do an ever better job in helping the children and parents of the Community.

We are honored and grateful for the privilege of having shared your energies and enthusiasms with other groups whose interests in children and their needs on many levels have filled your busy life.

We thank you, Nanny, for bringing much joy and happiness to all of us at Open Door.

The children and staff, as well as the Board, extend loving good wishes on this, your One Hundredth Birthday.

Affectionately,

Mrs. HENRY JACOBY,
President.

NEW YORK SOCIETY FOR ETHICAL CULTURE,
New York, N.Y., April 2, 1970.

DEAREST NANNY: On the occasion of your 100th birthday may I express the hope that those of us who honor you and the values you embody will try to use all our years as wisely and as well.

Affectionately,

SAUL M. FARBMAN,
President.

FIELDSTON, N.Y., *May 18, 1970.*

DEAR NANNY; You are an inspiration to all. As a member of the Board of the New York Ethical Society, your presence alone commands utmost respect. You don't have to talk extensively on the issues at hand, but merely to speak a few well-chosen words that come to the point. I wish we all had your attributes. Continue to set an example for a long time.

Love,

LOUIS SAPIR,
Chairman, New York Society for Ethical Cuture.

ETHICAL SOCIETY OF ST. LOUIS,
St. Louis, Mo., May 6, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship, Inc.,
New York, N.Y.

DEAR NANNY: Though our direct relations with the Encampment from St. Louis have been all too few and far between, we have always appreciated your special personal touch. Every alumnus here remembers you, if not from day-to-day management of a New York Encampment, at least from special events such as Encampment dinners and reunions.

So far as I can see, no one from St. Louis will be able to attend the birthday banquet in your honor. However, I am sending along under separate cover a little check toward the Alice K. Pollitzer Scholarship Fund.

Again, best wishes from the entire St. Louis Society.

Sincerely yours,

JAMES F. HORNBACK.

THE ETHICAL CULTURE SCHOOLS IN NEW YORK CITY,
New York, N.Y., May 13, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship, Inc.,
New York, N.Y.

DEAR MRS. POLLITZER: It gives me great pleasure to have this opportunity to offer my heartiest congratulations to you on your 100th birthday.

Although I have not been a member of the Ethical Culture community for very long, my meetings with you and the conversations with others about you make me feel very proud to be associated with the Ethical Culture movement. Your many years of dedication to the Encampment and the Society is a source of great inspiration for so many of us at the present time and will continue to inspire the new generations that will follow us.

Again, my best wishes for a very happy birthday and for health and happiness in the years ahead.

Sincerely

DANIEL WAGNER,
Director.

HOUSE OF REPRESENTATIVES—*Thursday, December 31, 1970*

The House met at 12 o'clock noon.

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

Let Thy work appear unto Thy servants and Thy glory unto their children.—Psalm 90: 16.

Eternal God, who hast been our dwelling place in all generations, our fathers prayed at this altar and trusting in Thee were sustained all their lives. Give to us the realization, as we pray at the same altar, that Thou art with us and so undergird us that we may be upheld all our days.

Strengthen us to resist temptation, deliver us from constant moods of ill will, help us to help others—to feed the hungry, to clothe the naked, to set free the captive, to give liberty to those who are oppressed, and to promote peace in our world, justice among men, and good will in all hearts.

So may our Nation be blessed and become a blessing to all mankind.

In the Master's name we pray. Amen.

MESSAGE FROM THE SENATE

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

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill and a concurrent resolution of the House of the following titles:

H.R. 9551. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the White House Police force to participate in the Metropolitan Police Department band, and for other purposes; and

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers."

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

S. 4426. An act to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16199) entitled "An act to establish a working capital fund for the Department of the Treasury," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT 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. 17550) entitled "An act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. WILLIAMS of Delaware and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) entitled "An act 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."

The message also announced that the Senate agrees to House amendments numbered 1, 8, 59, and 66 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) entitled "An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes."

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the Senate agrees to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 6, 17, and 24 to the above-entitled bill.

And that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 19 to the above-entitled bill with an amendment.

THE JOURNAL

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

ESTABLISHING A WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, with Senate amendments thereto, and to consider the Senate amendments in the House. I intend to offer several amendments to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Excise, Estate, and Gift Tax Adjustment Act of 1970".

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—ESTATE AND GIFT TAXES

SEC. 101. ESTATE TAX.

(a) ALTERNATE VALUATION.—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out "1 year" each place it appears and inserting in lieu thereof "6 months", and

(2) by striking out "1-year" and inserting in lieu thereof "6-month".

(b) TIME FOR FILING ESTATE TAX RETURNS.—Section 6075(a) (relating to time for filing estate tax returns) is amended by striking out "15 months" and inserting in lieu thereof "9 months".

(c) CERTAIN REQUESTS SUBJECT TO POWER OF APPOINTMENT.—Section 2055(b)(2)(C) is amended by striking out "one year" and inserting in lieu thereof "6 months".

(d) DISCHARGE OF FIDUCIARY FROM PERSONAL LIABILITY FOR ESTATE TAX.—

(1) Section 2204 (relating to discharge of executor from personal liability) is amended—

(A) by striking out "EXECUTOR" in the heading of such section and inserting in lieu thereof "FIDUCIARY";

(B) by striking out "If the executor" and inserting in lieu thereof "(a) GENERAL RULE.—If the executor";

(C) by amending the last sentence thereof to read as follows: "The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge."; and

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

(d) DISCHARGE OF FIDUCIARY FROM PERTOR.—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a), or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"Sec. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"Sec. 2204. Discharge of fiduciary from personal liability."

(e) DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY FOR DECEDENT'S INCOME AND GIFT TAXES.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

"SEC. 6905. DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY FOR DECEDENT'S INCOME AND GIFT TAXES.

"(a) DISCHARGE OF LIABILITY.—In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) DEFINITION OF EXECUTOR.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"(c) CROSS REFERENCE.—

"For discharge of executor from personal liability for taxes imposed under chapter II, see section 2204."

(2) The table of sections for chapter 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) REDUCTION OF PERIOD FOR DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out "1 year" and inserting in lieu thereof "9 months".

(g) HOLDING PERIOD OF PROPERTY.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

"(A) the basis of such property in the hands of such person is determined under section 1014, and

"(B) such property is sold or otherwise disposed of by such person within 6 months after the decedent's death,

then such person shall be considered to have held such property for more than 6 months."

(h) EXTENSION OF TIME.—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out "6 months" and inserting in lieu thereof "6 months (12 months in the case of estate tax)".

(i) PLACE FOR FILING RETURNS.—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

"(3) ESTATE TAX RETURNS.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

"(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

"(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

"(B) EXCEPTION.—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate."

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

"(4) HAND-CARRIED RETURNS.—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A, or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be."

(j) EFFECTIVE DATE.—The amendments made by this section (other than subsection (f) shall apply with respect to decedents dying after December 31, 1970.

SEC. 102. GIFT TAX.

(a) AMENDMENTS TO SUBCHAPTER A OF CHAPTER 12.—

(1) SECTION 2501.—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

"(1) GENERAL RULE.—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) SECTION 2502.—

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) COMPUTATION OF TAX.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters.

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) CALENDAR QUARTER.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) PRECEDING CALENDAR YEARS AND QUARTERS.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) SECTION 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) GENERAL DEFINITION.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) EXCLUSIONS FROM GIFTS.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, $3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) SECTION 2504.—

(A) Section 2504 is amended to read as follows:

"SEC. 2504. TAXABLE GIFTS FOR PRECEDING YEARS AND QUARTERS.

"(a) IN GENERAL.—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift tax laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws: except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

"(b) EXCLUSIONS FROM GIFTS FOR PRECEDING YEARS AND QUARTERS.—In the case of gifts made to any person by the donor during preceding calendar years and calendar quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

"(c) VALUATION OF CERTAIN GIFTS FOR PRECEDING CALENDAR YEARS AND QUARTERS.—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

"(d) NET GIFTS.—The term net gifts as used in corresponding provisions of prior laws shall be read as 'taxable gifts' for purposes of this chapter."

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

"Sec. 2504. Taxable gifts for preceding years and quarters."

(b) AMENDMENTS TO SUBCHAPTER B OF CHAPTER 12.—

(1) SECTION 2512.—Subsection (b) of section 2512 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) SECTION 2513.—

(A) Section 2513 is amended by striking out "calendar year" each place it appears and inserting in lieu thereof "calendar quarter".

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

"(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;".

(C) Subparagraph (B) of subsection (b) (2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) SECTION 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) AMENDMENTS TO SUBCHAPTER C OF CHAPTER 12.—

(1) SECTION 2521.—Section 2521 is amended to read as follows:

"SEC. 2521. SPECIFIC EXEMPTION.

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) SECTION 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) SECTION 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) MISCELLANEOUS AMENDMENTS.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) SECTION 2012.

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971)".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"SEC. 6019. GIFT TAX RETURNS.

"(a) IN GENERAL.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

"(b) QUALIFIED CHARITABLE TRANSFERS.

"(1) RETURN REQUIREMENT.—A return shall be made of any qualified charitable transfer—

"(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

"(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

"(2) DEFINITION OF QUALIFIED CHARITABLE

TRANSFER.—For purposes of this section, the term 'qualified charitable transfer' means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

"(c) TENANCY BY THE ENTIRETY.—

"For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c)."

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

"(b) GIFT TAX RETURNS.—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter."

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

"(b) JURISDICTION OVER OTHER YEARS AND QUARTERS.—The Tax Court in redetermining a deficiency of income tax for any taxable year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid."

(7) Subsection (b) of section 6324 (relating to lien and gift tax) is amended by striking out "calendar year" and inserting in lieu thereof "period for which the return was filed."

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out "during the year" and inserting in lieu thereof "during the period for which the return was filed".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out "the same calendar year" each place it appears therein and inserting in lieu thereof "the same calendar year or calendar quarter".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PASSENGER AUTOMOBILES AND COMMUNICATIONS SERVICES

SEC. 201. RATES OF TAXES.

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"If the article is sold—	The tax rate is—
Before January 1, 1973	7 percent.
During 1973	6 percent.
During 1974, 1975, 1976, or 1977	5 percent.
During 1978	4 percent.
During 1979	3 percent.
During 1980	2 percent.
During 1981	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer, after December 31, 1981."

(2) CONFORMING AMENDMENTS.—Section 6412(a)(1) (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974", and inserting in lieu thereof "January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982".

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251(a)(2) (relating to tax on certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

"Amounts paid pursuant to bills first rendered—

	Percent
Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980	2
During 1981	1".

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to termination of tax) is amended by striking out "January 1, 1974", and inserting in lieu thereof "January 1, 1982".

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105(b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

"(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1982, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1981, for which a bill has not been rendered before January 1, 1982, a bill shall be treated as having been first rendered on December 31, 1981. Effective January 1, 1982, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B."

TITLE III—TECHNICAL EXCISE TAX CHANGES

SEC. 301. CONSTRUCTIVE SALE PRICE.

(a) DETERMINATION OF CONSTRUCTIVE SALE PRICE.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

"(5) CONSTRUCTIVE SALE PRICE IN THE CASE OF AUTOMOBILES, TRUCKS, ETC.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

"(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

"(B) such distributor regularly sells such article to one or more independent retailers, the constructive sale price of such article shall be 98½ percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416(b)(1).

"(6) DEFINITIONS OF LOWEST PRICE.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

"(A) without requiring that any given percentage of sales be made at that price, and

"(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale."

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraphs (4) and (5)".

(2) Paragraphs (3) and (4) of section 4216(b) are amended—

(A) by striking out "Fair market price" in the heading and inserting in lieu thereof "Constructive sale price";

(B) by striking out "fair market price" each place it appears in the text and inserting in lieu thereof "constructive sale price"; and

(C) by striking out "paragraph (1)(C)" and inserting in lieu thereof "paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216(b)(6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to articles sold after December 31, 1969, and before January 1, 1971.

SEC. 302. CREDITS IN THE CASE OF CERTAIN FURTHER MANUFACTURING

(a) IN GENERAL.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

(A) by striking out "to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if" and inserting in lieu thereof "and such article is sold to a subsequent manufacturer or producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if"; and

(B) by striking out "the second manufacturer" each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof "the subsequent manufacturer".

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

SEC. 303. CERTAIN CAMPER UNITS.

(a) GENERAL RULE.—Section 4063(a)(1)(B) (relating to exemptions for camper coaches, etc.) is amended by inserting "or camping accommodations" after "living quarters".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

SEC. 304. NEW CAR LABELS TO SHOW RATE OF APPLICABLE FEDERAL MANUFACTURERS EXCISE TAX.

(a) GENERAL RULE.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed on such sale, and

(2) the percentage rate at which such tax was imposed.

(b) PENALTY.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly,

distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

SEC. 305. CHANGE IN TAX ON NON-TURBINE-POWERED AIRCRAFT.

(a) EXEMPTION OF FIRST 2,500 POUNDS.—Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1971.

TITLE IV—TREASURY DEPARTMENT WORKING CAPITAL FUND

SEC. 401. ESTABLISHMENT OF FUND.

There is hereby established a working capital fund for the Department of the Treasury, which shall be available, without fiscal year limitation, for expenses and equipment necessary for maintenance and operation of such administrative services as the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall not exceed $1,000,000 and shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary of the Treasury may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of the Treasury, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will recover the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary of the Treasury determines to be excess to the needs of the fund. There are hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund.

SEC. 402. ALLOWANCE OF A CARRY BACK AND CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES FOR CERTAIN INCOME TAXES.

