimes the lawyers greet each other in the familiar halls of 100 Centre Street. Sometimes they work into the late hours, devising motions for their clients. If I had a nickel for every motion, I'd be a rich man. One of my friends has just completed the defense of William Maynard. William Maynard spent three years in the Tombs waiting for trial. Now the people will decide if he is innocent.

"Mi problema es . . ."

In law school I learned what a criminal was. It was a person who had the "mens rea" and who had committed the "actus reus." On the whole, you had to have done something. Drowning a man is a crime. Watching a man drown is not. Starving a man is criminal. Letting a man starve is not. The law, after all, is very practical. It would be very confusing any other way. It would be confusing if the accused and his attorney started talking about the judge in Latin. Or Spanish.

"We will now observe a minute of silence for the murder of Fred Hampton and Julio Roldan.

Julio Roldan died waiting for trial.

There was a trial Sunday. At Wollman Auditorium at Columbia University. About 1000 people were there. The trial lasted about six hours. Some people who called themeslves The People tried some other people whom they called the criminals. The court was a little bit biased. The charges were housing crimes. The indictment had 13 counts. The criminals didn't have a chance.

[From the Village Voice, Dec. 10, 1970]

FAMILY ON WELFARE: LIVING ON THE LAST OF THE FALSE PROMISES

(By Mary Breasted)

"Well, you feel like, you know, it's your last hope and there's nothing else. And I figured that I worked for so many years and I paid taxes. And they say it's tax money."—Mrs. B., on welfare.

Mrs. B.'s last hope had kept her living in hotels all summer, crowded first into two rooms at the Hotel Earle with five of her six children and then in two larger rooms at the Hamilton Hotel on 73rd Street just off Broadway. In the Earle she had shared a couch and one double bed with her young brood. In the Hamilton they were given more beds but had to endure such unpleasant conditions that they could bear it for only five days.

Mrs. B. decided to defy the wishes of the people in the Department of Social Services. She called me before she moved out. "You got to come up here and see this place before I go," she said. "I need a witness."

From the outside it looked like a sturdy building, the kind of place that was once comfortably functional, if never glamorous. A small crowd milled around in the lobby. Children passed in and out. Young black men wearing colorful suits with matching ties plus cool shades stood looking implacably with-it outside the entrance.

Some fuses had blown, and the building was briefly pitch black inside, so its occupants had come to the lobby a little frightened and were making nervous talk like passengers on a stalled subway.

The lights soon went on again, showing every corner of Mrs. B.'s unendurable two rooms with merciless clarity. In the bedsprings were great caverns, homes for mice or rats, ragged at the edges as if they'd been gnawed in a hurry. Strange little holes in the mattress covers had been stuffed with pieces of newspaper, but bugs still passed easily through them. Cockroaches crouched in neat lines along the top of the molding. In the closet was the smell of mildew. One whole closet wall was damp, and the discolored paint betrayed a leak. Also in the closet were some strange white bugs I'd never seen before. Mrs. B's oldest boy said they were waterbugs, but they looked like wide white cockroaches, albino cockroaches. The bathroom was flooded by a leak from the toilet pipe. There was no hot water. Two window halves were completely out and boarded up with plywood. On balconies below, garbage lay thickly strewn. And the hallways and stairways smelled putrid. Each landing had its own particular odor, vomit on one, rotting garbage on another. Smells of a medieval city with open sewers.

Mrs. B. stood in the middle of the front room with a faint, ironic smile on her face. Her husband and son were pointing out the worst features of the rooms, so she didn't have to say anything at all. Mr. B. went on about how one of the children's beds had been virtually brown with cockroaches the night before. "You should have seen this woman!" he ranted. "She cried *all night long!* I told her, 'You can *not* stay here. You have got to get out of here, woman!' "

As her husband and son carried out the boxes containing her meager belongings, Mrs. B. sat listlessly smoking a cigarette, looking as though she did not even care whether she remembered to pack every last possession. A plump woman, who wore her hair cropped close to her head, too short to constitute a real Afro. With her small ironic

smile and a habit of casting her eyes down when she seemed most desperate, she had the look of a slave, a slave who had learned to utter every disparagement of her master in a soft undertone. Though she was in the process of walking out of a hotel that had been picked by her caseworker's supervisor, she gave no hint of a defiant nature. She seemed, rather, the personification of passive despair—which was probably why she had gotten such heartless treatment from the Department of Social Services.

Mrs. B. was living in the Hotel Earle on Waverly Place when I first met her, and as she seemed to be one of the most unfortunate victims of the welfare system, I decided to follow her life for several weeks and write about what I saw. During my two years as a Vista volunteer in Spanish Harlem, I had developed some theories about the welfare system, and I wanted to observe one welfare mother closely to test them out. When you set out to study someone's life that way, you are apt to get your theories confirmed. Thus what I discovered would not hold up in a sociology textbook: in other words, my theories *were* confirmed.

These were: women on welfare would much rather be self-supporting, preferably by their own labors; welfare families are cruelly dependent upon the whims of their caseworkers; the Department of Social Services is subsidizing expensive, shabby housing; the life of the welfare mother, like the life of any poor woman, is hard work because everything from washing diapers to arranging for a night out on the town is more difficult when you are poor; no one can live on the New York City welfare budget for long without being driven to clandestine cheating with other sources of income, whether these be the numbers game or an obliging man; getting off of the welfare rolls once you are on them is nearly impossible; and finally, summing them all up, welfare is a cruel trap.

The welfare mothers I knew in East Harlem were quite candid about their cheating once they trusted me. One would tell me she had just won a neat sum in the numbers game, and she intended to buy new furniture with it. Another would confess that she just couldn't bring herself to mention her insurance policy the day she had finally applied for public assistance.

But for every story of their deception, there was a comparable tale of the merciless treatment meted out upon them by hardened caseworkers. There was the woman who had been put on "restricted rent" (where the rent check is made out in hers and the landlord's name and signed by both) because she had once spent her entire monthly check on a funeral for one of her children. She hadn't wanted the child buried in Potter's Field. There were countless tales of checks lost in the mail or stolen out of mailboxes by junkies—with impervious caseworkers refusing to issue second checks. There were times when I saw furniture ruined by leaky pipes and witnessed the fury of women who could not persuade their caseworkers to issue new furniture allowances. And there were apartments with numerous violations on record with the Rent Commission which the Department of Social Services went on paying for month after month despite the existence of a law under which the Department could institute a rent strike, keeping our tax dollars from a negligent landlord and bringing him to court. Never once did I see that law used.

Yet for all their martyrdom, welfare mothers in East Harlem did not always invite sympathy. Their harsh problems had made them abrasive, and when they wanted to they could raise bloody hell in the local welfare centers. They lived among people whose final furies were fought out in fierce street battles, and they could so frighten the Social Services employes that they would end up suffering the worst caseworker revenge, going to Bellevue for 30 days of psychiatric observation. One of my best friends in East Harlem stabbed her boy friend in the neck just before Easter one spring because he had spent all his paycheck when she had been counting on a portion of it to buy her children Easter presents. She barely missed his jugular vein, and it was only because he appeared in court and said he didn't want to press charges that she escaped a stiff jail sentence. She was a cheerful, witty woman much of the time, but no one liked to be in her bad graces. Second generation welfare, she could skillfully manipulate her anger to draw money from her caseworker when she desperately needed it before the regular check day.

Her friends could be equally explosive when driven by extreme want. They all seemed to live locked into a horrible dependency that forever frustrated them but kept them far enough from starvation to dangle the hope that some day they might master their own destinies.

And after all, they had no choice. They could not leave New York. They either could not abide their men or could not be abided by them. At least they had shelter and food for their children, which was more than you could say for what they'd be getting in Mississippi or wherever their parents and grandparents had filed from. To a middle-class citizen with the good fortune of having been born into a family that made sure he or she went to college, they seemed to have nothing to look forward to, utterly no chance of a change. But they couldn't live without hope, and they bet on the numbers every day. They also harbored wild hopes that their children would do so well in school that they would make it out of the ghetto. One mother patiently tended her teenage daughter's illegitimate baby so her girl could continue in school, still boasting of her daughter's good grades.

Klok Realty in the Bronx had advertised vacant six-room apartments in the Daily News. Klok was one of the real estate offices to which large welfare families were sent, and Mrs. B. had been there often. They never had anything for her, she said, unless it was an apartment in the same run-down condition as the one in the Bronx that she'd been evicted from at the end of May. (She had tried to start a rent strike, but too many families had gone on paying the rent, despite terrible leaks, bad heating, an intermittent water supply, and dangerous lead-base paint on the walls. Four other families were evicted along with the B's., and the Department of Social Services then sent Mrs. B. to the Earle.)

The Department of Social Services had told her they woud pay a maximum of $189 for her monthly rent—although they were paying nearly $1000 a month to keep her in the Earle.

One afternoon I went with her to the Klok real estate office in the Bronx. I timed the trip—we left the Earle at 2.30 and walked into Klok at 3.40. About 10 people were seated in the front room. The chairs were arranged in neat rows, and if there hadn't been a sign outside the place, it might have been mistaken for a small welfare center, or an employment office, or even a clinic—for any one of the over-crowded service centers where the poor have learned to wait long hours in rows of chairs.