(a) section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

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

"(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income), and

"(iii) section 38 (relating to investment credit); and

"(B) the tax carry backs and carry overs to the taxable years."; and

(2) by adding at the end of such section the following new subsection:

"(c) TAX CARRY BACKS AND CARRY OVERS.—If for any taxable year—

"(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to retirement income), and

"(C) section 38 (relating to investment credit), exceed

"(2) the sum of the items of tax preference in excess of $30,000,

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry back to each of the 3 taxable years preceding such year and a tax carry over to each of the 5 taxable years following such year, except that such excess may not be a carry back to any taxable year ending on or before December 31, 1969. The entire amount of the excess for a taxable year shall be carried to the earliest of the taxable years to which such excess may be carried, and then to each of the other taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried."

(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

(2) the denominator of which is the number of days in the entire taxable year.

Amended the title so as to read: "An Act to establish a working capital fund for the Department of the Treasury to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications service; and for other purposes.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on Ways and Means if he will explain the Senate added-on amendments? As I understand it, they have added an excise tax which did not pass this House on various articles such as automobiles and telephone calls. Is it the same as that which passed the House, and what are the other amendments, and what is the intent of the amendments the gentleman will offer?

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

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

Mr. MILLS. The bill that is being considered passed the House by unanimous consent on May 13, 1970, the bill providing for the working capital fund for the Treasury. Later on the House passed, the gentleman will recall, a bill involving a continuation of certain rates on automobiles and telephone calls, also a speed-up in the collection of gift and estate taxes. Rather than pass that latter bill as a separate item, apparently, the Senate decided to add it to the House-passed bill on the working capital fund. It has been added in the identical form that it passed the House, with certain changes which I shall explain.

Mr. HALL. It is identical to the House-passed bill?

Mr. MILLS. It is, with three exceptions that have to be, I think, accepted in order for us to carry out our original intent.

Mr. HALL. Are those the exceptions the gentleman intends to meet with his amendments?

Mr. MILLS. No. I want to make that clear now, if the gentleman will yield further.

Mr. HALL. I am glad to yield, with a simple observation that I was one of the ones who voted against a continuation of the excise tax originally, and I certainly object to the other body's way of doing such business as a tagged-on appendage to our House-passed bills. But, as I understand the gentleman's explanation so far, the amendments are germane.

Mr. MILLS. They are germane. Will the gentleman yield?

Mr. HALL. I am glad to yield.

Mr. MILLS. One of the modifications made by the Senate deals with the provision in the House bill which is concerned with the constructive sales price on which the tax is computed where a manufacturer of an automobile or truck regularly sells to an affiliated distributor, which then regularly sells to independent retailers.

The Tax Reform Act of 1969 and prior rulings of the Internal Revenue Service allows manufacturers to use a constructive sales price where the sale is made through an affiliated distributor. In some of these cases the constructive sales price, under present law, is 90 percent of the lowest price for which the affiliated distributor regularly sells an item in arm's-length transactions to independent retailers. The Ways and Means Committee became aware of the fact that this 90-percent rule, as applied to sales by all automobile manufacturers, would result in an excise tax reduction approaching 10 percent and could have resulted in a revenue loss to the Government of between $75 and $150 million a year.

To forestall this result, the bill, as passed by the House, contained a provision raising this constructive sales price in the case of automobile manufacturers to 97 percent of the price charged by the affiliated distributor to independent retailers. Further research on this point since the bill was passed by the House, discloses that in order to forestall a revenue reduction in this case the constructive price should have been placed at 98.5 percent of the lowest price for which the affiliated distributor regularly sells these items in arm's-length transactions to independent retailers. This amendment by the Senate seems to me to be a wholly appropriate one, and one to which we should readily agree.

In this same connection, the bill as passed by the Senate deleted the rule found in the House bill dealing with

transportation charges in determining the lowest price for which an article is regularly sold under the prior rulings, the 1969 act constructive price rules, and the new rule under this bill. The Senate decided that this language of the House bill was unnecessary because it does not change the present administrative practice in determining the lowest price by taking into account the price of the article including the lowest amount of transportation charges. A letter from the Deputy Assistant Secretary of the Treasury Department, addressed to Senator LONG, and inserted in the Senate debate on this issue by him, confirms what I have said.

The Treasury letter does not, however, specifically cover the situation where an article is sold to independent retailers for a standard basic price without any transportation charge where bona fide arm's length sales have been made at such a price in great enough volume so that it is clear that these sales have not been engaged in primarily to establish a lower tax base. In such cases, it is my understanding that the basic price will be computed without any transportation charges being considered in the lowest price. We have had discussions with the Treasury Department and have confirmed that the statement that I have just presented to you correctly interprets their understanding of the law.

It is also my understanding that these constructive price rules do not apply when an automobile manufacturer sells an automobile to its affiliated distributor at the same price for which the affiliated distributor, in turn, sells to unrelated retailers or unrelated wholesalers. In such a situation the price by the manufacturer to its affiliated distributor clearly is not less than the fair market price. Since the constructive price rules apply only where the sale by the manufacturer is at less than the fair market price and, as I have just indicated, in this case the sale is not at less than the fair market price, it is clear that the constructive price rules do not apply in this case. As a result, the tax base in this case will be determined as though the original sale of the automobile had been made to an unrelated party and the manufacturer is entitled, in this case, to adjust the tax base in accordance with the provisions of sections 4216(a), 4216(f), and 6416(b)(1), dealing with transportation charges, cooperative advertising charges and other price readjustments.

I believe the outline I have given you of the way in which the constructive sales price provision works, is wholly consistent with the statement of the manager on the part of the bill in the Senate, and is also consistent with the interpretation of the law by the Treasury Department.

With this understanding, I see no need to modify either the percentage change made in the constructive price rule by the Senate or the treatment of transportation charges.

I insert at this point in the RECORD a letter I received from the Treasury Department confirming the interpretation I have just given you of the present treatment of the cost of transportation expenses:

DECEMBER 30, 1970.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, Washington, D.C.

DEAR MR. CHAIRMAN: At the time of Senate passage of H.R. 16199, now known as the Excise, Estate and Gift Tax Adjustment Act of 1970, there was a floor discussion of the constructive sale price rule in Section 301 of the bill. The bill as reported by the Senate Finance Committee does not contain the provision of the House bill dealing with transportation charges in determining the lowest price for which an article is regularly sold. The letter which I sent to Senator Long was included in the Record (Congressional Record, December 29, 1970, 43889) to set forth the present administrative practice of the Treasury Department with respect to transportation charges. The bill as passed by the Senate does not include the transportation charge provision because it was concluded that the present administrative practice adequately dealt with the problem.

Immediately following the insertion of my letter in the Record, Senator Long stated that while the Treasury statement of its administrative practice does not appear to deal with the situation where an article is sold to independent retail dealers for a standard basic price without any transportation charge, it is understood that if bona fide arm's length sales have been made at such price in great enough volume so that those sales have not been engaged in primarily to establish a lower tax base, the basic price without any transportation charge will be considered the lowest price. Senator Long's statement is a correct statement of our present administrative practice.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

A second modification made by the Senate in the House-passed bill deals with the tax on the use of civil aircraft. This tax was added by the Airport and Airway Revenue Act of 1970. That act provided a series of revenue sources designed to pay for a substantial part of the operation of the airways and airport construction to the extent of Federal participation. Overall the revenue from this act has been estimated to raise close to $700 million in the fiscal year 1971, gradually increasing to something close to $1.8 billion in 1980.

The amendment added by the Senate, as I indicated earlier, relates to the use tax on aircraft. Under present law, this use tax is $25 per aircraft plus, in the case of aircraft weighing more than 2,500 pounds certified takeoff weight, 2 cents a pound in the case of piston-powered aircraft, and 3½ cents a pound in the case of turbine-powered aircraft.

The amendment added by the Senate, in the case of piston-powered aircraft, exempts from tax the first 2,500 pounds. This amounts to a saving on each aircraft of $50. As I have already indicated, aircraft weighing 2,500 pounds or less already are exempt from this tax so this amendment can only help aircraft weighing more than this amount. It is what we in tax terminology refer to as a "notch," in the sense that planes weighing more than 2,500 pounds pay this poundage tax not only on the weight over the 2,500-pound limit but also on the first 2,500 pounds as well. The Senate amendment removes this notch by granting all piston-powered aircraft an exemption from this 2-cent-a-pound tax, for the first 2,500 pounds of weight. The revenue cost of this is estimated at $2.9 million in 1972, gradually increasing to $4 million in 1980.

Actually the existing law probably does treat somewhat harshly those planes weighing just slightly more than 2,500 pounds. It is in this area that the amendment has its greatest effect and because of this I do not believe that objection should be raised to this amendment made by the Senate. However, it may well be that when this tax is next considered the decrease in revenue resulting from this larger exemption will have to be taken into account in establishing the then-applicable tax rate.

The third amendment made by the Senate to the House-passed bill adds a provision which modifies the minimum tax, which we added in the Tax Reform Act of 1969. The gentleman was on the floor the other day, I presume, when the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) offered a series of bills reported from the Ways and Means Committee and also proposed to accept certain amendments added by the Senate to other bills. The gentleman will remember that in one instance the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) declined to accept a Senate amendment. That is the identical amendment I am talking about now, but in the meantime, after this amendment was appended to this bill, the author of the amendment on the other side, the distinguished Senator from Iowa (Mr. MILLER) and the Treasury, and I conferred, and, if I am permitted to do so, I propose to offer an amendment to his amendment, which eliminates the objection that the staff had that was reflected through the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) in their action, and the objection the Treasury had, and the concern I had about adding complications through the adoption of the so-called Miller amendment.

We will eliminate that, and it is an equitable resolution of what is now an inequitable situation. So these are the amendments I am talking about. They are all germane. Let me go ahead on it at this point.

In the Tax Reform Act we added a provision imposing a 10-percent minimum tax where an individual or a corporation has items of income or deduction which receive preference under the tax laws. However, this tax is imposed only where these amounts exceed $30,000 plus the regular tax liability of the individual or corporation involved. This Senate amendment would provide that to the extent an individual or corporation has regular tax liability in excess of his tax preference items, this excess amount may be carried back and used as a deduction in computing a minimum tax in any of the past 3 years, or if not used up in this manner may be carried forward and used to offset preference income otherwise subject to the minimum tax in any of the 5 succeeding years.

After considering various kinds of minimum taxes, the Congress settled on the present form in no small part be-

cause of its simplicity. The tax rate is relatively low and the tax computation is simple. There are many adjustments which could be made to the base of this tax which we did not make in 1969 in order to maintain the simplicity of this tax. The Senate amendment represents the first step in a departure from this concept of a simple minimum tax.

An additional factor which should be taken into account is the revenue loss involved. The staffs of the Treasury Department and Joint Committee on Internal Revenue Taxation, taking into account the effect that this would have on both corporations and individuals, estimate that it would result in an annual revenue loss of close to $100 million. The significance of this is indicated by the fact that the minimum tax in total is expected to raise approximately $635 million a year.

The Treasury Department previously reported to us unfavorably with respect to this amendment both because of the added complexity which the amendment would bring about and also because of the significant revenue loss entailed. Because of their recommendation, when this amendment was added a few days ago by the Senate to H.R. 17473, we recommended resisting this amendment and as a result the House sent that bill back to the Senate deleting this minimum tax amendment.

The Senate, however, has insisted on this amendment and not to take some action on it now would run the possibility of endangering the loss of $3.4 billion which this bill raises in the fiscal year 1972. In view of this, the Treasury Department has recommended that we accept the Senate provision in a modified form which I believe will be acceptable to the Senate.

The most complicated aspect of this provision is the carryback of the ordinary tax liability to be used in prior years as an offset to the minimum tax. In place of the 3-year carryback and 5-year carryforward, I intend to present a motion amending the Senate provision to provide for a 7-year carryforward, and no carryback, of the ordinary income tax as a deduction in computing the minimum tax. This should substantially simplify the Senate amendment.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's detailed explanation. As usual, he and his staff obviously have done their homework and have the situation well in hand.

I would say in summary then that what the gentleman proposes to do, because this is the last day of the year and the "lame-duck" session of the Congress, and because the excise tax is due to expire at midnight tonight unless something is done, is to accept the questionably constitutional technique of the other body adding on about four different amendments to an otherwise House-passed bill and agree to an identical bill, including the continuation of the excise taxes which is almost identical to the way the House passed it. And in the name of another sacred cow and in the name of the need to continue the revenue, and in the name of the diminishing hours of the old year and the continuation of this Congress, we must accept this technique of doing things, and the amendments are generally germane. In fact, three of the amendments are simply technical conforming amendments, which both sides and the department downtown have agreed can be worked out by the amendments the gentleman proposes to offer.

Mr. MILLS. This is correct.

Mr. HALL. Since this is a true statement and the gentleman does confirm it, I would only ask if the minority leadership on the Ways and Means Committee was advised before asking unanimous consent to bring this bill up?

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

Mr. HALL. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman from Wisconsin and I have discussed the matter. I thought he had been advised earlier today that I proposed to bring it up right after 12 o'clock if the Speaker would agree. I must apologize to my friend from Wisconsin, because the information was not relayed to him as I had thought it would be and as I had intended it to be.

However, miraculously, as he usually does, he showed up on the floor of the House at the beginning of the session at 12 o'clock, and he was here when I made my request. I believe my friend from Wisconsin agrees it is all right to go forward with it.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. BYRNES of Wisconsin. This matter has been discussed previously with the chairman. I was admittedly taken by surprise when it came up at this time.

I have discussed with the gentleman from Arkansas the amendment he intends to offer to the Senate amendment concerning the minimum income tax. I have also discussed it with the Treasury.

I am not happy about the procedure used by the Senate, and I believe it is most unfortunate. I believe we should make it clear, that by accepting this amendment—which I consider satisfactory under current circumstances—we do not condone this method of procedure nor foreclose review of the minimum income tax. In fact, in my judgment the Senate amendment should be reviewed along with other items in that minimum tax area, early next year.

I do agree with the action being taken at this time, and the amendment which is intended to be offered by the gentleman from Arkansas.

Mr. HALL. Mr. Speaker, I am delighted to have the statements of both the chairman and the ranking minority member of the committee. As they both know, I have worked for the past 5 years on the reorganization of the Congress, and have been bartered with by representatives of the other body for the right to start and initiate appropriation, trade, taxes, tariffs, and other levies, and have had the carrot dangled in front of that special commission that we "could have a longer period between elections if we would allow this variance of our prerogative of the Constitution" to them. I admit I am very sensitive about it, and believe we should keep it, as indeed the people should be able to turn their representatives "out to pasture" every 2 years.

I do not believe in this way of doing business. I shall interpose no objection under the circumstances and the explanations and in view of the plea of timeliness, as explained by the gentleman on both sides of the aisle.

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

Mr. HALL. I am glad to yield further.

Mr. MILLS. I want to associate myself with the gentleman's statement and that of the gentleman from Wisconsin. I do not want it to appear in the RECORD that I approve, either.

Mr. HALL. It would seem, Mr. Speaker, we have telegraphed the word to the other body often enough that this is no way to do business, but let us continue to send it.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Would the gentleman in as few words as possible explain the necessity for this capital working fund for the Treasury?

Mr. MILLS. Mr. Speaker, if the gentleman will yield further, the gentleman will recall we passed on two occasions a working capital fund bill for the Treasury. We passed it in the Congress prior to this. I explained it I believe upon a reservation of the gentleman from Wisconsin at that time. We also passed it this year, May 13, by unanimous consent. The purpose of that bill was to establish a working capital fund to provide an improved method of financing, managing and accounting for certain administrative service operations provided by the Department of the Treasury to its bureaus and offices. We placed a limitation of $1 million in it.

Mr. GROSS. A million dollars?

Mr. MILLS. Yes, $1 million. It is a matter that has been requested not only by the present Treasury officials but also in prior years it was requested, because they tell us that if we will give them the authority to set up this million-dollar revolving fund they can bring about savings in the operations in the Treasury. They pointed out to us it was a matter of savings to do it.

Mr. GROSS. It has no relation to the $5 billion cushion already provided?

Mr. MILLS. Not at all.

Mr. GROSS. I thank the gentleman.

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

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

There was no objection.

MOTION OFFERED BY MR. MILLS

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

The Clerk read as follows:

Mr. MILLS moves to concur in the Senate amendment to the text of the bill, with the following amendments:

Page 29, strike out lines 1 to 5, inclusive, of the Senate amendment and insert:

"TITLE V—CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES

SEC. 501. SEVEN-YEAR CARRY FORWARD

(a) IN GENERAL.—Section 56"

Page 29, line 22, of the Senate amendment strike out "carry backs and".

Page 29, line 23, of the Senate amendment strike out "years" and insert "year".

Page 30, line 3, of the Senate amendment strike out "Carry Backs and".

Page 30, line 18, of the Senate amendment strike out "shall be a tax carry back" and all that follows down through line 25 and insert "shall be a tax carry over to each of the 7 taxable years following such year. The entire amount of the excess for a taxable year shall be carried to the first of such 7 taxable years, and then to each of the other such taxable".

Page 31, line 4, of the Senate amendment strike out "(b)" and insert "(b) EFFECTIVE DATE.—"

The motion was agreed to.

MOTION OFFERED BY MR. MILLS

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

The Clerk read as follows:

Mr. MILLS moves that the House concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks at this point on the bill H.R. 16199.

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

There was no objection.

SENATE MAJORITY WHIP TAKES EXCEPTION TO REMARKS OF THE HOUSE MINORITY LEADER

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

Mr. GERALD R. FORD. Mr. Speaker, the Senate majority whip has taken exception to remarks I have made on the floor of the House to the effect that the House has done its job well in this session but the Senate has prevented us from writing a truly impressive record of achievement. His remarks appear on page 44113 of the December 30 CONGRESSIONAL RECORD. There appears to be only one appropriate response to the Senator's criticism, and that is: The truth hurts. I need say no more.

AUTHORIZING THE EXTENSION OF CERTAIN NAVAL VESSEL LOANS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, strike out "and three submarines to the Republic of China".

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

Mr. ARENDS. Mr. Speaker, reserving the right to object, and I have no intention at all of objecting, because I perfectly approve of the action being taken by the chairman of our committee, the gentleman from Massachusetts (Mr. PHILBIN), but I hope the gentleman will explain to the House exactly what is involved here and I am sure the Members of the House will agree with the position which the gentleman has taken.

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

Mr. ARENDS. I yield to the gentleman from Massachusetts.

(Mr. PHILBIN asked and was given permission to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, on March 23, 1970, the House passed H.R. 15728, as reported by the Committee on Armed Services.

That legislation authorized the loan of naval vessels to various of our allies.

The Senate has now acted on this legislation. The Senate passage occurred on December 4, 1970. However, in acting on this legislation, the Senate did not concur in the original committee action which would have authorized the loan of three submarines to the Republic of China.

Under normal circumstances the differences between the House and Senate versions of this legislation would have been the subject of a conference.

Due to the fact that the 91st Congress will soon terminate, there appears to be no reasonable opportunity for the House to insist on a conference with the Senate to resolve the issue posed by the Senate amendment. However, we are aware that this legislation is vital to our national security program, with particular emphasis on our Vietnamization program. Included in the legislation is the provision for authority for the loan of two destroyer escorts to the South Vietnamese Navy. In anticipation of favorable action by the Congress, the administration has trained Vietnamese crewmen for this purpose. Failure of the Congress to provide its approval to this ship loan bill would seriously impact on the Vietnamization program and have a devastating effect on the morale of our South Vietnamese allies.

In view of these circumstances, I have discussed this matter with the leadership on both sides of the aisle, as well as the Office of the Secretary of Defense, and there is general agreement that the best course of action is to accept the Senate amendment and pass the bill, H.R. 15728.

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

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

Mr. GROSS. Mr. Speaker, may I inquire of the distinguished gentleman from Massachusetts if I am correct in my understanding that three submarines were not given to the Republic of China?

Mr. PHILBIN. The gentleman is correct. Under the amendment of the Senate the three submarines that were provided in the bill were stricken.

Mr. GROSS. And that is the only amendment?

Mr. PHILBIN. That is the only amendment.

Mr. GROSS. The only amendment on the part of the other body?

Mr. PHILBIN. That is the only amendment on the part of the other body.

Mr. GROSS. Do I understand that no additional warships of any description were given to Latin American countries, or any other countries?

Mr. PHILBIN. No; there were no other additional warships of any kind given.

Mr. GROSS. Were there any warships taken from Latin American countries which may have used those warships to seize American fishing vessels on the high seas?

Mr. PHILBIN. Not under the terms of this bill. This bill is just under the loan program that we have had for a long time.

Mr. GROSS. The loans of warships to countries such as Chile, if we have ever given ship loans to them, or to Peru, or to Bolivia—that was not changed?

Mr. PHILBIN. No; there are no South American countries involved in this bill.

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

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 15728.

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

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. 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 concerning my special order on Hon. ALBERT W. WATSON, of South Carolina.

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

There was no objection.

LOCKHEED CONTROLS PENTAGON

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

Mr. PIKE. Mr. Speaker, this year we paid the first installment of $200 million on Lockheed's problems with the Department of Defense and we have just gotten the next item of that bill and the total is now $758 million.

The letter from Secretary Packard to the Committee on Armed Services and the Committee on Appropriations would be funny if it were not so sad.

He says on page 2 that shortly after taking office, he became aware of these problems. This was 2 years ago. He says on the same page, "The time has now come when we must move promptly."

Mr. Speaker, it is rather interesting to see the Pentagon admit that Lockheed is now so big that the Pentagon cannot control Lockheed—but that Lockheed controls the Pentagon.

It is also interesting to see the Pentagon leading us into a form of military socialism. They have embraced the political and economic philosophy that small business and small people shall be allowed to go bankrupt but that big business with bad management shall be bailed out by the taxpayers and be allowed to go their merry way.

RENAME U.S. COAST GUARD CUTTER "VIGILANT," THE "SIMAS KUDIRKA"

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

Mr. PUCINSKI. Mr. Speaker, when the 92d Congress convenes in January, it is my intention to offer the following resolution. I ask as many of my colleagues as wish to do so to join me in sponsoring this resolution.

Mr. Speaker, the resolution is as follows:

H.J. RES. —

Joint resolution to rename the U.S. Coast Guard cutter "Vigilant," the "Simas Kudirka"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tragic lack of guidance and initiative surrounding the forcible return of the Lithuanian sailor, Simas Kudirka, to a Soviet ship from the American Coast Guard cutter "Vigilant" on November 23, 1970 should serve as a perpetual reminder to all Americans of the need for an understanding of the obligations of liberty. That static leadership, unclear authority, and a woeful absence of basic compassion resulted in Soviet naval personnel being permitted to board an American ship in American waters for the express purpose of capturing and subduing Seaman Kudirka and denying him the sanctuary to which he was entitled. That this tragedy and this man must not be forgotten by the free world. That the Congress of the United States therefore urges the President to adopt the suggestion of the Lithuanian American Congress and rename the Coast Guard cutter "Vigilant," the "Simas Kudirka" in memory of the right of all men to individual liberty and as a constant reminder to all American ships at sea that this tragedy shall never again be repeated by an American crew.

TRIBUTE TO HON. CHARLES YOST, U.S. AMBASSADOR TO THE UNITED NATIONS

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

Mr. BUSH. Mr. Speaker, on December 19, Senator CLAIBORNE PELL of Rhode Island put in the RECORD an exchange of correspondence between President Nixon and Ambassador Charles Yost, our representative at the United Nations. I would like to add a personal word to the fine and well-earned tribute that Senator PELL paid to Ambassador Yost.

President Nixon has nominated me to replace Ambassador Yost. Since this nomination, Ambassador Yost has been most cooperative to me in every way.

But then this is not surprising, for in the many discussions I have had about the United Nations one thing has become extremely clear; because of his qualities of character and essential decency Ambassador Yost has the confidence and admiration of all those around him.

As Senator PELL so aptly put it, I too hope his talents and abilities may be drawn upon in the future for the benefit of our Nation.

CONCERNING CONTINUED INJUSTICES SUFFERED BY JEWISH CITIZENS OF THE SOVIET UNION

Mr. MORGAN. Mr. Speaker, I offer a resolution (H. Res. 1336) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1336

Resolved, That the House of Representatives hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of Soviet Socialist Republics have been subjected by the Government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.

SEC. 2. The House of Representatives respectfully urges the President to (1) convey to the Government of the Union of Soviet Socialist Republics the grave concern of the people of the United States and the House of Representatives over these injustices (2) and urge that Government to provide fair and equitable justice for its Jewish citizens.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, are printed copies of the resolution available?

Mr. MORGAN. No, Mr. GROSS. There were printed copies of the original resolution, House Resolution 1321, but due to the recent act of the Soviet Supreme Court, we felt we should change our resolution by striking out on line 6 of the original resolution the words "of the death sentences" and the word "two", and on line 7 making the word "act" plural. We would then strike out clause (2) of section 2 beginning on line 12. Those are the only corrections.

Mr. GROSS. You would strike all of section 2?

Mr. MORGAN. Section 2 beginning at line 12.

Mr. GROSS. I assume you mean No. 2 in section 2?

Mr. MORGAN. That is correct.

Then the resolution would be exactly the same.

Mr. GROSS. Then the printed resolution will conform to this marked-up, hand-marked, reproduced sheet of paper?

Mr. MORGAN. That is correct.

Mr. GROSS. Has this resolution been introduced, or must it be amended on the House floor?

Mr. MORGAN. The resolution, House Resolution 1321, and identical resolutions have been sponsored by over 150 Members. Due to the recent changes, we have asked for immediate consideration of the corrected resolution.

Mr. GROSS. Of the corrected resolution, so it will not be necessary to amend it. Is that correct?

Mr. MORGAN. That is correct.

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

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman yielding under his reservation.

I would like to ask the chairman of the Committee on Foreign Relations if this is not indeed becoming a moot question and, if so, why this act?

Mr. MORGAN. First, I wish to remind my distinguished friend and medical colleague that I am not the chairman of the Foreign Relations Committee.

Mr. HALL. The Foreign Affairs Committee.

Mr. MORGAN. But of the Foreign Affairs Committee.

If the gentleman will repeat his request——

Mr. HALL. Mr. Speaker, I am well aware that, according to the rules of the House, it is the Committee on Foreign Affairs of the House and not the Foreign Relations Committee. I appreciate being corrected. I do know the difference between the two bodies.

But my question—and I really have two questions and then perhaps an observation—is that in view of the action of the Soviet Supreme Tribunal of Justice—if there is justice in that nation—yesterday, whether or not this is not an academic or moot question and, if so, why such a resolution?

Mr. MORGAN. Of course, the gentleman knows that this resolution was originally scheduled to be brought up last night, but under the circumstances the leadership felt that it should not be brought up at that time. Some Members were getting restless.

Mr. HALL. I think that was just one or two Members.

Mr. MORGAN. That was the reason it has been necessary to correct the resolution today. As the gentleman said, maybe the resolution passed by the other body, which was the the same as the original resolution, House Resolution 132, or whether it was the action taken in Spain in reducing the death sentences which had been passed on their terrorist, that influenced the Soviet Union to reduce their sentences—I cannot answer the gentleman. But something occurred in that country to lead them to reduce some of the sentences. I feel it absolutely necessary for us to act today, because of the fact that we have over 150 House sponsors to this resolution. Many Mem-

bers of the House have a real interest in this subject, and we ought to give them an opportunity to express their views.