Mrs. B. was kept waiting only about half an hour. She sat quietly much of the time, although the other women spoke to her and anyone else who would listen about their troubles in finding apartments. A tall, pretty black woman came in carrying a sleeping child. One of the real estate people popped her head out a door to ask the tall woman how she had liked the apartment. "It's worse than where I am now," she said, looking incredulous. The women seated around her nodded their heads and made small knowing murmurs.

Eventually a woman with "Stella" pinned to her dress called Mrs. B. into her office. Stella had hair dyed reddish blond, which made her look like an aging actress. She gave Mrs. B. a huge warm smile, asking her how large a place she wanted.

Six rooms.

"For you and who else?" Stella's eyes looked shrewd.

"Me and my six kids." Mrs. B. kept her eyes cast down.

"Welfare?"

"Unhuh."

"How high will they go?"

Mrs. B. gave the figure, and Stella searched through a collection of small papers. Well, too bad, she couldn't find anything. Maybe Mrs. B. should call up in a few days.

Another hour's ride back down to the Earle. The Department of Social Services people knew that Mrs. B. wanted to live in the Bronx where she had spent most of her life, yet they had housed her in a hotel in the Village. If you asked Mrs. B. about that, she just shrugged, seeming no longer surprised by any of the bureaucratic irrationalisms she suffered under.

But after that trip to the real estate office, she smiled her ironic smile and said her life on welfare had turned out to be just as much work as her life of legitimate labor.

"It's like living in a prison camp, I'm finding out," she remarked a few days later. She was learning, she said, that the Social Services people wanted her to report all her apartment-hunting efforts to them—and then didn't seem to believe her when she came back without having found a place. "Like when you went the other day and they said they was none available? Well, that is not acceptable. You have to get a slip from them."

The New York City Department of Social Services carries on its more difficult disputes with clients in a hearing procedure run by employes of the State Department of Social Services. These procedures, roughly comparable to the arbitration you can request in a civil case if you don't want to go through small claims court, are carried on in a big old shabby building near the Brooklyn Museum. The very location of the Fair Hearing Office, as it is called, is enough to discourage the troublesome welfare client. Its entrance at 95 Rockwell Place is unobtrusively small, and no helpful sign is visible over the door from any distance down the street.

Mrs. B. was scheduled to appear there on September 15, the date she and the supervisor of her unit were to debate the handling of her restaurant allowance during the month of August. On August 1 her "case" had been transferred from a Bronx office to the Amsterdam Center on 30th Street, where all the hotel cases in Manhattan are handled. The Amsterdam people had decided that Mrs. B's family shouldn't get the $3 a day per person for eating out because the Earle's management told them her rooms had cooking facilities. Mrs. B. strenuously denied this, but the Amsterdam people believed the management, never bothering to visit Mrs. B. and see for themselves. (Eventually a small ice box and a hot plate, still warm from someone else's room, were installed in her place, but Social Services regulations still allow for a partial restaurant allowance when a hot plate is the entire stove.)

Mrs. B.'s unit supervisor, a small blonde woman with a pleasant face, arrived at Rockwell Place with her husband and two lawyers, one representing the department and one representing her. She smiled sweetly at Mrs. B., a display of friendliness which chilled you when you heard Mrs. B. say the woman had hung up on her several times during the previous week.

I was not allowed to sit in on the hearing, but before it began I heard one of the

lawyers say that Mrs. B. was ready to drop her complaint because the supervisor had found her an apartment. The lawyer kept saying there was no coercion involved, but the hearing officer was not favorably impressed. Curtly he said he was there to settle the restaurant allowance matter, not to decide a housing question.

Mrs. B. came out of the hearing convinced her supervisor had tripped herself up with conflicting versions of events. A nice little leaflet given to her to explain the process told her she would learn the decision in two weeks. But as of this writing she has not yet learned the outcome of the hearing. All that can happen in her favor in any case is an order from the State Department of Social Services directing the City Department to issue the back payment of the restaurant allowance. If that doesn't happen she can go to court, but obviously it wouldn't be worth the price of a lawyer.

Mrs. B. found an apartment finally in a building just five doors down from the place she was evicted from last spring. It has only four rooms, but they are large rooms, and along with them she'll be getting a front and back yard for her children.

If the Welfare people hadn't moved her way down to the end of town last May, she might have found the place sooner, and they could have saved themselves hundreds of dollars in hotel bills. They also could have saved her and themselves some valuable apartment-hunting time if they had not dropped her restaurant allowance. For several weeks when she was without it, she lived literally from hand to mouth, worrying desperately about her baby food supply one weekend, not knowing how she would feed her children a dinner another evening. Every subway token was precious, and she used each to carry her to friends or relatives who would lend her money.

Mrs. B's father had taken her in after her brief stay in the Hamilton. He was already sharing his small superintendent's apartment with her oldest daughter and his second wife, so when she and the rest of the brood arrived, his three-bedroom place served as home for 10 people.

Her father blamed her plight on her husband, the kind of city-raised black man whose pride had turned to bitterness. He preferred hustling to regular jobs. Once a prosperous numbers runner, he had gotten burned by the detectives who had earlier accepted his bribes. He told me often that he could not bear to be around his wife, watching her suffer, and he never seemed to see himself as contributing to her troubles. He would disappear for days on end, but he always seemed to appear when she needed him most desperately, when she was trying to get an icebox at the Earle, for instance, or to summon the energy to move out of the Hamilton. He did seem to want to make her life easier, but in the end he left her stranded and dependent upon an indifferent bureaucracy.

If her father had not taken her in after that brief stay in the Hamilton, Mrs. B. might still be living like a miserable nomad in some hotel. Scores of women like her are housed in such places as the Hamilton and the Broadway Central, their children wandering the halls with junkies, their days spent in a mean struggle to stretch their meager allotments.

Mrs. B. was one of the lucky ones. But she, like the rest of the welfare mothers, is living on the last of the false promises, the end of a series of empty reparations that began with the pledge to give every freed slave a plot of 40 acres and a mule.

APPOINTMENT OF JOHN CONNALLY AS SECRETARY OF TREASURY

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOW. Mr. Speaker, in appointing John Connally as Secretary of the Treasury, President Nixon has made an excellent choice. Governor Connally is an experienced and highly respected man who can be expected to implement the expansionist economic policy which the President has announced is the goal of his administration.

However, Mr. Connally's appointment is also important as a symbol that the President is trying to end the divisions in this country. President Nixon's decision to bring a Democrat into the highest councils of his administration cannot have been made easily. That the President was willing to rise above partisanship and make this appointment is a clear sign that he is trying to bring us together.

I would suggest to my colleagues—both Democrats and Republicans—that we accept this appointment in the spirit in which it was made.

The administration has set a fine example of a bipartisan approach in a critical area. I hope we can all profit by that example.

As ranking minority member of the Appropriations Committee, I look forward to working with Governor Connally when he becomes Secretary of the Treasury.

WHO WILL EVER FORGET "THE SHOE"?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, one of the finest young men we got to know at Marshall University was Ted Shoebridge, Jr., star quarterback of Marshall's football team. "The Shoe" literally rewrote the record book at Marshall.

The Sunday, December 1, Huntington, W. Va., Herald-Advertiser published a very moving letter from Mr. and Mrs. Ted Shoebridge Sr., of Lyndhurst, N.J. The letter is written with such wonderful depth and sincerity that I want my colleagues to share these words from the parents of a Marshall student whose life meant so much to us:

DON'T FORGET "THE SHOE"

EDITOR, HERALD-ADVERTISER:

It is not easy for us to find the proper words at this time of our great sorrow and grief to say what we want to say, but we will try.

We came to Huntington to visit our son and see the team play in the first year of his college career and felt strange and alone in a different community other than our own. But when we left from that very first visit we had met and made so many friends that we anticipated each and every new visit as going to our "second home." We had never met friendlier, nicer people in our whole lives. We came back to Jersey and told everyone of the wonderful people in Huntington, who accepted us with so much friendliness and kindness.

We are simple people, but know the value of sincerity in other people. We treasure most the love and friendship of Carol and David Mandt, who accepted us into their home and acted as foster parents for us to our son while he was away from home. There are many names we could mention but it would take pages and pages, these people know who they are and we say again, "Thank you."

This tragic accident not only took away our wonderful son, but took away from us the friendship of all those wonderful people on the plane. We knew and loved them all, fellow teammates of Ted's, coaches, trainers, doctors, friends and followers of the team. We cannot comprehend why this happened to such people. We will try to understand God's workings and try with all our hearts not to turn away from Him, but to realize there must have been a reason for this tragedy.

We want to thank all the many people who sent cards, letters, and words of encouragement. It was a great comfort to us to know that our son Ted touched so many people's lives and that people we did not know got much pleasure out of his short career at Marshall. We hope you are as proud of him as we are of his achievements at Marshall.

We hope all the youngsters who looked up to him will remember him and carry with them this motto that he believed in so much. He always said the secret of the game is to do one's best, persist and endure, and as someone said. "To strive, to seek, to find, and not to yield."

God bless each and every one of Ted's educators, friends, and followers. We will never forget Huntington, and hope Huntington will never forget a boy named Ted Shoebridge, "The Shoe."

Mr. and Mrs. TED SHOEBRIDGE, Sr.
LYNDHURST, N.J.

Mr. Speaker, I vividly recall the occasion last year—Ted Shoebridge's first year as varsity quarterback—when Marshall was faced with a 27-game losing streak on the gridiron. Facing a favored foe, Bowling Green University, the football squad and the students built up sentiment to a fever pitch for the homecoming game prior to which I was honored to serve as grand marshal of the homecoming parade. Ted Shoebridge's arm almost singlehandedly passed to victory over Bowling Green to break the winless streak.

Then this year, "The Shoe" was joined on the varsity by another Lyndhurst, N.J. standout, Marcelo Lajterman, who as a freshman had kicked a 52-yard field goal in helping defeat the University of Kentucky yearlings. I watched with awe in the stands at Fairfield Stadium this year as this talented sophomore punter and soccer-style place-kicker booted a 47-yard field goal against Western Michigan.

We will miss "The Shoe," and Marcelo, and so many other wonderful young people—including Art Harris, sophomore back from Passaic, and Kevin Gilmore, senior back from Harrison, N.J. It is such a poor understatement to say we will miss them, and it would be better to say that we shall always remember them and derive inspiration from all that they represented.

Here are some of the many records set by Ted Shoebridge in his career at Marshall University:

Most passing yardage	2,620
Total offense (yards)	2,870
Passes attempted	438
Pases completed	182
T.D. pases	16

SINGLE SEASON

Most passing yardage, 1,620 in 1969.
Total offense, 1,756 in 1969.
Passes attempted, 226 in 1969.
Passes completed, 104 in 1969.
T.D. passes, 13 in 1969.

SINGLE GAME

Yards gained passing, 312 (against Ohio University, 1969).

Passes attempted, 43 (against Toledo University, 1970).

Most touchdown passes, three (against Ohio University, 1969).

Marshall University did not keep an accurate set of kicking records but it is believed Marcelo Lajterman set the following school records in 1970:

Field goals attempted, 19.

Field goals made, 7.

Longest F.G., 47 yards (against Western Michigan).

Most points kicking, 36 (15 of 16 extra points and 7 FGs).

Mr. HELSTOSKI. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. Mr. Speaker, I gladly yield to my friend from New Jersey, who represents Lynhurst, the hometown of those great Marshall athletes, Ted Shoebridge and Marcelo Lajterman, whose brilliant lives were sadly ended with the plane tragedy on November 14, 1970.

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, the tribute of the gentleman from West Virginia (Mr. HECHLER) to the young men from New Jersey who lost their lives in the Marshall University air disaster is most thoughtful.

Two of the young men—Ted Shoebridge, Jr., and Marcelo Lajterman—were residents of my congressional district and the disaster of November 14 dropped a curtain of sadness and shock over their hometown of Lyndhurst.

As Mr. HECHLER noted Ted and Marcelo, because of their accomplishments as men, bequeathed to the people of Marshall University and its surrounding areas a legacy for which their loved ones can always be proud.

Marcelo and Ted also left that legacy to the people of Lyndhurst and its surrounding areas for both, before entering Marshall University, had established themselves at Lyndhurst High School and in the community as young men with special athletic talents, high academic standards, friendliness, decency, and good citizenship.

At Lyndhurst High School, Ted Shoebridge was a three-sport man—football, baseball, and basketball. He earned nine varsity letters. Mr. HECHLER has spelled out clearly Ted's deeds in football at Marshall University, but Ted also excelled in baseball as a fine defensive catcher and hitter. So much so that the Philadelphia Phillies of the National Baseball League had directed their scouts to sign him to a contract at all costs upon his graduation from college.

Marcelo Lajterman was a native of Argentina who came to Lyndhurst with his family several years ago. He quickly endeared himself to his fellow students, school faculty members and the people of Lyndhurst because of his warm personality and quiet friendliness. As at Marshall University, Marcelo was Lyndhurst High's place and point-after-touchdown kicker. He excelled in his specialty and, if he chose, had a bright professional football career before him.

Recently, Mr. Joe Cipolla, athletic director at Lyndhurst High School, told me that Ted and Marcelo were two of the finest boys he ever had the privilege of coaching. He said:

They were headed for success in whatever field of endeavor they chose—sports, a profession or a business career. Ted and Marcelo were leaders with determination, ability and compassion.

Ted and Marcelo are missed, but the memories of them always will be with the people they were associated with in so many areas of endeavor and friendship. They bequeathed to all, and particularly young people, a legacy of goodness and achievement.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States produces over half of the world's output of soybeans. The 1968 production in the United States was 29,384,000 metric tons compared to the world total of 43,125,000 metric tons.

OF FRIENDS AND ENEMIES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the December 1970 Air Line Pilot magazine, there is an excellent article by Robert Serling, veteran newsman, author, and aviator industry observer.

Those "opponents" of the SST and general progress in aviation would do well to read and digest the following:

OF FRIENDS AND ENEMIES

Anyone who loves aviation has a right to be concerned today. I've been writing about airplanes since 1946. That's almost 24 years. In that quarter of a century, I can't remember when aviation was going through a more critical stage or when it had so many enemies, and I don't mean constructive critics or legitimate opponents. I'm using the word enemy as we'd regard anyone who was at war with us. I'm thinking about cheap politicians who use air safety to get their names into the papers; about a certain section of the news media—uninformed, ignorant, biased—that slants, sensationalizes, twists and distorts, and about those who have made a scientific and political football out of ecology and environment.

I don't know what kind of black eye aviation has gotten in other countries. I do know what's happened in this country, to cite one example, to the supersonic transport. Maybe many of you are opposed to the SST. If so, I trust your opposition is based on fact, sincerity and technical knowledge. If that is so, I salute your integrity and I respect your viewpoint.

I only wish this was the case in the United States, where 90% of anti-SST propaganda is based on misinformation, unproven theories, deliberate scare talk, phony and false ecology issues, and so-called technology claims that are the product not of scientific research, but prejudged bias and/or unreasoned fear.

All of this is compounded by that portion of the news media that has consistently and persistently covered the supersonic transport controversy with a lack of fairness so blatant that it has made a mockery out of the word objectivity. This coverage is personified by the newspaper that gives prominent display to virtually every anti-SST story or report, and either buries virtually every pro-SST story back in the want ads, or ignores the story outright.

The attitude of press, politicians and public toward the SST is, to me, symptomatic and symbolic of what's happening to aviation's reputation and goodwill. I blame the first two more than the third, because the public formulates its views on the basis of what it reads, sees or hears. Who can blame the layman for being critical, questioning or cynical when he's fed a steady diet of negative poison from the well-meaning but occasionally off-target crusading of a Ralph Nader to the political hacks who think they can get votes by making the SST in particular and aviation in general a whipping boy for everything that's wrong with our society; from those fast-buck writers who figure it's easier to sell an air safety book that attacks, libels and sensationalizes to our friends the airborne ambulance chasers, who'd sue the Lord himself if a crash was nothing but an act of God; and from the new breed of biased reporters who regard aviation as a synonym for the establishment to those real-estate developers putting up homes near airports and then telling the residents to organize noise protest committees.

Enemies? We've got 'em in large, deadly and very effective numbers. But among them, I'm afraid, we can include ourselves. In a sense, we're our own worst enemies because we play into the hands of those who for personal gain would hurt aviation. Passing the buck in air safety is just one way to play into their hands: Airline management, when it treats safety information and discussion as it did in the days when an airline PR man went out to a crash scene armed with white paint to obliterate company identification from the wreckage before the photographers got there; pilots, when they defend colleagues they know don't deserve defending, when they tolerate airmen they know are marginal, careless, unstable; government agencies, when they try to duck responsibility for fear of criticism; crash investigators, when they take the easiest way out (a verdict of pilot error) without trying to find out why a pilot made a mistake; manufacturers, anytime they assume something is safe without making damned sure, and any nationality, government or airline that looks on safety problems or fatal accidents as an affront to national pride and conducts its investigation mainly with a broom for sweeping the unpleasant truth under a rug. All of these, too, are enemies of aviation.

I've just finished reading a new biography of an aviation pioneer, a man who happened to be a writer as well as a pilot: Antoine De Saint Exupery. This quote is from the final chapter, which sums up the life and work and times of this pilot/poet:

"Saint Ex's generation was the first to discover a radical, new and awful truth—that the size of our planet is limited. Nay, that the earth is relatively small. The astronomers had already guessed it, but it took the airplane to bring this sobering truth home to the general public. An ocean ceases to be vast when it can be overflown in half a day, and even a large continent like America shrinks when it can be crossed in a matter of hours. Saint Ex, precisely because he WAS a flyer, understood this instinctively. Our Planet, he knew, was shrinking and far faster than is generally realized. This is the price man has had to pay for speed."

What Saint Exupery felt and thought and wrote in the 30's and 40's is even more true and appropriate today. I think one of the reasons I've been so proud to be a part of aviation is that aviation literally is the first of man's enterprises that laughs at boundaries—not only geographical boundaries, but

emotional and mental boundaries. A long time ago, H. G. Wells wrote a novel called "The Shape of Things to Come." In it, he predicted that world peace would come about through a brotherhood of airmen—not theologists or statesmen or scientists or writers—but airmen. This great British novelist sensed that the one profession capable of sublimating man's inherent capability for greed, selfishness, narrowness of vision and confining provincialism, was that of the airman. The one man who realized that a shrinking world couldn't afford such capability.

I see the truth of that in the past few months when reaction to brutal, vicious skyjackings and wanton destruction of magnificent aircraft was a reaction based not on nationalism or political views, but a kind of closing of ranks against a common enemy.