Mr. HALL. I would like to continue my observation—and I appreciate the gentleman from Iowa yielding further—and I appreciate the distinguished chairman's explanation. I understand the pressures that will be brought for this altered and watered-down resolution, but just as sure as many have regretted the Tonkin Gulf resolution that passed this House in haste, so the axiom might be derived that legislation passed in haste in a lameduck session is putrid and unnecessary legislation.

Now, as to my second question, I wonder if this is not in violation of the Platt amendment, and certainly the distinguished gentleman from Pennsylvania, the chairman of the House Committee on Foreign Affairs, would know and have an observation about that.

Mr. MORGAN. This is only an expression of the sense of the House of Representatives. It does not have the significance of the resolution the Bay of Tonkin resolution, for instance, which was passed by both bodies and signed by the President.

Mr. HALL. The only comparison is the speed with which it was brought to the floor.

Mr. MORGAN. This is only an expression of the sense of the House of Representatives. I feel confident it is not a violation of the Platt amendment.

Mr. HALL. That is very reassuring. If the gentleman will yield for one last observation, that is to question just how effective this would be on the other nations to whom the resolution is directed, both of whom have beat us to the draw? I feel that just as sure as we have razorback hogs in the Ozarks, this will be just as effective as a fifth teat on one of those razorback boars.

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

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman will recall there were two points in the first resolution. One was concern over the continued injustices which the Jewish people in the Union of Soviet Socialist Republics have been subjected to by the government of that nation. That is a broad statement of policy. In the resolution which is not limited to the specific instance related later, which has been stricken, that part of the resolution is still valid, and that is the reason for bringing the resolution up on the floor in its present form.

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

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

Mr. GERALD R. FORD. Mr. Speaker, all Americans are rejoicing today over the commutation by the Soviet Supreme Court of the death sentences handed down by a lower court to two of 11 Jews accused of planning to hijack a Soviet airliner.

Our elation should be tempered, however, by the circumstances which gave rise to the entire incident—the probable entrapment by Soviet officials, the mockery of a trial, the stunningly heavy sentences, and now the reduction in sentences. After all, the reason the incident occurred is that the Soviet Union virtually bans the emigration of Russian Jews to Israel.

The fact that the Soviet Union is holding Jews in that country against their will is unconscionable. While it is true that the Soviets, in effect, are keeping all of their citizens prisoner, the situation is particularly heinous as regards the Russian Jews. The Jews have somewhere to go, and if they wish to emigrate to Israel they should be freely permitted to do so.

There is still another regrettable happening in connection with this incident.

A number of House Members—Democrats and Republicans—introduced resolutions last night expressing concern over the death sentences and urging the Soviet Union to commute them. It was contemplated that the basic resolution—jointly sponsored by Foreign Affairs Chairman THOMAS E. MORGAN, ranking Republican Ross ADAIR, Majority Leader CARL ALBERT and myself—be brought to the House floor for a vote under suspension of the rules. It would undoubtedly have been approved without a dissenting vote, just as an identical bipartisan resolution was approved on Tuesday by the U.S. Senate, with Senator DOLE as the principal sponsor.

Regrettably, the House was adjourned Wednesday evening without an opportunity for the resolution to be acted upon. I make this statement at this time so that the record will be clear. There was strong, and undoubtedly unanimous, support for the following resolution:

Resolved, That the House hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment of the death sentences imposed upon two Jewish citizens of the Soviet Union for an allegedly treasonous act.

SEC. 2. The House respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the House over these injustices, (2) urge the Soviet Government to commute the two death sentences, and (3) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. Speaker, it would have been far better from the point of view of timeliness and substance to have considered the original resolution last night. Be that as it may, I believe it is important that we consider the modified resolution today.

It does have important language which I hope will have an impact on the Soviet Government.

It might be interesting to the Members of the House to know that the Secretary of State, Mr. Rogers, made a personal appeal to the Soviet Union to reduce the sentences meted out to the Soviet Jews convicted of planning a plane hijacking. The appeal was in a letter to Soviet Foreign Minister Andrei Gromyko, before the Supreme Court of the Russian Federation commuted two death sentences and reduced the harsh sentences of at least three other defendants.

According to newspaper accounts, the Secretary of State's letter to Gromyko questioned how good relations between the two nations could be maintained if the Russians imposed punishment that arouses anti-Soviet sentiment in the United States.

It is interesting to note, also, that three American Jewish leaders who had met with the Secretary of State later held a 40-minute conference with President Nixon and said they were pleased with what they had been told and were impressed with the President's deep understanding of the problem and his genuine concern.

Even though we did not act last night, Mr. Speaker, I believe it is important for us to take some action today.

Mr. GROSS. Mr. Speaker, I am not sure I agree with the gentleman from Michigan that this resolution will have a beneficial effect. This might well have a very adverse effect under the circumstances. I hope and trust that it will not, but it could have an adverse effect.

I am unable to understand why the Jewish people are singled out in this resolution. There are other oppressed peoples in Russia. The gentleman well recalls that a religious cult appeared at the doors of the American Embassy in Moscow—I believe it was Moscow; either Moscow or Leningrad—not too long ago, members of a religious cult in Russia, and asked for asylum. They were taken in, and within a matter of hours turned over again to the tender mercies of Russia.

I am not sure how they could have been gotten out of Russia had the United States given them sanctuary, but in any event they were given sanctuary only for a few hours.

There are other oppressed peoples around the world, millions of them. I wonder if we are doing the right thing here today by singling out any racial minority in this situation, Mr. Speaker.

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

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

Mr. SCHMITZ. It is very hazardous for someone with a German name and a mustache, to speak on any such subject matter as this without having his remarks completely misinterpreted, but I believe my anti-Communist record in public life is such that I will at least not be accused of taking their side on this issue.

I should just like to ask the chairman of the committee, in light of the well-taken point by our colleague from Iowa whether, so long as we are in effect amending this resolution, by means of introducing a new resolution, he could not introduce still a third substitute resolution striking the word "Jewish" in three places?

Then the resolution would read:

Resolved, That the House of Representatives hereby expresses its grave concern over the continued injustices to which the people in the Union of Soviet Socialist Republics have been subjected—

And at the end:

urge that Government to provide fair and equitable justice for its citizens.

As long as we are bypassing the restriction against amending an item taken up under suspension, why not do a proper job?

I might make another observation about this resolution. The entire thrust of the resolution seems to be toward the object of the recent action in the Soviet Union, and there seems to be no mind to the subject of the action.

I would say there is good reason for us to address ourselves to the subject of the action which subject is a Communist police state.

I pose these questions to the gentleman while he is in effect amending the resolution. Why not amend it to emphasize the fact that this action is due to the nature of a Communist regime since such activity is not limited to a specific type or group? By the exclusive nature of this resolution does it not imply that this body does not bestir itself as much for moral as for specifically political reasons?

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

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

Mr. MORGAN. Of course, I understand the gentleman from California's great concern about the oppressed people under the rule of the Soviet dictators. But everyone who lives in the Soviet Union should really be regarded as oppressed people. I can assure the gentleman from California that the Committee on Foreign Affairs had a Subcommittee on Captive Nations, and hearings were held on this matter before the gentleman from Connecticut (Mr. MONAGAN) and we fully developed many of the facts that the gentleman from California is concerned with.

I hope next year after the Foreign Affairs Committee is organized that the gentleman from Connecticut (Mr. MONAGAN) will be the chairman of the European Subcommittee and I know he is interested in the entire problem of oppressed people. I can assure the gentleman that there will be hearings held on these matters looking toward the preparation of legislation to assist the people behind the Iron Curtain.

Mr. GROSS. I am sure the gentleman from California understands from that answer that we will put off until tomorrow what we can and should do today.

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

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I think the gentleman points to a very significant element, and that is the fact while we do approve what many of us have expressed, we do approve the objective and language of this resolution but that there is also a problem to which we must continue to point, and that is the deprivation by the Government of the U.S.S.R. of the common right to travel of all its citizens.

Mr. GROSS. That is what we are talking about here. This resolution should not be limited to one race or one group. It ought to cover all oppressed peoples under the dominion of the Soviet Union.

Mr. MONAGAN. Mr. Speaker, if the gentleman will yield further, I think we will not foreclose, if I may say to the gentleman, that possibility. Certainly, as the gentleman from Pennsylvania has indicated, I believe that we on the committee—you and I and all the others—should intensify our activities in this regard in the near future.

Mr. GROSS. Well, there is a suggested method for doing it right here and now.

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

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

Mr. PUCINSKI. Would not the timeliness of this resolution, despite the commutation yesterday of the two sentences, be emphasized by the fact that the Soviet Union is now planning another wave of further political trials and persecuting people of the Jewish faith in the Soviet Union? They have another trial coming up right behind this one and we do not know what the sentences will be. It seems to me it is wise and proper for the Congress to express its concern about these problems.

Mr. GROSS. There are a good many other oppressed people in the Soviet Union of other races. I know of no reason why this resolution should be limited to one race or one people.

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

Mr. GROSS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. May I ask the chairman of the Foreign Affairs Committee a question? I understand the Russian Government is anti-God and atheistic. The reference to the word "Jewish" in the bill is to a faith and not to a race. I know this has been discussed but I think one gentleman made quite a point a moment ago when he expressed the view that we should direct in behalf of all oppressed people who believe in God.

Mr. MORGAN. Mr. Speaker, I believe that I answered the gentleman from California along that line. I feel that this is not the proper resolution for doing it but I assure the gentleman that under the leadership of the gentleman from Connecticut (Mr. MONAGAN) that we hope the committee will pursue this further next year.

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

Mr. GROSS. I yield further to the gentleman from Mississippi.

Mr. ABERNETHY. As I understand it, this resolution has grown out of the recent so-called trials carried out in Russia ostensibly because of an attempt on the part of some people, or a conspiracy on the part of some people to hijack a plane. Is that correct?

Mr. MORGAN. If the gentleman will yield further, that is correct. The real story behind this is of course that the Soviet secret police set these victims up. They went and picked out a group of people and said, "Do you want to go to Israel?" They said "Yes." They said, "We will tell you how to do this," and they set up the whole plan. And then on the way to the airport they were arrested. They never got to the airplane.

Mr. ABERNETHY. If the gentleman will yield further, you have not included in this resolution all of the people invoved in this said conspiracy. As I understand it, there were nine Jews and two gentiles. Why did you leave out the two gentiles?

Mr. MORGAN. I was not aware that any gentiles were involved.

Mr. ABERNETHY. It is my understanding that two of such were so involved and that they were sentenced to prison. Why not some concern for them? Why the concern for the Jews only?

Mr. MORGAN. The story that was given to me was that there were 11 Jewish individuals involved.

Mr. ABERNETHY. That was not what I read. The news media also reported that two gentiles were convicted and sentenced along with a number of Jews.

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

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

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman from Iowa for yielding.

Mr. Speaker, I believe it is proper to point out that numerous peoples behind the Iron Curtain have been persecuted. For instance, in the Baltic States the people have been persecuted since 1944, and it has been going on for so long that we take that type of thing for granted. Although the immediate situation involved here has to do with the trial of these Jewish people I do think the gentleman from Iowa makes a proper point that we ought to keep in mind that the Soviet Union as such is a gigantic slave state. However, I think it is important to all of us that we note the tragedy that has been continuing over the years in the persecution of the peoples of Lithuania, Latvia, Estonia, the Ukraine, and in other non-Russian areas of the U.S.S.R. This involves Christians and Moslems as well as the Jews.

The immediate problem, though, is the pending trial of the Jews to which this resolution is directed.

I am impressed, Mr. Speaker, by the fact that the gentleman from Connecticut (Mr. MONAGAN) and the chairman of the full committee (Mr. MORGAN) have stated that this entire subject will receive immediate attention in the new Congress.

Mr. Speaker, as a cosponsor of this resolution, I certainly recognize that leadership on both sides of the aisle and Members of the House who are in attendance here today are joining so effectively in this necessary emphasis expressing our concern over the developing persecution of Jews in the U.S.S.R.

We must keep in mind that these tragic developments are thoroughly consistent with longstanding Soviet policy. We must also keep in mind that in the Soviet Union domestic and foreign policy consideration are closely related.

In my opinion the Soviet Union, facing as it does major economic problems, is attempting to make its Jewish population a scapegoat for the multitude of defects which afflict citizens of the U.S.S.R. Quite obviously, the deliberate revival of

anti-Semitism is calculated to appeal to radical Arab groups as well.

The obvious desire of a substantial number of Jews in the Soviet Union to migrate to Israel will continue to be frustrated by Soviet authorities, since they do not wish this population source to be available in the further development of Israel.

There is very little we can do at this time to change the longstanding Soviet anti-Israel policies, nor can we immediately, and in an effective fashion, convince the Soviet Union to renounce its goal of world domination. We can, however, join in a concerted effort to bring the pressure of world opinion to bear upon Soviet authorities so that they might terminate the trials of Russian Jews that they are now commencing. This immediate humanitarian objective is what we pursue today.

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

Mr. GROSS. Mr. Speaker, I would like to withdraw my reservation of objection, but I will be glad to yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, I thank the gentleman for yielding, and I would simply like to observe, if I may, that my comments are perhaps biased in terms of the fact that I happen to be one of the Jewish faith, but I would like to observe to the Members that I was in Russia 1 year ago, and there I learned at firsthand that there are some dozen religious groups presently active in the Soviet Union. And I personally took the opportunity to attend several of these religious groups. I attended the Baptist services, and I observed the Greek Orthodox services, and I visited two synagogues, and I found that among all of the religions that were operating that the Jewish religion was in fact the most persecuted. The others did publish newspapers, but there was none recognized as such for the Jews, and they were not permitted on the radio or on the television, and there are no opportunities to obtain Jewish food, or anything else.