We in the United States suffer from a kind of narrow provincialism. We are justifiably proud of the Wright Brothers, forgetting, perhaps, that the theories of an Italian named da Vinci were a couple of centuries ahead of Wilbur and Orville.

We are justifiably proud of our lead in commercial transport development, forgetting, I'm afraid, that we don't hold any monopoly in such development. The British were ahead of us in jet propulsion. The Comet, not the 707 or DC–8, was the pioneer of jetliners.

The Germans built a successful all-metal transport before we got around to the Ford Trimotor. In the early 20's, when we were still carrying passengers and mail in Curtiss Jennies, European airlines were offering scheduled service in luxurious cabin aircraft, with meals and flight attendants and well-upholstered seats. When the U.S. did not have a single scheduled airline, Britain was operating 23 flights a day across the Channel.

Most of today's aviation terms are French derived, and it might be recalled that the early French air mail pilots were just as brave and trail blazing as our own.

I'm not casting aspersions on our own achievements, but I hope every American realizes that aviation always has been international. Do you know, for example, who first thought up the basic ingredients for such terms as DME, ILS, all-weather landings and a few other air safety gimmicks? The same Frenchman I mentioned earlier: Saint Ex, back in the 30's and early 40's.

If air travel is no longer national but international, if technological advancements are international, not national, so is air safety an international problem—one that overflies artificial boundaries that are just lines on a map. When a bird goes down, anywhere in the world, it is of concern to all in aviation; not only the lives lost, but the reasons for the accident, the explanation, the reforms, the cures and the lessons learned. Aviation in 1970 is that closely knit and its mutual problems are that tightly interwoven.

A few years ago a Pan American 727 crashed in East Germany and the Communists removed most of the wreckage before any western investigators could attempt to find the how and the why. As far as I know, that crash is still unsolved. This is nationalism and provincialism in its narrowest and deadliest sense. And it's not limited to the Iron Curtain. I know of one fatal 707 crash that occurred in a European country. That country resented the presence of American technical experts and kept the results of its own investigation buried for years under what could only be called a rug of national pride.

I'm told by friends in government and the airlines, that things have improved. There is wider dissemination of safety information, more cooperation and closer communications among the international aviation family. I hope so, but I hope there will be more, whether it's in the development of better navaids or a solution for skyjackings and sabotage.

I think anyone would concede that the U.S. airline and aircraft manufacturing industries are about as hotly competitive as any thing can get—but not in safety. When any airliner crashes, the effects of the tragedy are never confined to just the airline involved. In 1960, when the Electra was having its problems, Boeing and Douglas worked with Lockheed to solve the mystery. This is how it should be throughout the world, free and communist, as well as the United States.

All of us in every phase and every segment of aviation have so much to be proud of. Maybe, because of our jobs, in which we may have to work from a rather negative attitude, we tend to forget how many steps forward have been taken, compared to the few steps backward. Indulge in a bit of nostalgia, if you will.

Go back just 40 years—only half the span of a man's life: When the average passenger load was far less than the number of stewardesses working a 747 flight; when the scheduled airlines had a fatality rate 1,500 times higher than the railroads, and 900 times above that of buses; when the total passengers carried throughout the world over the entire year wouldn't equal the number carried everyday by just one major airline.

Go back 40 years ago when there was no such thing as an instrument-rated pilot, reversible props, wing flaps, approach lights, anti-icing equipment; when a copilot could be hired at 10 a.m. and be sitting in the right seat on a scheduled flight at 2 p.m. the same day; when the president of one major U.S. airline insisted on traveling by train because he was afraid to fly; when a stewardess was trained in just three hours; when 50 consecutive hours without an engine malfunction were considered the height of mechanical efficiency, and when an altitude of 8,000 feet was like nudging outer space.

Yes, I get nostalgic when I think of what it was like 40 years ago. And that's why I can get mad when I hear our enemies, our critics, our scoffers and our doubters whine that supersonic travel is not needed and may be technologically impossible; when I hear that the 747 is too damned big and full of bugs.

If we had today's enemies 40 years ago, aviation never could have achieved what it did in 1970's atmosphere of repression and criticism based largely on ignorance.

That we have had 40 years of incredible progress does not mean we can sit back and just wait for progress to continue on its own. Nor is there any such animal as unilateral progress in aviation. We are too dependent on each other in this age of technology. No one company, no single nation owns a copyright on progress. Our goals are just as mutual as our problems and our enemies are external or within ourselves. If I have one message, it is: Recognize the internationalism of aviation.

Stuart Tipton of the Air Transport Association once defined safety as the art of reducing risk to the smallest chance of occurrence. That isn't an American definition. It isn't British or French or Italian or Scandinavian or any other nationality. It is a definition that can be the slogan, the ultimate aim of that brotherhood H. G. Wells dreamed about . . . a brotherhood of airman, to whom Safety is Truth, and Truth is Safety.

INDICTMENT OF UNIVERSITIES EXAMINED

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, during this past campaign there were many strident voices across the land crying for the scalps of college and university administrators. The academic community was denounced as a bunch of starry-eyed weaklings incapable of meeting their obligations and insensitive to the growing mood of frustration on the part of middle America. No one denies that this is a crisis period for American campuses. It is, as it is for the whole of our society. But let us put the situation in perspective. On November 15, a letter to the editor from Syracuse University Chancellor John E. Corbally, Jr., appeared in the New York Times. I think it deserves to be reprinted here. I commend it to all my colleagues:

[From the New York Times, Nov. 15, 1970]

INDICTMENT OF UNIVERSITIES EXAMINED

To the Editor:

Now that the election is behind us, we can take a dispassionate look at the implications of the indictments aimed at universities by some highly placed governmental leaders and politicians.

In trying to make a case that our institutions of higher education are riddled with dissent and led by a group of weak and ineffectual administrators, these spokesmen were neglecting the facts. Most campuses were entirely peaceful this fall. Nearly every institution of any size has well developed plans to cope with violence and disruption should they occur.

But the problems generated by this fall's campaigns lie less in distortion of facts than in the further breach that is created between two great and interdependent sets of institutions—governments and universities—each of which must respect and cooperate with the other if the Republic is to prosper.

Governments are obviously our prime source of solution for the array of problems—social, economic, cultural—which must be dealt with in the decades ahead. No other instruments at our command can muster the power and the resources to deal with these problems.

The talents of the professionally and technically skilled are being called upon by governments, as never before in history, to participate in addressing all our urgent needs. Yet governments are utterly dependent on the universities for those highly skilled people whom they require, as well as for the production of new knowledge.

Creating the impression that universities are embroiled in chaos, that they are marginal institutions which threaten the welfare of the country, is hardly the way to move toward increasingly productive associations between government and the universities.

Anyone intimately connected with institutions of higher education agrees that considerable internal reform is required. Universities and colleges are now facing up to many issues which they have failed adequately to address in the past.

They have not been as interested in reaching the disadvantaged as should have been the case. They have been too bound by the disciplines; too constrained by tenure; too unwilling to broaden the base of university governance.

While they must never lose sight of their central educational role of their responsibility to generate new knowledge, these functions must be carried out with a keener eye on the needs and nature of the "real world." Universities must be addressing these "reform" questions more actively than any social agency, including governments.

One of the surest ways to keep in contact with reality is for universities, in consultation with governments, to find new creative routes to exchanges of knowledge and experience. We must be innovative in developing arrangements which will allow government officials to share their knowledge with

the campus. We must encourage faculty and students to relarge their interests to the great issues with which governments grapple.

Over twenty year ago, Felix Frankfurter wrote: "That our universities have grave shortcomings for the intellectual life of this nation is now a commonplace." This fact is still unhappily true. But great leadership both from the universities and from our public offices can help to identify the shortcomings and inspire the best, the most creative in all of us.

If such leadership is forthcoming, we can hope for an era of fresh creativity in the universities which will inevitably generate a like era in government.

JOHN E. CORBALLY, Jr.,
Chancellor, Syracuse University.

REGARDING THE WHITE HOUSE CHILDREN'S CONFERENCE

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, last night as I listened to the news and this morning when I read the news on the report of the President's speech to the White House Conference on Children, I was thrilled, pleased, and very satisfied with his renewed vigor and determination to come to grips with some very basic problems of people.

Mr. Speaker, the President rightly called for immediate and early action by the other House on his proposal to bring about a change for the problem of the needy who are not now being cared for under the present laws. Rightfully, he observed that "for the Senate to adjourn would be a tragedy of missed opportunity for America and particularly for the children of Americans." He continued by reminding us that in terms of its consequences for 55 million Americans under 14 years of age, "I think it can fairly be said to be the most important piece of social legislation in the history of this Nation."

One of the most potent arguments the President gave, dealt with "pride, dignity, and self-respect." He spoke of his deep hope for a lasting peace; in that he wants youth to love an America that deserves their love "because it is a truly lovely country."

The President also gave a most potent argument when he said:

> Six million children caught up in an unfair and tragic system that rewards people for not working instead of providing the incentives for self-supporting and independence, that drives families apart instead of holding them together, that brings welfare snoopers into their homes, that robs them of pride and destroys dignity.

Mr. Speaker, so that this magnificent address may be in the permanent RECORD, and so that all who read the RECORD may have the benefit of it, I have asked for this permission to put it in the RECORD as it was given at the meeting last night:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON CHILDREN, WASHINGTON, D.C.

Mr. Secretary, Mr. Mayor, Mr. Chairman, Ladies and Gentlemen, I share with six of my predecessors, beginning with Theodore Roosevelt and most recently Dwight D. Eisenhower, the honor of having convened a White House Conference on Children, and I take special pleasure in welcoming you here this evening.

Our concern at this Conference is with the well-being of 55 million individual human beings who happen to be children under the age of 14—and who represent one-fourth of our Country's total population.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that; On the fact that nothing is so intensely personal as the private world of a child, and nothing so removed from the statistical abstractions of a chart or a computer. In talking about our children, we are talking about our world—about its future—but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different, and very special, and full of promise—and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike. Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass—about cities of more than a million, or people over 65 or under 21, or about whole school systems or health delivery systems. Just yesterday I spent most of the day working on next year's budget—on the billions for this and the billions for that, and how perhaps a hundred million could be saved here in order to be used there, trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people.

Sometimes, after doing that, I find myself reflecting on both the necessity and the impersonality of it all. Budgets have to be made and they have to be followed because this is the way the real world operates, and governments have to deal with great masses of people because this is the way governments operate. But how far removed this can get us from the perspective of the individual person! How great a tendency there is, in government, to lose track of people as people—to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about!

If there is one thought more than any other that I would like to leave with you tonight, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here, taking part in this great Conference, because you do care not only about children, but about the child. I hope you will help us keep the focus on that one child.

One of the special glories of America is that we *are* a nation of individuals, and individualists. We produce people, not automatons. We recognize diversity not as an evil, but as a virtue. We turn not to one institution alone, but to many, to perform the great tasks of achieving a better life for all. We recognize a role for government, for the church, the home, the school, for those voluntary agencies that are so distinctive a feature of American life—and we know that this is a case in which additional cooks enrich the broth.

There is, of course, a large and vital role government does play, and must play, in ensuring the best possible opportunity for the child.

I would like to speak briefly tonight of one government program presently being considered by the Senate—which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income. For generations social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but profound in its consequences.

On August 11, 1969, I proposed that for the first time in America's history we establish a floor under the income of every American family with children.

We called it the Family Assistance Plan. It has in turn been called the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children I think it can fairly be said to be the most important piece of social legislation in our nation's history.

You know the story of this legislation. In April it passed the House of Representatives by a margin of almost two to one. Then it became mired down in the Senate.

It is still stuck, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again, unequivocally, my support for welfare reform *this year*.

In the last ten years alone the number of children on welfare has nearly tripled, to more than 6 million. Six million children. Six million children caught up in an unfair and tragic system that rewards people for not working instead of providing the incentives for self-support and independence, that drives families apart instead of holding them together, that brings welfare snoopers into their homes, that robs them of pride and destroys dignity.

I want to change all that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual—and most of all against the very children whom it was meant to help.

We have taken long strides toward ending racial segregation, but welfare segregation can be almost as insidious.

Think what it can mean to a sensitive child. To take only one example—the free lunch program—my daughter Tricia does tutoring at an inner-city school, and she tells me of her deep concern each day to see the welfare children herded into an auditorium for their free lunch, while the others bring their lunches and eat in the classroom. We have got to find ways of ending this sort of separation. The point is not the quality of the lunch—in fact, the free lunch is probably nutritionally better than those the others bring. The point is the stigmatizing by separation of the welfare children, *as* welfare children.

I remember back in the depression years of the nineteen thirties, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill because their fathers were out of work, and how this seemed to separate them from the others in the school. None of us had any money in those days, but those in families where there were no jobs, where there was nothing but the little that relief then offered, suffered from more than simply going without. They suffered a hurt to their pride that many carried with them for the rest of their lives.

I also remember that my older brother had tuberculosis for five years. The hospital and doctor bills were more than we could afford. In the five years before he died, my mother never bought a new dress. We were poor by today's standards. I suppose we were poor even by Depression standards.

But the wonder of it was that we did not know we were poor. Somehow my mother and father with their love, with their pride, their courage and their self-sacrifice were able to create a spirit of self respect in our family so that we had no sense of being inferior to others who had more than we had.

Today's welfare child is not so fortunate.

His family may have enough to get by on. They may even have more, in a material sense, then many of us did in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor—and he can feel that soul-stifling, patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—himself trapped in a system that wastes, on policing, talents that could be used for helping—while this caseworker is forced by the system to poke around the child's apartment, checking on how the money is spent or whether his mother might be hiding his father in the closet. This sort of indignity is hard enough on the mother—enough of a blow to her pride and self-respect—but think what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare, and without making him feel that he is therefore something less than the other children.

Our task is not only to lift people out of poverty, but from the standpoint of the child to erase the stigma of welfare and illegitimacy and apartness—to restore pride and dignity and self-respect.

I do not contend that our Family Assistance Plan is perfect. In this confused and complex and intensely human area, no perfect program is possible—and certainly none is possible that will please everybody. But it is a good program, and a program immensely better than what we have now, and vastly important to the future of this country and especially to the neediest of our children. For the Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance, and because now is the time of Senate decision.

This represents one of the things the Federal Government can do to give children a better opportunity. With our stress on the Right to Read, on the first five years of life through the new Office of Child Development, on education reform, on food and nutrition, and in many other areas we are trying to meet what I believe is a great responsibility that rests upon us. I know that in the Conference you will have many new ideas for things we might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done.

But I would also stress that equally and often more important is what States and communities do, and the school and the church and the family, the mass media, voluntary organizations, and each of us as individuals. For the child is not raised by government. The child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time and their energy and their heart to volunteer activities working with children. Before becoming President I served as national chairman of the Boys Clubs of America, and I saw from the inside the wonderful work such organizations and others do, and also the spirit, the dedication, of the people who make them possible. The churches, the service organizations, hundreds, thousands of organizations all across America have helped and they can help more. Most important, they can do what government cannot do. They can give heart and inspire hope, and they can address themselves not simply to children but to that one special, precious child.

Before closing, I would like to leave with you a few very personal reflections from the perspective of this office.

A President always thinks about the legacy that he would like to leave the country from his years in office. I think often about that in terms of what I can leave for America's children. And I know that the first thing I would like to do for them is to bring peace.

I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace—so that theirs at last can be what we have not yet had in this century, a generation of peace. And I speak not only of the absence of war, but also of a peace in which we can have an open world—in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that, as President, I would like to leave for America's children is a strong, productive, creative economy—one that can provide every family with children a floor under its income higher than what now is the ceiling for most of the world's peoples. I want to leave them an economy that provides jobs for all with equal and full opportunity, producing not for war but for peace.

Beyond this, I want America's children in the last generation of this century to have the best education, the best health, the best housing that any children have ever had anywhere, any time.

I want them to enjoy clean air and clean water and open spaces, and to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, I hope the government can help achieve a better understanding among the generations, the races, the religions—and among those with different values and different life-styles.

I would like to do all this, and to do it in a climate of freedom.

Edmund Burke once pointed out that for us to love our country, our country must be lovely. Patriotism literally means love of country, and I want this generation of children to develop a new sense of patriotism. We do love our country, most of us, but we know it has many unlovely features. I want these young Americans to learn to love America not because it is the richest country or the strongest, or merely because they were born here, but because America is truly a good country and becoming better—because it is a truly lovely country.

I am convinced that in my term as President so far, we have made some progress toward those goals. I think that by the end we will have made more progress.

But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what government does for people—no matter what we provide in the way of income or housing or food, we still will not have reached the essential element as far as a full and meaningful life is concerned.

What is most important is that every person in this country must be able to feel that he counts.

We have got to let 55 million young Americans—as well as those a little older—know what they *do* matters, that their ideas do count, that the country needs their thoughts, their creativity, their contribution.

I recall Walter Judd once said that he loved his daughter very much, and when she asked him to help with her arithmetic the easiest thing would have been to do it for her. But because he loved her, he did not do it for her but helped her learn to do it for herself.

While this Conference will and should make recommendations as to what government can do for children—about how we can make life better for them—let us remember that what is most important is to provide the opportunity for each of *them* to participate. For each child, it is not just a matter of what more government is going to do for him, but how his own life is going to be enriched so *he* can do something for his fellow man.

A sense of identity, of pride, of self-respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research, and provide resources, and offer advice and guidance. But all these only help make success possible. The love, the understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people.

In the way we shape the character of the next generation, we test our own character as a people. In the rigor and the realism with which we approach the needs of the next generation—of each and every child in that generation—we test our devotion to humanity and our belief in ourselves.

I am confident we will meet those tests, and I am grateful to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us do so. Your recommendations will receive the most careful consideration, not only because we in this Administration respect your view but also because we share your concern that the nation's children—our children—should receive the best the nation can give them.

DEPARTMENT OF DEFENSE APPROPRIATION—CONFERENCE REPORT

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1759)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) "making appropriations for the Department of Defense 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 13, 16, 19, 21, 23, 25, 27, 30, 32, 33, 34, 36, 38, 40, 41, 46, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 10, 12, 22, 24, 43, 44, 45, 47, 50, 51, 54, and 56 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 matter proposed by said amendment insert "$7,842,450,000"; 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 "$4,368,600,000"; 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 amend-

ment insert "$1,426,700,000"; 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 "$5,988,350,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,200,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,500,000"; 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 "$6,268,687,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,729,410,000"; 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 amendments insert "$6,157,136,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,017,900,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,465,400,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,377,200,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,600,200,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,137,900,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,744,100,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$443,600,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "or Cambodia: *Provided*, That nothing contained in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

SEC. 845. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 14, 15, 18, 26, 29, 31, 48, 49, and 53.