I found by personal observation that all of the religions are persecuted in Russia, but that there is more persecution in Russia directed at those of the Jewish faith.

Mr. SCHMITZ. Mr. Speaker, if the gentleman will yield, will the gentleman from Pennsylvania tell me whether there is a Roman Catholic newspaper in the Soviet Union?

Mr. EILBERG. Let me respond to that by saying that the only Christian religion recognized in the Soviet Union is the Baptist faith. I am not aware that the Greek Orthodox are recognized.

Mr. SCHMITZ. If the gentleman will yield further, it was always my understanding that religious newspapers were very sparse in the Soviet Union, but the implication in the gentleman's statement is that the Jewish faith was the only one that did not have a newspaper. By implication this would mean that he felt the other ones did. I just asked the gentleman if he knew of a Roman Catholic newspaper in the Soviet Union.

Mr. EILBERG. I thought that I had already answered the question of the gentleman; that it was my information from observing these groups in the Soviet Union that there was more persecution directed toward people of the Jewish faith, in addition to the total disrespect for all religion that is apparent in the Soviet Union.

Mr. SCHMITZ. Is it not true that in the Soviet Union all of the religions which are permitted to operate do so under the control of a Commissar of Religion?

Mr. EILBERG. That is true, but if the gentleman from Iowa will yield further, I would say that from my observations the plight of religion which exists in the Soviet Union is more closely directed at persecution of the Jewish faith.

Mr. SCHMITZ. But they are all under a Commissar of Religion?

Mr. EILBERG. This is true, but if the gentleman went there and attended the services and could see the climate that appears in all those services whether they be Catholic, Greek Orthodox or Baptist or Jewish—one need only go there to see the truth of the remarks I have made.

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

Mr. GROSS. I yield to the gentleman.

Mr. FLOOD. Mr Speaker, I would like to say this with reference to the pending resolution.

As the gentleman knows full well, and the House too, there has been for several years before the Committee on Rules of the House the so-called captive nations resolution. Every year for an hour we have a dedicated ceremony on both sides of the aisle.

The gentleman from Illinois (Mr. DERWINSKI) is a cosponsor with me of a captive nations resolution now before the Committee on Rules, and if that were reported out, it would do exactly what everybody wants done for all the captive nations—that is separate and distinct from this resolution.

Mr. GROSS. And it would, therefore, obviate the necessity of a resolution of this kind?

Mr. FLOOD. No, not as of today, because of the emergency.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. MORGAN) ?

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I rise in support of this resolution.

I should like to commend the chairman of the Committee on Foreign Affairs, the distinguished Speaker of the House and the majority leader for having brought this matter before the House of Representatives so that we have the opportunity to express our deep concern over the outrageous persecution inflicted upon Jewish citizens in the Soviet Union.

Because of the holiday recess, Congress was not in session when it was reported that death sentences had been imposed upon two Soviet Jews. When the House reconvened on Tuesday, I urged that the House of Representatives make its voice heard in protest, and I introduced House Resolution 1320 condemning religious persecution in the Soviet Union and urging that the Soviet Union allow those citizens who wish to emigrate to do so. The response of the House leadership and the chairman of the Foreign Affairs Committee was immediate and sympathetic. The result is that House Resolution 1336 is now before us.

Passage of House Resolution 1336 will demonstrate this body's condemnation of the religious persecution being visited upon the Jews of the Soviet Union. The most blatant evidence of this persecution is the conviction and sentencing of nine Jews in Leningrad for allegedly planning to hijack an airplane.

The death sentences imposed upon two of the nine have now been commuted, after the voices of governments and individuals around the world expressed the shock and abhorrence these sentences evoked. World opinion has induced the Soviet Government to reduce the severity of the sentences.

However, the continuing injustice of persecution and repression which the Jews of the Soviet Union are experiencing will not thereby be abated.

What the more than 3 million Jewish citizens of the Soviet Union are experiencing today—and have been experiencing for years—is a purposeful, coordinated effort to grind them under, to force them to sacrifice their religion and their culture.

Today, only a few rabbis serve these more than 3 million Jews. Synagogues are closed. Jewish schools are closed. The Jewish theater and the Jewish press are dead. Alone of the 108 nationality groups which make up the peoples of the Soviet Union, the Jews are being subjected to a planned assault on their very identity.

It is no wonder then, that so many Jews in the Soviet Union, deprived of their culture and of their religion, wish to emigrate. It is no wonder that about 100,000 applications for permission to emigrate are before the Soviet authorities. One can imagine how many more applications might be made, were the risk in revealing the desire to leave Russia not so great.

The trial which has just been completed is an effort to strike further fear into the hearts of the Jews. Its ramifications extend far beyond the 11 people convicted, only two of whom were not Jews. This trial was a piece of the cloth of repression which motivates the Soviet Government; it is a portion of the anti-Semitism which is tantamount to official policy.

It is reported that another trial will take place in Leningrad when 20 Jews are to be tried for alleged anti-Soviet activity. That prosecution should not be pursued. And equally important, the persecution being inflicted upon the Jews of the Soviet Union must end, and those who wish to emigrate must be allowed to do so.

In part, the resolution before us meets these issues. Its particular concern is the recent trial convictions. And these must

be addressed. But I hope that the more general problems of religious and cultural repression and freedom of emigration will also be dealt with by the House.

On the first day of the 91st Congress I introduced a resolution which did in fact deal with this broad problem—House Concurrent Resolution 30. Then, to highlight the urgency of the situation, I introduced on December 29 a successor to that bill. This new legislation—House Resolution 1320—provides:

Resolved, That the House of Representatives condemns the persecution of any persons because of their religion by the Soviet Union, urges that the Soviet Union in the name of decency and humanity fully permit the free exercise of religion and the pursuit of culture by all Jews and all others within its borders, and urges that the Soviet Union allow those citizens who wish to emigrate to do so.

I intend to reintroduce House Resolution 1320 in the next Congress as a fitting corollary to the resolution before us today. The repression being visited upon Soviet Jewry reminds us of the inhuman crimes perpetrated by Nazi Germany. This time the world must make eminently clear that anti-Semitism is the foul disease of depraved minds, and that any government which nurtures that disease is itself depraved.

The full text of House Resolution 1336 which is before us today follows:

Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union

Resolved, that the House of Representatives hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.

SEC. 2. The House of Representatives respectfully urges the President to (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the House of Representatives over these injustices, and (2) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. BRASCO. Mr. Speaker, I rise in support of the House resolution condemning the continued injustices to which the Jewish people residing in the Soviet Union have been subjected by the government of that nation.

The recent rigged trials of 11 Jews, whose only crime was that they wanted to leave the Soviet Union is the latest chapter in the campaign of terror against Soviet Jewry.

When I was first elected to Congress in 1967 I was apprised of the planned cultural genocide being practiced by the Government of the U.S.S.R. against Soviet Jews. The International League for the Repatriation of Soviet Jewry told it as it occurred and their ominous warnings were all true. The progression of repression has speeded up from the denial of religious, economic, and cultural freedom to rigged trials where one may be put to death.

Today, Mr. Speaker, it is important that we as leaders of the free world speak out in behalf of justice. History records unequivocally that silence in the face of injustice only leads to the conditions that all freedom-loving people despise.

Mr. Speaker, I urge the immediate adoption of this resolution.

Mr. MADDEN. Mr. Speaker, I join the sponsors and endorse and ratify the sentiment expressed in the pending resolution protesting the tyrannical actions of the leaders of the Soviet Union against Jewish population in the Soviet Union.

The actions of the Soviet leaders are reflecting the minds of the world to the worse days of persecutions and atrocities inflicted by Adolph Hitler and some of the tyrants of ancient history.

The modern Soviet leaders should have learned a lesson, if they read history, and learn concerning the eventual exit of all government leaders who practice persecution, mass murders, and inflict restrictions on human beings because of their race, religion, or theories of govermnent which are not identical with their own particular policies and groups. The free world, almost unanimously, condemns the Soviet leaders on their continued infliction of tyranny on the Jewish people within their nation's borders.

The recent trials in Leningrad by a Soviet kangaroo court have been revealed and exposed as a frameup on a so-called air flight hijacking charge, in order to justify their actions against the Jewish defendants.

The world has become outraged by these recent developments and continued policy of the Soviet Government to outlaw and destroy the Jewish people and restrict them from leaving the Soviet domination for the free outside world, and Israel in particular.

I do hope that the Government of the United States will clearly read the meaning and purpose of the Soviet leaders to weaken the cause for continued freedom of Israel as an excuse to give support to the Arab military preparation to destroy their neighbor, Israel.

Unfortunately, the United Nations has abandoned its own real reason for existence—to safeguard peace and justice throughout the world. It remained silent when Arab terrorists, backed by Soviet Communists, murdered Jews in Israel and elsewhere. For some reason the United Nations, over the years, has been silent not only on the Communist attacks on free Israel, but they are also silent on other Communist military attacks in Iraq, Syria, the Sudan, and Algeria which were supported by the Russian Government.

I join in this resolution as a method of declaring the free world, including our Nation, solidarity with Israel as a matter of right and justice.

Mr. HALPERN. Mr. Speaker, I am certain that this resolution reflects the feelings of the American people who are outraged over the recent inhuman miscarriage of justice in Leningrad.

These feelings reflect the conscience of an enraged, shocked world over these latest developments directed by the Soviet regime against its Jewish citizens.

As I stated on this floor only yesterday, it would not be conceivable that Russia would turn her back on the wide expression of world opinion. This view is clearly evidenced by announcement today of the commuting of the death sentences.

But, Mr. Speaker, this commutation is only one step. It does not alleviate the blatant inequities of Russian anti-Jewish policy as so dramatically dramatized by the injustices of the Leningrad trial. This resolution, I trust, will buttress the President's hand in his diplomatic steps to the Soviet leaders on this entire question. This resolution also clearly attests to the opinions of the American people and identifies them as a part of the worldwide attention and reaction resulting from the Leningrad trials. I trust the resolution will be adopted unanimously.

Mr. FLOOD. Mr. Speaker, it was my privilege, to join as cosponsor with other Members of the House of Representatives, in voting to support House Resolution 1336, concerning the American Government's position on the grave injustices which the Jewish people in the Soviet Union have been rendered by their Communist Government.

It was a particular source of pride for me to do so, for I regard as one of the highlights of my career the fact that I was privileged to introduce in 1947 the original resolution in the Congress which gave our Government's sanction to the State of Israel.

While injustices and tyranny are anything but new to the Jewish people, and other nations who have felt the waves of anti-Semitism and attempts at genocide, crimes against nations have more than once occupied my attention in the Congress. Following World War II, I was appointed as vice chairman of a special congressional committee to investigate the Katyn Forest massacre, and I conducted hearings in Europe to investigate those brutal murders of Polish officers by the Stalin government.

I know well how peoples have suffered because of their birthright and religion, unfortunately, even today.

There is a real sense in which all Americans are with you in this national—and international—protest in behalf of the rights and liberties of the Jewish community in Russia. John Donne wrote centuries ago:

Ask not, ask not for whom the bell tolls: it tolls for thee.

Whenever and wherever the rights of any human beings are violated, the rights of all human beings are involved. As Jews you will naturally feel a special kinship with fellow Jews who are the victims of cruel oppression. As Americans all of us share this deep concern. As human beings, we find it an inescapable obligation imposed by conscience.

We who are Americans are uniquely favored among the nations in that we enjoy the blessings of a government which gives, in the classic words of George Washington, "to bigotry no sanction." We know that these blessings are tragically rare in our troubled world today, and that untold millions do not share them. Foremost among these natural rights and liberties are freedom of worship and freedom of movement, the right of peoples freely to migrate from one nation to an-

other. These are the issues which bring us together at this time to manifest our solidarity with those who are denied such basic freedoms.

The Jewish and the Russian peoples have been thrown together in a remarkable way by the course of history. Not since the days of the Roman Empire had any single power controlled the destinies of so many Jews as did Tsarist Russia. Well into this century over half the Jewish population of the world lived under Imperial Russian rule. The unhappy fate of that great community is all too well known. While the Russian people as a whole have never been predisposed to anti-Semitism, it has always been an instrument of policy by Russian governments from the Czars to Stalin—and now, alas, reappears today. Those of you who have read Joel Lang's The Silent Millions or similar studies will be familiar with the ways in which Russian Jewry is discriminated against by the Soviet State.

At the beginning of this century over 6 million Jews were living in Russian and Russian-occupied lands. Today, 50 years later, in the wake of two terrible wars and the dreadful Nazi massacres, there are only about 3 million Jews remaining in the Soviet Union. It is their sad plight to which we address ourselves; it is their survival which motivates our heartfelt concern.

Our immediate attention is centered in the fate of those who have been sentenced to death or to long prison terms at hard labor. America has always interceded in the past for oppressed groups in every land. Thankfully, the conscience of the world was aroused. It is interesting to note that voices are raised even in Russia: the physicist, Sakharov, the father of the Soviet hydrogen bomb, has had the courage openly to denounce the proposed executions as unjust brutality. Such a statement cold never have been made were it not for the scope of worldwide demonstrations, such as your gathering here today. It is good to know today that the death sentences have been commuted by the Soviet Government.

Our larger concern is the legal and moral right of Russian Jews—as of all men—freely to emigrate. A much-loved American spiritual portrays the cry of the Jews of old through the words of Moses to Pharaoh: "Let my people go!" This same cry rises today from the hearts and souls of the silent millions as from all men and women everywhere who believe in human dignity and freedom. May the common God and Father of us all bless your resolve in the days to come, sustained by the faith of the Psalmist of old:

O pray for the peace of Jerusalem: they that love thee shall prosper.