GEORGE MAHON,
ROBERT L. F. SIKES
(except as to amendment No. 20),
JAMIE L. WHITTEN,
GEORGE W. ANDREWS
(except as to amendment No. 20),
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
WILLIAM E. MINSHALL,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN
(except as to amendment No. 20),
FRANK T. BOW,
Managers on the Part of the House.

ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
JOHN STENNIS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT,
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. 19590) making appropriations for the Department of Defense 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—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $7,842,450,000 instead of $7,822,450,000 as proposed by the House, and $7,861,750,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $505,391,000 instead of $485,391,000 as proposed by the House, and $524,691,000 as proposed by the Senate.

Military personnel, Navy

Amendment No. 2: Appropriates $4,368,600,000 instead of $4,360,100,000 as proposed by the House, and $4,377,100,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $221,465,000 instead of $212,965,000 as proposed by the House, and $229,965,000 as proposed by the Senate.

Military personnel, Marine Corps

Amendment No. 3: Appropriates $1,426,700,000 instead of $1,422,700,000 as proposed by the House, and $1,430,600,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $101,225,000 instead of $97,225,000 as proposed by the House, and $105,125,000 as proposed by the Senate.

Military personnel, Air Force

Amendment No. 4: Appropriates $5,988,350,000 instead of $5,973,350,000 as proposed by the House, and $6,002,425,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $398,760,000 instead of $383,760,000 as proposed by the House, and $412,835,000 as proposed by the Senate. The conferees are in agreement that a reduction of $16,075,000 shall apply proportionately to Communications and Intelligence as proposed by the House.

Reserve personnel, Air Force

Amendment No. 5: Appropriate $85,200,000 instead of $86,200,000 as proposed by the House, and $84,200,000 as proposed by the Senate.

National Guard personnel, Air Force

Amendment No. 6: Appropriates $107,500,000 instead of $108,500,000 as proposed by the House, and $106,500,000 as proposed by the Senate.

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 7: Provides $3,634,000 for emergencies and extraordinary expenses as proposed by the Senate instead of $4,000,000 as proposed by the House. This action is associated with amendment number 48.

Amendment No. 8: Appropriates $6,268,687,000 instead of $6,269,011,000 as proposed by the House, and $6,228,687,000 as proposed by the Senate.

The House agrees to the Senate increase of $1,700,000 for civilian personnel and the increase of $8,000,000 for Automatic Data Processing operations. The conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Navy

Amendment No. 9: Appropriates $4,729,410,000 instead of $4,731,910,000 as proposed by the House, and $4,685,410,000 as proposed by the Senate.

The House agrees to the Senate increases for civilian personnel and headquarters operations of $500,000 and $7,000,000 respectively. The Senate recedes from its decrease of $4,000,000 for the Antarctic Operation. The conferees agreed to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by House and deleted by the Senate.

Operation and maintenance, Marine Corps

Amendment No. 10: Appropriates $402,743,000 as proposed by the Senate instead of $399,943,000 as proposed by the House.

The House agreed to the Senate increase of $1,500,000 for civilian personnel and $1,300,000 for Marine Corps headquarters operations.

Operation and maintenance, Air Force

Amendment No. 11: Appropriates $6,157,136,000 instead of $6,167,136,000 as proposed by the House and $6,093,236,000 as proposed by the Senate.

The conferees agreed to the House allowance of $23,900,000 for the retention of five Air Force reserve units and the conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Air National Guard

Amendment No. 12: Appropriates $343,600,000 as proposed by the Senate instead of $337,600,000 as proposed by the House. The House agreed to the Senate increase of $6,000,000 for aircraft fuel and oil and other operational costs.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 13: Appropriates $100,000 as proposed by the House instead of $65,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Procurement of equipment and missiles, Army

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $2,908,500,000 instead of $2,933,100,000 as proposed by the House, and $2,930,000,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $62,000,000 for LOH helicopters as proposed by the Senate instead of $64,200,000 as proposed by the House; the amount of $2,100,000 for OV–1 aircraft modification as proposed by the Senate instead of $3,500,000 as proposed by the House; and the amount of $8,000,000 for avionics/armament spares as proposed by the Senate, instead of $10,300,000 as proposed by the House.

Under Missiles, the conferees agreed to the amount of $51,900,000 for the XMIM–72A Chaparral Missile as proposed by the Senate instead of $76,400,000 as proposed by the House.

The conferees agreed to provide a total of $58,200,000 for the XMIM–23B Improved Hawk missile, instead of $43,200,000 as proposed by the House and $81,400,000 as proposed by the Senate, with the understanding that no fiscal year 1971 production would be contracted for, with the added funds used to stretch out the production already under contract. This action will provide sufficient time for necessary tests of this missile scheduled during fiscal year 1971.

The conferees agreed to the amount of $8,800,000 for Nike-Hercules modifications as proposed by the Senate instead of the $3,000,000 as proposed by the House.

The conferees agreed to the amount of $34,900,000 for the initial production of the XMGM–52A Lance missile as proposed by the Senate. The House had provided no funds for this purpose.

The conferees agreed to the amount of $5,300,000 for XMGM–31A Pershing missile modifications as proposed by the Senate instead of the $10,300,000 as proposed by the House.

The conferees agreed to the amount of $15,000,000 for the Land Combat Support System (LCSS) and $5,000,000 for LCSS spares as proposed by the Senate. The House had provided no funds for this purpose. The conferees also agreed to provide $1,700,000 for LCSS modifications as proposed by the House. The Senate had deleted the funds requested for such modifications.

Under Weapons and Combat Vehicles, the amount of $12,000,000 for the M577A1 Tracked Command Post Carriers as proposed by the Senate was agreed to by the conferees instead of $2,800,000 as proposed by the House.

The conferees agreed to delete the amount of $6,400,000 for the Chaparral missile carrier, and the amount of $1,300,000 for the Vulcan Gun Shop Test, as proposed by the Senate, instead of funding these items in those amounts as proposed by the House. The conferees also agreed to provide $23,900,000 for M16A1 rifles as proposed by the Senate instead of $27,100,000 as proposed by the House.

Under Tactical and Support Vehicles, the conferees agreed to provide the amount of $28,800,000 for the XM705 1¼ ton truck and $1,100,000 for XM705 truck initial spares. The House had not allowed these funds. None of the funds made available for the XM705 1¼ ton truck are to be obligated for that purpose until after the evaluation of the modified M715 truck is completed and a determination made that the latter vehicle will not essentially meet Army requirements. If it is determined that the modified M715 truck will essentially meet those requirements, the funds provided for the XM705 truck may be used for termination of the existing XM705 production contract, and funding of the initial procurement of the modified M715 truck.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $9,300,000 for STARCOM Communications (Other) as proposed by the Senate, instead of $10,800,000 as proposed by the House; and the amount of $53,000,000 for Defense Communications Planning Group projects as proposed by the Senate instead of $78,000,000 as proposed by the House.

The conferees agreed to delete the amount of $600,000 for the RC–292 Antenna Group and $1,100,000 for the SB–22 Switchboard as proposed by the Senate. The House had funded these items in those amounts.

The conferees agreed to restore the $4,000,000 House reduction for the RATAC Field Artillery Radar Sets as proposed by the Senate with the understanding that any future procurement of this equipment shall be from a domestic producer.

The conferees also agreed to the amount of $11,400,000 for miscellaneous items under $500,000 as proposed by the Senate instead of $14,400,000 as proposed by the House.

Under Other Support Equipment, the conferees agreed to the amount of $800,000 for the LCM landing craft and $4,400,000 for the LCU landing craft as proposed by the Senate. The House had not provided funds for those purposes.

The conferees also agreed to the deletion of $16,500,000 for a classified project as proposed by the Senate. The House had allowed those funds.

Under Production Base Support, the conferees agreed to the amount of $182,500,000 for provision of industrial facilities as proposed by the Senate instead of the $187,100,000 as proposed by the House.

Amendment No. 15: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $50,000,000 from the Army stock fund.

Amendment No. 16: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Procurement of aircraft and missiles, Navy

Amendment No. 17: Appropriates $3,017,900,000 instead of $3,005,800,000 as proposed by the House and $3,127,900,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $112,500,000 for twelve A–6E Intruder Attack Aircraft and $11,400,000 for A–6E aircraft initial spares as proposed by the Senate, instead of the $72,500,000 for six A–6E aircraft as proposed by the House. The House had provided $5,700,000 for A–6E aircraft initial spares to support only six aircraft.

The conferees agreed to the amount of $64,000,000 for the AV–8A Harrier (V/STOL) attack aircraft as proposed by the House, instead of the $96,200,000 as proposed by the Senate. The agreement of the Committee of Conference is based on the procurement of these eighteen aircraft in the United Kingdom.

The conferees agreed to the amount of $23,000,000 for the E–2C Hawkeye Early Warning Aircraft, in addition to the $20,000,000 in advance procurement funds provided in the bill for fiscal year 1971, instead of the $92,300,000 as proposed by the Senate. The House had deleted the latter amount. The $43,000,000 total thus provided for long lead-time items is in full accord with the current Department of Defense plan to award a production contract for eleven such aircraft in fiscal year 1972. The action of the conferees should in no way be construed as an effort to delay this important program.