Mr. MAILLIARD. Mr. Speaker, I rise in support of House Resolution 1321, which expresses grave concern over the continued injustices to which the Jewish people in the U.S.S.R. have been subjected by the government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens for allegedly treasonous acts.

While it has been reported in the press today that the death sentence imposed upon two Jewish citizens has been commuted by the court to 15 years, the trial and sentencing demonstrate once again that the Government of the Soviet Union does not provide fair and equitable justice for its Jewish citizens.

In fact, the trial has been an ominous reminder of Stalin's infamous "show trials" of 1936–40 when thousands of Jews and other Russian people were executed by the NKVD.

One possibly hopeful note in the present grim situation is the fact that the Soviet Government appears to have been responsive to the worldwide protest over the death sentences meted out to the two alleged hijackers. What we do not know, because of the closed society imposed upon the Russian people by their government, is the full extent of the persecution and denial of human rights to which Jewish citizens are subjected on a daily basis.

For these reasons, it is important that world opinion continue to be focused upon the Soviet Union so that the tragedy of the Stalin era will not reoccur.

Mr. SHRIVER. Mr. Speaker, I rise in support of this resolution, which I have sponsored, calling upon President Nixon to convey to the Soviet Government the grave concern of the people of the United States and the Congress over the continuing injustices to which it is subjecting the Jewish people in Russia.

Although we are heartened by the news of the commutation of the death sentences imposed by the Leningrad court upon two Jewish citizens, we must not now fall silent. The Soviet Government probably has heard the outraged voices of people throughout the world.

We should pass this resolution today to underscore to the Soviet Government how millions of Americans react to discrimination and injustice.

The treatment of Jews in the Soviet Union in recent years leads me to believe that those arrested are being victimized as part of a politically motivated campaign to intimidate those who persist in pressing their right for religious self-expression, and their right to leave the Soviet Union.

It is shocking to observe the prospect of a return to the discredited and repudiated policies of Stalinism in which show trials were an accepted practice and in which Jews were often used as scapegoats.

Putting an end to such secret trials and discriminatory practices would be a welcome contribution to better understanding and good will between the Soviet Government and other nations of the world.

Mr. EILBERG. Mr. Speaker, I am proud to be a cosponsor of this resolution condemning the continuing injustices visited on the Jewish people in the Soviet Union. I want to thank my friend and distinguished colleagues from Pennsylvania, the chairman of the Committee on Foreign Affairs, for the opportunity to join with him in sponsoring this resolution.

Yesterday it was my privilege to join 4,000 of my fellow Philadelphians in a rally at Philadelphia's City Hall Plaza. I bring this protest rally to my colleagues' attention as yet another example of the general and widespread outrage felt by all men of good will at home and abroad elicited by the continuing dreary, spectacle of Russian anti-Semitism.

Presiding at the rally was Rabbi Sidney Greenberg and participating were leaders from a wide range of religious and civic organizations. Among them were the Reverend Rufus Cornelsen, executive director of the Metropolitan Christian Council; the Reverend Francis Shearer, secretary of the Lutheran Synod of Southeastern Pennsylvania; City Councilman Thacher Longstreth; Philip Savage, tristate director of the National Association for the Advancement of Colored People; the Reverend John Hardwick of the Episcopal Diocese of Pennsylvania; Joseph T. Kelley, president of the Philadelphia Council of Industrial Organizations; Edward Toohey, president of the Philadelphia Council of the AFL–CIO; Jacob Kalish, president of the Justice Lodge of the B'nai B'rith; City Solicitor Levy Anderson, representing Mayor James H. J. Tate, and stage and screen star, Red Buttons.

In my remarks to the rally, I pointed to the worth of our demonstration and others like it all over the world. I made the point that the Kremlin remains sensitive to charges in the international community that the Russian Socialist state remain as guilty of anti-Semitism as the Czars it overthrew; those same czars whose pogroms drove the families of many of our fellow Americans, my own included, to these shores.

Our protests have been heard. The news this morning that the two death sentences have been commuted and that some of the other harsh prison sentences have been reduced is welcome and proves again that the Kremlin remains sensitive to world opinion. Had we remained silent, the news from the Soviet Union today might have been that the firing squad had done its duty.

The Second World War reminds us that to remain silent is to share the guilt in the most monstrous of crimes against humanity. I commend that lesson of history to our State Department.

In closing I urge once again that the full persuasive power of our Government and our people be brought to bear so that the Kremlin finally lives up to its announced policy of permitting emigration to those who wish to reunite with relatives abroad. The Russians could spare themselves, the rest of the world, and most particularly, the Jewish community in the Soviet Union, the agony of continuing oppression if they would simply let the Jews emigrate.

Mr. ADDABBO. Mr. Speaker, I have joined with several of my colleagues in introducing House Resolution 1336 expressing the concern and protest of the House against the treatment of the Jewish people of the Soviet Union and urging the President to convey the concern of this body and of the people of the United States to the Government of the Soviet Union.

For several decades we have witnessed the increasing oppression of Soviet Jewry

and the policy of spiritual genocide implemented by the government of that nation. Protests against the treatment of Soviet Jewry have also increased over the years—both in the United States and in other free nations around the world. The most recent and shocking oppression of the Jewish people in Russia and the death sentence imposed on two Jews accused of treason have literally stirred the conscience of civilized people in all capitals of the world. Protests and pleas for clemency have poured in to Moscow during the past days and it is imperative that the United States add its voice to those pleas for justice.

The 11 persons accused of treason are specifically charged with violation of a Soviet prohibition against leaving that country. Their crime then, if any, was attempting to leave the Soviet Union. The desire to escape from captivity is a civilized desire and the punishment of that effort to escape by death can only be described as uncivilized.

This Nation must convey its official concern over this incident if we are to seriously consider ourselves the leader of the free world. The resolution which has been introduced today is identical to Senate Resolution 501 passed by the other body yesterday. It simply states the concern of the House over the treatment of the Jewish people in the Soviet Union and urges the President to convey the concern of the people of the United States to the Government of the Soviet Union and to urge the commutation of the two death sentences and equitable treatment for all Soviet Jews.

I urge my colleagues in the House to give speedy and unanimous approval to this resolution as an indication of the bipartisan and overwhelming protest by the U.S. Congress against the oppression of any minority group by any nation.

Mr. ABBITT. Mr. Speaker, I strongly support House Resolution 1336, expressing the sense of the House in the matter of treatment of Jews in the Soviet Union. This issue has been dramatized by the recent sentences imposed by the Soviet court in Leningrad, but the gravity of this situation far transcends this one incident.

There is no question about the calculated design of the Soviet authorities to impose undue restrictive measures against Jews in that country. For years the Kremlin has been repressing the rights and privileges of Soviet Jews, dating back to the Stalin era. Now the present Kremlin leadership is stepping up these tensions as part of a worldwide program for undermining the State of Israel. Surely the Russians did not expect that the actions in Leningrad would remain isolated and pass without notice in the world community. Obviously, they took into consideration the reaction which followed and one can only conclude that this was part of the effect they hoped to achieve.

The defendants in Leningrad were accused of treason, but their primary "crime" was that they wanted merely to leave the Soviet Union and go to Israel. The one non-Jew said he wished only to see Scandinavia. These are rights which any other country recognizes without question. The intimidation with which Soviet Jews have been confronted for many years creates situations in which those who seek freedom have little choice in the manner in which their objective must be obtained. In this case, the facts are not known. All we know are sketchy reports which have come out of the highly restricted Soviet judicial and communications systems. We may never know the truth, but what we do know is that the sentences meted out by the Soviet authorities were excessive in the extreme. If they are carried out, these victims will take their places alongside the countless millions of Jews who have suffered untold tyranny through the centuries.

The hypocrisy of the Soviet system is made clear in that on the one hand they profess to open court adequate appeal rights and thorough investigations, while on the other hand it is obvious that none of these rights are accorded in the sense in which our system guarantees. The Russians are quick to criticize the inadequacies of our civil rights guarantees while, by comparison, even at our worst, we attract foreigners to our shores, not discourage or intimidate those within our midst.

All of this points up a need to emphasize anew the world's concern for the mistreatment of Jews in Russia. Has the world forgotten the lesson learned in World War II when millions of Jews were exterminated during Nazi oppression? Surely, the lesson learned then was that oppression against Jews ultimately involved the whole of mankind, for those who used totalitarian methods against one body of people soon sought to increase their tyrannical goals.

The rallies held throughout this country are testimony to the concern which Americans feel and it is hoped that if our Government will indicate in the strongest terms possible its indignation, the weight of world opinion might yet bring a commutation of the sentences.

We believe that people should have a right to choose their own destiny and any nation which seeks to systematically repress the rights of a particular group is wrong. In this instance, it appears that the Soviets seek not only to repress Jews within their borders but to show their disdain for the State of Israel as a part of Soviet foreign policy. If this assumption is in error, the Russians can right a wrong by taking corrective action to make their intentions more clear.

Mr. BURKE of Florida. Mr. Speaker, the entire free world was shocked at the announcement on Christmas Eve that the Soviet Union planned to execute two Jewish citizens who were allegedly thwarted in an aborted attempt to hijack an airplane by which to escape to Israel. The bizarre handling of the secret "trial" of 11 Soviet nationals—nine of whom are believed to be Jews—is indeed reminiscent of the terrorizing purges of Josef Stalin.

What little information that has been made available, indicates that of the 11 involved in this trial, five had repeatedly asked to be able to leave the Soviet Union and emigrate to Israel.

As a rule, the Soviet Communist-controlled press does not print news of crimes of either a civil or a political nature. In this particular case, however, both Izvestia and Pravda had the story in their papers on the day following the arrests of these 11, and of the arrest of others allegedly a part of a conspiracy in four different cities.

It has been said, Mr. Speaker, that "Soviet Jews are the Jews of Silence," allowed to speak only with their eyes. But there has been in recent years a burgeoning Jewish culture rise, a pride, and determination, unmatched in Soviet Jewry for many years. It is this knowledge by Soviet leaders for a possible uprising against the relentless persecution of Godless communism that has led to a concerted and systematic terrorizing of the entire Jewish community in the Soviet Union.

These tactics of imprisonment, banishment to Siberia, and harrassment are essentially the same as used by Stalin in the purges of the Soviet doctors in 1953.

On June 22, 1969, the Soviet Union agreed to the United Nations International Commission on Racial Discrimination, and Article 13 of that document specifically commits signatory nations to allowing those who wish to leave their homelands to do so. The Soviet Union is specifically, therefore, in violation of a treaty to which it is formally committed.

It is, I think, a hopeful sign that the Soviet Union is sufficiently responsive to world opinion to have rescinded the death penalty and to have lowered the terms of imprisonment. But now it must heed the warnings of these and other attempts of Soviet nationals to leave the Soviet Union and abide by the agreement to which it has committed itself and allow those of its citizens who wish to emigrate to other lands to do so without fear or penalty.

Mr. BINGHAM. Mr. Speaker, I rise in strong support of this resolution expressing grave concern over the harsh penalties imposed by the Soviet Union on Jewish citizens charged with conspiring to hijack a Soviet airliner, their only means to escape Soviet persecution. I am happy to have been a cosponsor of this resolution.

I believe that the New York Times was correct in recently pointing out that "The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel." That is why this resolution is still most timely, even though the death sentences have been commuted and other sentences reduced. This action was welcome and shows that the Soviet Union is not immune to world opinion. But it leaves the basic problem unresolved and indeed it leaves the sentences in this case cruelly harsh.

Coming during this holiday season which symbolizes the brotherhood of man throughout the world, the Soviet action was a clear reminder of the crass disregard for individual liberty and freedom that exists behind the Iron Curtain. The day after Christmas, I sent the following telegram to Soviet Ambassador to the United States Anatoly F. Dobrynin, whom I know personally:

As you know I am not for cold war and hope to see peace and friendship between U.S. and U.S.S.R. As such I urge you to convey to your government the degree of shock and protest felt by the American people at the Leningrad sentences. The New York Times editorial today, entitled "Stalinism in Leningrad," expresses my feelings precisely. Your government should not make the mistake of believing that the sense of outrage felt by Americans is limited to those of the Jewish faith.

I also signed a joint communication sent on December 21 to Ambassador Dobrynin pleading on behalf of the defendants in this case before the verdict.

Mr. Speaker, I have spoken out many times on the Soviet oppression of its Jewish citizens and you may remember that in April 1967 I led an effort to focus attention on this most urgent of problems with the release of a long and detailed statement on Soviet Jewry, a statement signed by 300 Members of the House of Representatives. The statement condemned Soviet suppression of Jewish religious, cultural, and spiritual life. It was particularly significant that the signers of this resolution—185 Democrats and 115 Republicans, from every State in the Union—represented all shades of opinion, and that the list included the honored Speaker, Mr. MCCORMACK, the majority leader, Mr. ALBERT, the minority leader, Mr. FORD, as well as the chairman and the ranking minority member of the House Foreign Affairs Committee.

When I released this joint statement, I said that—

It is our devout hope that such an expression of strong disapproval of the Soviet Union's discrimination against the Jewish people will help to awaken the sensibilities of the Soviet Government to the worldwide condemnation of its policies in this respect and exert a positive influence for improvement.

Clearly, the Soviet memory is short. They must be reminded that the world community will not sit by and watch with equanimity while they systematically ignore basic human rights. Freedom to emigrate was guaranteed by article 14 of the Universal Declaration of Human Rights, which the Soviet Union signed, and was further guaranteed by a convention ratified by the Soviet Union in January of 1969. When this right is denied, surely the individuals who sought the only means available to them to escape oppression, are "not guilty" in any moral sense and should surely not be severely punished.