The conferees also agreed to the amount of $72,000,000 for Variable Avionics Shop Test (VAST) equipment as proposed by the Senate, instead of the $28,600,000 as proposed by the House.

Amendment No. 18: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $100,000,000 from the Defense Stock Fund.

Amendment No. 19: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Shipbuilding and conversion, Navy

Amendment No. 20: Appropriates $2,465,400,000 instead of $2,694,400,000 as proposed by the House, and $2,276,900,000 as proposed by the Senate.

The conferees agreed to the amount of $166,000,000 for an additional SSN–688 class nuclear attack submarine above the President's budget, and $22,500,000 in advance procurement funds above the President's budget for another SSN–688 class submarine to be funded in fiscal year 1972, as proposed by the House. The conferees also agreed not to provide other funds above the President's budget in the following amounts and for the listed purposes:

AS submarine tender	$102,000,000
AD destroyer tender	103,000,000
Service craft	24,000,000

The Senate had not allowed any of the funds provided by the House for Shipbuilding and Conversion, Navy, above the President's budget.

Amendment No. 21: Makes funds available for obligation until June 30, 1975, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Navy

Amendment No. 22: Appropriates $1,487,300,000 as proposed by the Senate instead of $1,443,400,000 as proposed by the House.

Under Ship Support Equipment, the conferees agreed to the amount of $900,000 for Submarine batteries as proposed by the Senate instead of $4,200,000 as proposed by the House; the amount of $4,900,000 for SHORTSTOP electronic warfare system ship alterations as proposed by the Senate, instead of no funds as allowed by the House

for that purpose; and the amount of $500,000 for small boats as proposed by the Senate instead of $1,800,000 as proposed by the House.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $2,400,000 for the AN/SPS-40 radar set as proposed by the Senate, instead of no funds as allowed by the House for that purpose. The conferees agreed to delete the $4,000,000 allowed by the House for miscellaneous items, as proposed by the Senate.

Under Aviation Support Equipment, the conferees agreed to the amount of $4,000,000 for the CBU-55/B (Fuel Air Explosive) cluster bombs. The House had allowed no funds for that purpose.

Under Ordnance Support Equipment, the conferees agreed to the amount of $14,500,000 for the MK-46 torpedo as proposed by the Senate, instead of no funds allowed for that purpose as proposed by the House; the amount of $110,600,000 for the MK-48 torpedo as proposed by the Senate, instead of $80,600,000 as proposed by the House; and the amount of $30,800,000 for Ordnance Replenishment spares as proposed by the Senate, instead of $34,100,000 as proposed by the House.

Amendment No. 23: Makes funds available for obligation until June 30, 1973 as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Marine Corps

Amendment No. 24: Appropriates $175,900,000 as proposed by the Senate instead of $171,700,000 as proposed by the House.

The conferees agreed to the amount of $4,200,000 for the XM705 1¼ ton truck as proposed by the Senate. The House allowed no funds for that purpose. The same understanding with respect to this truck set forth under Procurement of Equipment and Missiles, Army, will prevail under this appropriation.

Amendment No. 25: Makes funds available for obligation until June 30, 1973 as proposed by the House, instead of "available until expended", as proposed by the Senate.

Aircraft procurement, Air Force

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $3,219,300,000 instead of $3,203,000,000 as proposed by the House, and $3,201,300,000 as proposed by the Senate.

Under Aircraft the conferees agreed to the amount of $9,200,000 for F/RF-5A/B aircraft as proposed by the Senate, instead of $10,300,000 as proposed by the House.

The conferees agreed to provide the amount of $18,000,000 for the International Fighter Aircraft, instead of the $30,000,000 provided by the House. The Senate had allowed no funds for that purpose. The action of the conferees does not constitute a full production decision on this aircraft.

Under Modification of Inservice Aircraft, the conferees agreed to the amount of $99,000,000 for modification of B-52/FB-111 aircraft to accommodate the Short Range Attack Missile (SRAM), as proposed by the Senate, instead of $71,300,000 as proposed by the House.

The conferees also agreed to the amount of $14,000,000 for Additional SEA Requirements as proposed by the Senate, instead of $17,000,000 as proposed by the House.

Under Aircraft Spares and Repair Parts, the conferees agreed to the amount of $31,000,000 for F-111 aircraft initial spares as proposed by the Senate, instead of $19,800,000 as proposed by the House. In addition, the conferees agreed to the amount of $399,400,000 for replenishment spares as proposed by the Senate, instead of the $405,900,000 as proposed by the House.

Amendment No. 27: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Missile procurement, Air Force

Amendment No. 28: Appropriates $1,377,200,000 instead of $1,372,300,000 as proposed by the House and $1,380,400,000 as proposed by the Senate.

Under Ballistic Missiles, the conferees deleted the amount of $3,200,000 for LGM-30F/G Minuteman II/III Operational Base Launch Program as proposed by the House instead of allowing that amount for that purpose as proposed by the Senate.

Under Other Missiles, the conferees agreed to the amount of $99,500,000 for the AGM-69A Short Range Attack Missile (SRAM) as proposed by the Senate, instead of the $50,000,000 as proposed by the House. The conferees also agreed to the amount of $10,800,000 for SRAM initial spares as proposed by the Senate, instead of the $5,400,000 as proposed by the House.

Amendment No. 29: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $50,000,000 from the Defense Stock Fund.

Amendment No. 30: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Air Force

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $1,338,700,000 instead of $1,381,200,000 as proposed by the House and $1,345,100,000 as proposed by the Senate.

Under Munitions and Associated Equipment, the conferees agreed to the amount of $731,000,000 as proposed by the Senate, instead of the $752,900,000 as proposed by the House.

Under Electronic and Telecommunications Equipment, the conferees agreed to the amount of $5,000,000 for cryptographic equipment as proposed by the Senate, instead of the $9,000,000 as proposed by the House.

The conferees agreed to delete the $6,400,000 for the Minuteman Operational Base Launch Program as proposed by the House instead of allowing such amount for that purpose as proposed by the Senate.

The conferees agreed to delete the amount of $800,000 for Elimination of Compromising Emanations as proposed by the Senate instead of allowing such amount for that purpose as proposed by the House.

The conferees also agreed to the amount of $5,000,000 for Training Equipment as proposed by the Senate, instead of $5,800,000 as proposed by the House; the amount of $41,000,000 for spares and repair parts as proposed by the Senate, instead of $44,200,000 as proposed by the House; and the amount of $11,400,000 for Class V Modifications as proposed by the Senate, instead of the $13,200,000 as proposed by the House.

The conferees further agreed to a general unspecified reduction of $10,000,000 as proposed by the Senate. This reduction was based on the fact that there are prior year balances available in that amount which can be used to fund fiscal year 1971 programs.

Amendment No. 32: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Defense Agencies

Amendment No. 33: Appropriates $38,910,000 as proposed by the House instead of $45,310,000 as proposed by the Senate. The conferees agreed that the funding of $6,400,000 for the procurement of automatic data processing equipment for the World-Wide Military Command and Control System would be deferred until the General Accounting Office has reported on the feasibility and cost of the system.

Amendment No. 34: Makes the sum appropriated for Procurement, Defense Agencies available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE V—RESEARCH DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 35: Appropriates $1,600,200,000 instead of $1,608,500,000 as proposed by the House and $1,589,700,000 as proposed by the Senate. The Conference agreement includes $15,300,000 for the Pershing Missile System as proposed by the Senate instead of $11,500,000 as proposed by the House. A total of $6,000,000 is provided for Electrical Power Sources as proposed by the Senate instead of $4,000,000 as proposed by the House.

The conference agreement provides for a general reduction of $14,100,000 instead of specific reductions in low priority programs totaling $24,600,000 as proposed by the Senate.

Amendment No. 36: Makes the sum appropriated for R.D.T.&E., Army available for obligation until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Navy

Amendment No. 37: Appropriates $2,137,900,000 instead of $2,156,200,000 as proposed by the House and $2,130,500,000 as proposed by the Senate. The Conference agreement provides $3,500,000 for the LAMPS Destroyer Helicopter System as proposed by the House instead of $10,500,000 as proposed by the Senate.

The conferees are in agreement on a general reduction of $18,300,000 instead of specific reductions in low priority programs totaling $32,700,000 as proposed by the Senate.

Amendment No. 38: Makes the sum appropriated for R.D.T.&E., Navy available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Air Force

Amendment No. 39: Appropriates $2,744,100,000 instead of $2,701,100,000 as proposed by the House and $2,744,800,000 as proposed by the Senate.

The Conference agreement includes:

(1) No funds for the Subsonic Cruise Armed Decoy program, as proposed by the House, instead of $10,000,000 as proposed by the Senate.

(2) $61,000,000 for Minuteman Rebasing as proposed by the Senate instead of $27,000,000 as proposed by the House. The sum provided deletes the amounts requested for the Mobile Minuteman and Hard-Point Defense concepts, as stated in the Senate Report.

(3) $87,000,000 for the Airborne Warning and Control System as proposed by the Senate instead of $63,500,000 as proposed by the House.

(4) $10,500,000 for the Minuteman Operational Base Launch program instead of no funds as proposed by the House and $19,800,000 as proposed by the Senate. The sum provided is only for equipment at Vandenberg Air Force Base and the Western Test Range needed for range improvement and not related only to the Minuteman Operational Base Launch program.