The New York Times editorial referred to, reads as follows:

STALINISM IN LENINGRAD

Incredulity and indignation have been justifiably and widely aroused by the Leningrad court that handed down death sentences against two of eleven defendants found guilty of having plotted to hijack a Soviet plane. The senseless brutality of this verdict is apparent from the fact that no hijacking actually took place, and the alleged conspirators were arrested before they ever boarded the plane. Moreover the information of the Soviet secret police about the whole matter was so complete that the suspicion must arise that the supposed hijacking plot was a provocation arranged by a government agent.

This trial would not have received world attention nor would it have ended with death sentences if it were simply an ordinary criminal proceeding. On the contrary, this was one of the most important political trials held in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. This is an even more brutal technique than that Stalin used successfully to quell the upsurge of Zionist feeling among Soviet Jews immediately after Israel was born.

But Moscow may have miscalculated, in 1949, at the height of the dark night of Stalinist terror for all Soviet citizens, Soviet Jews were cowed by a ferocious newspaper campaign against "rootless cosmopolitans," a code term for Soviet Jews sympathetic to Israel. But this is 1970; Stalin has been dead for many years; and since his passing numerous peoples have won freedom or alleviation of their plight by Courageous struggle. Less than a week ago the Polish working class overthrew Wladyslaw Gomulka when he overstepped the bounds of dictatorial insensitivity to a people's wishes.

In the new atmosphere of the 1970's, the barbarous, Stalinist verdict in Leningrad—especially if the executions are carried out—will almost certainly react against the Kremlin. Inside the Soviet Union it will inflame many Jews and members of other non-Russian minorities as well. In the free world, it will deal a further blow to those who have argued that Russia has changed since Stalin.

The new distrust of the Soviet Union that this and other recent repressive measures has aroused is well reflected in the "grave concern" over Soviet justice that this city's five district attorneys have expressed in requesting permission to attend the trials of 20 other Jews arrested in connection with the alleged hijacking plot. Moscow, in short, would be far wiser if it opened the "seven locks," of which Nikita S. Khrushchev spoke in his memoirs and permitted free migration for all its citizens, Jews and non-Jews alike.

Mr. RARICK. Mr. Speaker, I want to compliment the Zionist leadership in the United States for their nobility of purpose in engineering House Resolution 1336 before the House today, and having the purpose of focusing public opinion against the deprivation of individual liberties and human rights under the Communist regime in the Soviet Union.

The toll in human cost after 50 years of iron-fisted rule by the Bolsheviks in Russia has been estimated to be 35 and possibly even 45 million lives. Some of these deaths may have been inflicted under the farce of Soviet trials, but many have been the program result of group persecutions and cultural genocide initiated by the Communist rulers in their mad obsession to force an unworkable system on subjugated minorities.

Millions of Christians, Moslems, Jews, and every ethnic minority have suffered persecution, exploitation, and injustice under this false aberration of social justice.

Yet, despite this record of massive deprivation of human rights to all of their people regardless of race, color, religion, or national origin, the world community has been blind to the Soviet terror until the recent indiscretions against Zionist sympathizers in the Soviet Union, who merely wanted to live in freedom in their homeland or flee Russia to resettle in Israel. These incidents alone have served to focus world attention and international scorn on the Communist tyranny and Russia's colonial subjugation of its minority subjects.

I feel confident that free men the world over—including those multitudes who still suffer enslavement behind the Iron Curtain—will join in lauding Zionists leaders for their role in exposing these acts of cruelty and in mobilizing world public opinion against the barbaric Soviet police state in Russia.

The courageous and fearless action undertaken here today may well have the effect of encouraging other oppressed minorities behind the Iron Curtain to likewise vent their persecutions as a result of blatant violations and denials of human rights by the Communists.

Our action here today can well initiate true wars of national liberation by the enslaved minorities behind the Iron Curtain.

Mr. Speaker, I include several related news stories in the RECORD:

STATISTICS OF COMMUNIST KILLINGS

CHRISTIAN ANTI-COMMUNISM CRUSADE,
Long Beach, Calif., November 15, 1970.

Under the title "The Human Cost of Soviet Communist" the Senate Internal Security Subcommittee has produced a documented record of the number of human lives exterminated by the communists during the consolidation of their conquest of Russia.

The report has been compiled by Robert Conquest who is the leading British authority on the communist world. His academic qualifications are impeccable. He has held fellowships in Soviet politics at the London School of Economics and Columbia University. Recently he wrote the book "The Great Terror" which is a definitive account of the purge trials and mass executions carried out by Joseph Stalin. Concerning this book, Bernard Levin in the Daily Mail writes:

"A passionate objectivity, a deadly sense of justice . . . an ability to marshall and present facts . . . I know of no modern history with which it can be compared . . . Robert Conquest deserves the thanks of humanity."

He concludes that at least 21.5 million persons have been executed or otherwise killed by Soviet Communism since the revolution. He classifies the deaths under Soviet rule as follows:

"Executed or died in prison camps during the postrevolution period (1919–23)	500,000
Executed during the Stalin terror	2,000,000
Died in camps during the pre-Yexhov period of Stalin's rule (1930–36)	3,500,000
Died in forced labor camps during the Stalin-Yexhov terror (1936–38)	12,000,000
Died in the politically organized famine during the forced collectivization of the thirties	3,500,000
Total	21,500,000"

Mr. Conquest points out that this is a conservative estimate which is almost certainly too low and that the real figure might very well be 50 percent greater than this.

He does not include in this tabulation the deaths caused by the civil war, 1919–1921. During this war 9 million lives were lost from military action, executions, typhus, and famine while the great famine of 1921, which followed the civil war, cost another 5 million lives.

If these figures were added, a minimum estimate of human lives lost is 35 million while 45 million is more probable.

The principal source of information used by Mr. Conquest are reports published by the Russian authorities and eye-witness accounts written by survivors of prison camps.

The net result of this incredible slaughter is the Soviet Union today. Instead of being the promised paradise, it is a totalitarian state where a ruthless political elite seeks to perpetuate itself in power and to order every aspect of the people's lives.

The original communist conquerors of Russia promised abundance. The reality they have created is a state-owned sytsem of agriculture which, by destroying human motivation, has saddled the Soviet Union with the most backward and unproductive agriculture in any major nation.

The communist conquerors promised that they would produce a new superior man. This new man would produce artistic and cultural works of transcendent value. The reality is an artistic wasteland where literature and art are reduced to instruments of communist propaganda and where those brave individuals who seek to express their true artistic identity are sentenced to prison or forced labor or the insane asylum.

Mr. Conquest points out that the great majority of the murders were not forced on the communists by the opposition of their opponents or committed in the heat of battle. They are the direct consequences of communist philosophy and doctrine. Long before the communists seized Russia, they had convinced themselvs that a large segment of the bourgeoisie was intrinsically and incurably evil and should be eliminated. They had extolled mass terror and praised those who had used it. Consequently the record of merciless brutality is not a perversion of communism but its fulfillment.

[From Human Events, Nov. 21, 1970]

THE BALTIC PLIGHT

(By Russell Kirk)

Now and again I wonder why certain Americans, who accuse the Greek military junta of brutally and lament our roughness with the Viet Cong, seem to have forgotten altogether the dreadful plight of the Estonians, Latvians and Lithuanians. The independence de jure of those countries still is recognized by Washington, but the very survival of the Baltic peoples is menaced by Soviet Russian tyranny.

In America, all three Baltic national groups maintain vigorous cultural and political associations; and I hear often from readers, escaped from Russian domination or destruction, who keep alive in this country the hope of national freedom. Recently I received a copy of the proceedings of the First Conference on Baltic Studies (obtainable from the Association for the Advancement of Baltic Studies, Pacific Lutheran University, Tacoma, Wash.).

This volume contains some 50 interesting papers divided into groups; communism and nationalism in the Baltic republics; the Baltic people and the Soviet Union; modern Baltic history; the contemporary religious situation in the Baltic states; postwar Baltic literature; problems in Baltic linguistics; postwar economic developments; scientific developments in the Baltics; proposals for the advancement of Baltic studies—even of a Baltic university, perhaps at Chicago.

The Rev. Joseph Prunskis' succinct essay on "The Religious Situation in Soviet Occupied Lithuania" may suffice to suggest the ghastly misrule inflicted by the Russian Communists upon those submerged republics. During the era of Stalin, Dr. Prunskis records, some 30,000 Lithuanians were either killed or exiled. One bishop was shot, a hundred priests were imprisoned, and 180 priests deported. About 145,000 Lithuanians still are kept in Siberia, a quarter of a century after the Soviet conquest.

"The Soviet war against religion was continued during the Khrushchev era," Father Prunski writes. "The occupational regime closed 424 churches and chapels. Children and young people under 18 were strictly forbidden to study religion. At the beginning of 1967, students in the secondary schools had to fill out a 16-item questionnaire.

"Some of the questions were: 'Are there any religious-minded people in your family?' 'Do the members of your family attend church?' etc. The Bolsheviks are thus forcing students to denounce their own parents, brothers, and sisters—to be spies for the occupiers."

Between 1940 and 1968, four bishops and about 170 priests were martyred in Lithuania. Communist persecution of Christians is equally ferocious in predominantly Lutheran Estonia and Latvia. Lutheran churches destroyed or badly damaged during World War II have not been replaced; the Lutheran cathedral in Riga has been converted into a concert hall.

Yet the Baltic cultures are not totally crushed. Discussing Soviet Latvian literature, Dr. Rolf Ekmanis remarks that "nationalist loyalties have survived more than two decades of intense Sovietization. Latvian literature, like every non-Russian Soviet literature, has become an arena for the struggle over national self-preservation against censorship and victimization. It also reveals . . . that Moscow's policy of colonization of the national republics has led not to friendship but to hostility."

As Jonah—the symbol of Jewish endurance in captivity—survived in the whale, so the Baltic peoples may yet outlive the merciless crew of ideologues in the Kremlin. They deserve the prayers of all of us.

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

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the resolution just agreed to.

The SPEAKER. Without obligation, it is so ordered.

There was no objection.

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

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 456]

Abbitt	Esch	Moss
Adair	Eshleman	Murphy, Ill.
Addabbo	Evans, Colo.	Murphy, N.Y.
Anderson, Calif.	Evins, Tenn.	Myers
	Fallon	Nelsen
Anderson, Ill.	Farbstein	Nichols
Anderson, Tenn.	Fascell	O'Konski
	Ford, William D.	O'Neal, Ga.
Andrews, Ala.	Fountain	O'Neill, Mass.
Andrews, N. Dak.	Fraser	Ottinger
	Frelinghuysen	Pepper
Ashley	Friedel	Pirnie
Aspinall	Fulton, Tenn.	Poage
Baring	Gallagher	Pollock
Bell, Calif.	Gaydos	Powell
Berry	Gettys	Price, Tex.
Biaggi	Giaimo	Purcell
Blackburn	Gibbons	Railsback
Blatnik	Gilbert	Randall
Bow	Goldwater	Reid, Ill.
Brock	Gray	Reifel
Broomfield	Griffiths	Rhodes
Brown, Calif.	Grover	Riegle
Brown, Mich.	Gubser	Roe
Broyhill, N.C.	Haley	Rooney, N.Y.
Broyhill, Va.	Hanley	Rooney, Pa.
Buchanan	Hanna	Rosenthal
Burlison, Mo.	Hansen, Wash.	Rostenkowski
Burton, Calif.	Harvey	Roudebush
Burton, Utah	Hastings	Rousselot
Button	Hawkins	Ruppe
Caffery	Hays	Sandman
Carney	Hébert	Schadeberg
Carter	Henderson	Scherle
Casey	Holifield	Scheuer
Cederberg	Howard	Sebelius
Celler	Hull	Shipley
Chisholm	Johnson, Calif.	Sikes
Clark	Johnson, Pa.	Sisk
Clausen, Don H.	Karth	Smith, Calif.
	Kleppe	Smith, N.Y.
Clawson, Del	Kluczynski	Snyder
Clay	Landrum	Stafford
Collier	Langen	Staggers
Collins, Ill.	Lennon	Steiger, Ariz.
Collins, Tex.	Long, La.	Steiger, Wis.
Conyers	Lowenstein	Stephens
Corbett	Lujan	Sullivan
Cowger	Lukens	Taft
Cramer	McClory	Talcott
Cunningham	McCulloch	Thompson, Ga.
Daddario	McDonald, Mich.	Tiernan
Davis, Ga.	McEwen	Tunney
de la Garza	McKneally	Ullman
Delaney	McMillan	Vigorito
Denney	MacGregor	Waggonner
Dent	Martin	Watts
Diggs	Mathias	Weicker
Dingell	May	Whalen
Donohue	Meskill	Whalley
Dorn	Michel	Wilson, Bob
Dowdy	Miller, Calif.	Winn
Dwyer	Minshall	Wold
Eckhardt	Mize	Wright
Edmondson	Moorhead	Wydler
Edwards, Ala.	Morton	Wyman
Edwards, Calif.	Mosher	Yatron
Edwards, La.		Zion
Erlenborn		

The SPEAKER. On this rollcall, 232 Members have answered to their names, a quorum.

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

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

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of December 9, 1970.)

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. DULSKI) is recognized.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL), the author of the bill.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. UDALL. I yield to the gentleman.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Is the gentleman in the well, my friend from Arizona, the author of the bill or the author of the conference report. If so, which bill—the bill that was in the other body or the bill that passed this body? The distinguished chairman said he yields to the gentleman from Arizona, my friend, who is the author of the bill. I am just not quite sure which bill we are discussing.