In deleting funds requested for the Minuteman Operational Base Launch Program, the conferees are in agreement that if a firm decision is made that such firings are re-

quired and will be conducted, consideration will be given to a budget request in a future fiscal year.

(5) A general reduction of $25,000,000 instead of specific reductions in low priority programs totaling $43,600,000 as proposed by the Senate.

Amendment No. 40: Makes the sum appropriated for R.D.T.&E., Air Force available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Defense agencies

Amendment No. 41: Makes sum appropriated for R.D.T.&E., Defense Agencies, available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Amendment No. 42: Appropriates $443,600,000 instead of $438,900,000 as proposed by the House and $445,100,000 as proposed by the Senate.

The amount of $3,500,000 is approved for Climate Modification Research (Nile Blue) as proposed by the Senate.

The conferees restored the $1,500,000 reduction in the laser program which was proposed by the Senate.

The conferees agreed to a $3,000,000 general reduction for the Defense Atomic Support Agency.

Emergency fund, defense

Amendment No. 43: Deletes specific transfer authority as provided by the House which is now covered in Section 836.

TITLE VI—COMBAT READINESS, SOUTH VIETNAMESE FORCES, DEFENSE

Amendment No. 44: Appropriates $300,000,000 as proposed by the Senate instead of $358,500,000 as proposed by the House.

The conferees strongly favor the Vietnamization program of the Department of Defense but believe that the $600,000,000 in transfer authority provided under Section 836 of the bill could be used to provide for any additional requirements for this program. If additional funds are required above that which would be obtained under the transfer authority, the President can submit a supplemental request to the Congress.

Amendment No. 45: Deletes transfer authority of $150,000,000 which was proposed by the House. All transfer authority is included under Section 836 as general authority.

TITLE VII—SPECIAL FOREIGN CURRENCY PROGRAM

Amendment No. 46: Makes the appropriation for the Special Foreign Currency Program available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

Amendment No. 47: Section 807. Imposes a ceiling of $136,700,000 as proposed by the Senate instead of $134,400,000 as proposed by the House on funds available for the schooling of minor dependents of military and civilian personnel stationed in foreign countries.

Amendment No. 48: Section 807. Reported in technical disagreement. The Managers on the Part of the House will offer a motion to concur in the Senate language authorizing rest and recuperation trips for dependents of senior advisers in Vietnam who voluntarily extend their tour of duty.

Amendment No. 49: Section 836. Reported in technical disagreement. The Managers on the Part of the House will offer a motion which will provide general transfer authority between appropriations totaling $600,000,000 instead of specific transfer authority of $600,000,000 as proposed by the House and general transfer authority of $700,000,000 as proposed by the Senate.

The Committee of Conference is in agreement that all transfers made under this authority shall be considered to be matters of special interest to the Committees on Appropriations under the reprograming procedures.

Amendments Nos. 50, 51, and 52: Section 838. (1) Imposes a limitation of $2,500,000,000 on funds available to support Vietnamese and other free world forces in support of Vietnamese forces and local forces in Laos and Thailand. (2) Limits payments to members of free world forces to the amounts which can be paid for equivalent services to members of the Armed Forces of the United States. (3) Limits U.S. financed military support of Governments of Laos and Cambodia by free world forces to actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Amendment No. 53: Section 842. Reported in technical disagreement. The managers on the part of the House will offer a motion which will restrict the period of availability of balances in Procurement and Research, Development, Test, and Evaluation appropriations, as proposed by the House, and provide for the merger of the old balances with appropriations in this bill; and will repeal Section 642 of the Defense Appropriation Act of 1970, which was to have accomplished the purposes of this section but which proved to be ineffective, as proposed by the Senate.

Amendment Nos. 54 and 55: Section 843. Provides that none of the funds appropriated in this bill shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia except in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Amendment No. 56: Section 844. Updates citation as proposed by the Senate.

Amendment No. 57: Section 845. Deletes prohibition inserted by the Senate on the use of funds for research not directly related to a specific military function or operation.

Amendment No. 58: Section 846. Changes section number and inserts language proposed by the Senate limiting the number of military and civilian personnel in intelligence operations in the Department of Defense to 138,000.

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:

New budget (obligational) authority, fiscal year 1970	$72,667,032,144
Budget estimates of new (obligational) authority, fiscal year 1971	68,745,666,000
House bill, fiscal year 1971	66,806,561,000
Senate bill, fiscal year 1971	66,417,077,000
Conference agreement	66,595,937,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	−6,071,095,144
Budget estimates of new (obligational) authority, fiscal year 1971	−2,149,729,000
House bill, fiscal year 1971	−$210,624,000
Senate bill, fiscal year 1971	+178,860,000

GEORGE MAHON,
ROBERT L. F. SIKES
(except as to amendment No. 20),
JAMIE L. WHITTEN,
GEORGE W. ANDREWS
(except as to amendment No. 20),
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
WILLIAM E. MINSHALL,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN
(except as to amendment No. 20),
FRANK T. BOW,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN (at the request of Mr. FLOWERS), for 30 minutes, on December 16, and to revise and extend his remarks and include extraneous matter.

Mr. STEELE (at the request of Mr. KYL), for 5 minutes, today and to revise and extend his remarks and include extraneous matter.

Mr. ABBITT, tomorrow, for 30 minutes, to revise and extend his remarks and include extraneous matter.

Mr. LOWENSTEIN (at the request of Mr. FLOWERS), for 60 minutes, on December 16, 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:

(The following Members (at the request of Mr. KYL) and to include extraneous material:)

Mr. GROSS.
Mr. HALL.
Mr. WYMAN in two instances.
Mr. REID of New York.
Mr. PETTIS.
Mr. TALCOTT in three instances.
Mr. MCDONALD of Michigan in two instances.
Mr. MCDADE.
Mr. MCCLOSKEY.
Mr. ESCH.
Mr. BUSH.
Mr. SCHMITZ in two instances.
Mr. BROOMFIELD.
Mr. CHAMBERLAIN.
Mr. BELCHER.

Mr. ZWACH in two instances.
Mr. WYATT.
(The following Members (at the request of Mr. FLOWERS) and to include extraneous matter:)
Mr. DENT in two instances.
Mr. JACOBS.
Mr. RARICK in three instances.
Mr. DIGGS.
Mr. MELCHER.
Mr. MARSH in two instances.
Mr. EDWARDS of California.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mr. DINGELL.
Mr. RODINO in two instances.
Mr. HAGAN in two instances.
Mr. KYROS in two instances.
Mr. EILBERG in three instances.
Mr. DULSKI in six instances.
Mr. FLOWERS in three instances.
Mr. YATRON.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did, on December 14, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals;

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, Pera Pretty Paint Not Afraid.

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; and

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

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 16, 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:

2617. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the annual report of the Department of Defense on its disposition of foreign excess personnel property for fiscal year 1970, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2618. A letter from the director, National Legislative Commission, The American Legion, transmitting the proceedings of the 52d Annual Convention of The American Legion (H. Doc. No. 91–427) to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee of Conference. Conference report on H.R. 17809 (Rept. No. 91–1746). Ordered to be printed.

Mr. PATMAN: Committee of Conference. Conference report on H.R. 6778 (Rept. No. 91–1747). Ordered to be printed.

Mr. WATTS: Committee on Ways and Means: H.R. 6562. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes; with an amendment (Rept. No. 91–4748). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia: Report on Investigation and Study of the Redevelopment Land Agency (Rept. No. 91–1749). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. New softwood lumber standard and its impact on small business (Rept. No. 91–1750). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Impact of the energy and fuel crisis in small business (Rept. No. 91–1751). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee of conference. Conference report on S. 3619; with amendment (Rept. No. 91–1752). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Organization and operation of the Small Business Administration (Rept. No. 91–1753). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2162 (Rept. 91–1755). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1307. Resolution providing for the consideration of H.R. 19446, a bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes (Rept. No. 91–1754). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1308. Resolution for consideration of House Joint Resolution 1146. Joint Resolution, authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91–1756). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1309. Resolution providing for the consideration of House Resolution 1238. Resolution relating to the Speaker of the House of Representatives in the 91st Congress (Rept. No. 91–1757). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1310. Resolution providing for the consideration of S. 578. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; (Rept. No. 91–1758). Referred to the House Calendar.

Mr. MAHON: Committee of conference. Conference report on H.R. 19590 (Rept. No. 91–1759). 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. GONZALEZ:

H.R. 19959. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois (for himself, Mr. ARENDS, Mr. BRAY, Mr. HALL, Mr. BENNETT, Mr. STAFFORD, Mr. NEDZI, and Mr. MCCLORY):

H.R. 19960. A bill to establish the geographical areas of the Continental U.S. Armies and for other purposes; to the Committee on Armed Services.

By Mr. STAGGERS (for himself, Mr. MACDONALD of Massachusetts, Mr. SPRINGER, and Mr. BROYHILL of North Carolina):

H.R. 19961. A bill to amend the Communications Act of 1934 in order to prohibit the carriage of liquor advertising by broadcasting stations and community antenna television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 19962. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 1311. Resolution authorizing reprinting of House Report 91–1673; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HELSTOSKI introduced a bill (H.R. 19963) for the relief of Tadeusz M. Krystyniak; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

653. The SPEAKER presented a petition of the National Council on Indian Opportunity, Okmulgee, Okla., relative to establishment of the position of Assistant Secretary of the Interior for the Administration of Indian Affairs and Territories; to the Committee on Interior and Insular Affairs.