The SPEAKER. The Chair believes the inquiry should be directed essentially to either the chairman of the committee or the gentleman from Arizona.

Therefore, the Chair expects the parliamentary inquiry should be directed either to the chairman of the committee or to the gentleman from Arizona.

The Chair would like to be able to answer the question as a parliamentary inquiry, but the Chair does not think it proper to do so.

Mr. HALL. If the gentleman will yield, I would pose the same question, although I always address the Chair, to the gentleman from Arizona.

Mr. UDALL. I would be happy to enlighten the gentleman as to the history of this legislation.

In October of 1969, nearly 15 months ago, this House passed the bill H.R. 13000, of which I was one of the drafters and sponsors. The bill as then presented would have created a permanent system of fixing salaries of Federal employees.

The bill went to the Senate, where, in December 1969, it was stripped down into a plain old pay raise. We went to conference in 1970. Because of the postal strike and some intervening events, that conference was idle for many months, and in December of this year, 1970, the conference was reconvened to determine what we should do about pay for 1.3 million Federal civilian employees and, incidentally, what would be done for the nearly 3 million men in the armed services, because they will be affected by what happens to this bill.

I helped draft the conference committee substitute which is now before us. I also helped draft the original bill. I hope that answers the gentleman's question.

Mr. HALL. If the gentleman will yield further, it really does not. Your distinguished chairman and my friend yielded to you as the Member who was the author of the bill. All I want to know is whether it was the original bill, H.R. 13000, or whether it is the conference substitute or——

Mr. UDALL. We are dealing today with the conference substitute. I do not deny paternity of it, either. I had something to do with the drafting of both. I think the question, the narrow question, in these 40 minutes of debate, if we take it all, is whether this conference substitute is a good bill and whether it should be approved or defeated. I think it is a good bill and should be approved.

Mr. HALL. If the gentleman was the mother of the bill, who was the father?

Mr. UDALL. I do not know. I have not figured out the ancestry entirely. But I am prepared to defend the bill and explain it. That is what I hope to do in these 5 minutes, if they have not already expired.

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

Mr. UDALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. On October 14, 1969, when H.R. 13000 came to the floor of the House, I, along with 50 other Members of the House, opposed it. At that time it was, I believe, pretty well known that the administration was vigorously opposed to this legislation and I was also on the merits. I am now told that the content of the bill before us is quite different from the version that came before us in October 1969. Is that an accurate statement?

Mr. UDALL. The gentleman is correct.

One of the main reasons the gentleman and others opposed the bill is that at that time we set up a permanent system of fixing pay regularly, in an orderly manner, and with comparability adjustments. In that procedure in the original bill the President was left out. We created a salary commission. When the salary commission acted, its findings and decisions would come to the Congress, we would vote it up or down, and then it would take effect.

The President felt very strongly, as overseer of the whole Federal establishment and as the one required to make up the Federal budget, that he ought to be taken into the procedure. We met that objection over months of negotiation with the Civil Service Commission and the Bureau of the Budget, and the President, I am told—and the gentleman is more of a spokesman for him than I am—now approves this bill and would like to see it enacted.

Mr. GERALD R. FORD. The executive branch of the Government has made known its views as to what ought to be the content of the legislation before us and, as I understand, the content before us does contain the recommendations that were made by the executive branch of the Government. So as of now the head of the Civil Service Commission endorses the legislation. The head of the Office of Management and Budget likewise endorses the legislation. The net result is that the objections originally raised by the President no longer exist. It is good legislation and I support it.

Mr. UDALL. I thank the gentleman from Michigan for that statement. I am proud and pleased that in this bill the Federal Government is taking the lead, because I foresee if we do not do something, if this is voted down today, next year the same trends and the same unhappiness in the Federal establishments that brought on the postal strike, and the same kind of unhappiness and frustration that brought on the slowdown of the aircraft controllers is going to erupt.

We have had all these problems in this country. We have seen raises in other fields of 20 percent or 30 percent. If this bill passes, what will happen is that we will have a Federal pay raise of probably 5 or 6 percent next year. Unless we pass this bill and unless we see to it that we will have some machinery to take care of the problem, I foresee we will have more and more teachers' strikes and strikes of all kinds of public employees.

This is an attempt to set up an orderly, rational, sensible system to make the adjustments in a decent way.

I am proud to say the AFL–CIO supports this, and President Nixon supports this, and the major employee independent union supports this. I think this is a fine way to discharge our responsibilities in the adjustment of Federal pay.

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

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, the only thing we are talking about is comparability and competition in having people employed by the Federal Government on a comparable basis with those employed in private enterprise. That is all we are talking about.

Mr. UDALL. That is right. I thank the gentleman for the contribution he made as a conferee and as one of the people who helped put this conference report together.

Mr. Speaker, I want to answer some of the questions that have been raised by some of my colleagues about the application of this bill to the employees of the House, to the legislative branch employees. We wanted to have a permanent system that would apply to the employees in the executive branch, and the question arose about what we should do regarding our own employees. The bill approaches it in this fashion. If through this process, this regular annual adjustment process, the salaries of the regular employees are adjusted by 5 percent, let us say, then the allowance available for House employees, for the Members' staff allowance, would be automatically adjusted by 5 percent, or 6 percent, or whatever the figure is.

There have been many complaints previously that we automatically made increases to employees of Members, and to employees of the House committees. This bill takes a different approach. There will be no automatic increase, but the salary allowance of Members, the clerk-hire allowance of each Member will be changed. If there is a 6-percent increase for the classified employees, there will be an increase of 6 percent, for example, in the clerk-hire allowance. The Member who now has $133,500 in staff allowance would go to $141,510—but no employee would get that extra money unless the Member himself decided to allocate some of that. The Member could allocate some of it, or none of it, or all of it in increases. He could hire new staff members, for example, under the bill out of the House Administration Committee, which increases from 13 to 15 the number of staff positions allowed.

So I think this is a sensible, sound way to handle that particular problem.

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

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. This question is basically for information. I was reading an account of what was purported to be in this bill. I want to ask the gentleman, as the father or mother of the bill, as the case may be, whether this account is substantially accurate. It says here that the procedure would be that each year an official designated by the President makes a report as to the new pay scale, then a board reviews it and makes its recommedations, and if the President orders the new scale into effect, that is the end of it. We have nothing further to do. Is that correct?

Mr. UDALL. That is correct.

Mr. DENNIS. If, however, the President sends in an alternate plan, we can veto that, but if we do, it goes back to the plan set by the board. Is that substantially correct?

Mr. UDALL. That is correct. Let me give the gentleman the philosophy behind that, because this is very fundamental to the permanent pay-fixing plan. I have always been an advocate of the philosophy that Congress ought to set the policy. This bill does not depart from that philosophy. In this bill we say Federal pay should be comparable to pay in private enterprise.

We delegate to the Bureau of Labor Statistics and to the Bureau of the Budget and to the President of the United States the power to determine what numbers are necessary, what dollar figures are necessary, to carry out that policy.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. UDALL. If that policy is carried out, that is the end of it. There is no point in coming back to the Congress, any more than there would be for one of the gentleman's employees to come back to him if the employee had carried out his policy.

If, however, the President decides to say, "Sorry, I am not going to have a pay raise this year," or if for any other reason he makes any decision other than to achieve the comparability policy, then it will come back to us, and the bill guarantees that we will have a vote on it.

I believe that is a sound compromise between those who do not want to delegate anything—who want to wrestle every year with the salary fights, as we have since I have been engaged in in the Congress—those who want to continue as we have in the past and those who want to delegate entirely to someone else.

We make the policy and we delegate to someone else the mechanics of carrying out that policy.

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

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. I would point out that even the policy may be subject to some dispute, because personally I do not believe any Federal or public employee's pay is exactly in the same situation as pay in a private industry where there is the element of profit to consider. There are no profits available out of which to pay public salaries—every penny comes out of the taxpayers.

Passing that question, the cardinal point remains that under this bill we can do nothing as Members of the Congress except to chose between the pay scale set by the President and that set by the board, if the President disagrees with this appointed board.

Mr. UDALL. Yes. If we do not like this system we can change it. I want to try it around the track for a couple of years, to see if it works. There is something we can do. We can repeal the law, and I will be with the gentleman in repealing it if it does not work, if the President is going to abuse this power.

Mr. DENNIS. If it is better for some appointed board to discharge the functions of this body in this respect, why not let them do it all and get rid of the Congress?

Mr. UDALL. We set the policy, and give the appointed board the authority to carry out that policy.

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

Mr. UDALL. I yield to my friend from Iowa.

Mr. KYL. There is nothing in this bill which prevents the Congress from doing what it has always done, if we do not like the procedure.

Mr. UDALL. Precisely. We can pass a law at any time changing what the President did.

Mr. KYL. If the Congress does not like what the Board does, we can act.

Mr. UDALL. We can, indeed.

Mr. Speaker, I am happy to be able to rise today in support of the conference report submitted last week on H.R. 13000. The road has been a long and arduous one and I would like briefly to take the time to outline the path that has led us here.

On October 14, 1969, the Federal Salary Comparability Act (H.R. 13000) passed the House of Representatives. On December 12, 1969, a different version passed the Senate. The House version provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees in the statutory pay systems, and included certain miscellaneous employee fringe benefits. The Senate version, by and large, provided for a flat percentage increase in Federal pay.

The House disagreed to the Senate amendment and asked for a conference. The Senate in turn insisted on its amendment and agreed to the conference which convened March 25, 1970. The conference committee had several meetings during the early part of 1970 but came to no resolution.

Subsequently, Public Law 91–231 was approved in April providing for a 6-percent salary increase, retroactive to December 27, 1969, for all employees under the statutory pay systems, as well as for employees in the Agricultural Stabilization Service, and certain employees in the judicial, legislative, and executive branches whose rates of pay are fixed by administrative action.

Also, Public Law 91–375, the Postal Reorganization Act of 1970, approved in August, provided for an 8-percent pay increase for all employees of the Post Office Department, retroactive to April 16, 1970. If you will recall, Mr. Speaker, these legislative developments resulted from the settlement of the postal employees' strike during that period. Left unresolved and still before the conference committee was the question of a permanent method of adjusting rates of pay for Federal employees.

Realizing that the problem of Federal wages will not be solved until a rational, permanent method of establishing rates of pay is enacted into law, a number of my colleagues and I introduced H.R. 18403, a bill designed to implement the pay comparability system for Federal employees on a semiautomatic basis. The Chairman of the Civil Service Commission in turn submitted a legislative recommendation proposing similar permanent procedures for applying the pay comparability policy adopted by this great body in 1962. This proposal took legislative form in H.R. 18603, as introduced by Mr. CORBETT.

Both of these bills were referred to my Subcommittee on Compensation of the Post Office and Civil Service Committee. We held extensive hearings on the measures and worked out the proposal that ultimately was submitted to the conference committee on H.R. 13000. The conferees in turn accepted this substitute and on December 8, 1970, reported out the version that is before us today.

Let me briefly summarize the conference substitute for H.R. 13000 and contrast it with provisions of the original bill. We propose a permanent method of adjusting the rates of pay of Federal employees under the general schedule, Foreign Service, and for physicians, dentists, and nurses of the Veterans' Administration. These categories are commonly referred to as the statutory pay systems.

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the conference substitute is that under the latter the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission was directed to submit recommended pay adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the conference substitute requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee union representatives, a report—

First, that compares the rates of pay of the statutory pay systems with the pay in private industry;

Second, that makes recommendations for adjustments in rates of pay based on comparability; and

Third, includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles effective October 1 of each year, except that in 1971 and 1972 such adjustments will become effective on January 1.

If, because of a national emergency or economic conditions affecting the general welfare, the President determines that it is not appropriate to make the pay comparability adjustments, he is directed to prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to put into effect the original comparability recommendations. The congressional veto of an alternate plan would follow the same procedures established for congressional disapproval of an executive reorganization plan.

Recommendations of Federal employee union representatives will be considered by the President through the newly established Federal Employees Pay Council. This group consists of five members chosen from representatives of employee organizations and is charged with the duty of consulting with the President's agent in implementing the comparability procedure.

An advisory committee on Federal pay is also established for the purpose of recommending to the President pay proposals that will implement the comparability principle. This is an independent body consisting of three members appointed by the President from outside of the Government. Members will serve for 6-year terms.

The establishment of these two advisory bodies represents a significant feature of the committee substitute before us today, Mr. Speaker. The Federal Employees Pay Council will give our Federal employee organizations a significant voice in the fixing of Federal pay. Their views must be considered by both the President's agent and the President himself in devising pay plans and the President in turn must pass on to the Congress employee recommendations concerning pay.

The advisory committee on federal pay will give the President still another perspective as to the pay needs of our Federal employees. This group will consist of individuals not employed by the Federal Government who are generally known for their expertise and impartiality on pay matters.

This is not to say that members can not or will not have a labor or management background. Indeed we would be hard put to find anyone versed in the complexities of pay matters without such backgrounds. In fact, under the bill, any interested party such as a labor organization, may make nominations for membership on the committee. I fully anticipate that both labor and management organizations will have names to submit to the President and hope the President will give close scrutiny to these recommendations. But the advisory committee is not intended to be an adversary body. It is intended to give a hard, impartial look at pay questions and to serve as a valuable party in the fixing of Federal pay.

In the conference substitute we also included provisions authorizing administrative pay fixing authorities in the legislative, judicial, and executive branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary. This means that Members of the House of Representatives will for the first time have the authority to raise wages or withhold a raise in accordance with performance rendered by congressional staff employees.

The conference substitute contains some miscellaneous provisions as well. Allowances for employees at remote worksites and allowances for employees involved in floating plant operations with the Corps of Engineers are authorized. The nepotism provisions of law have been extended to employees of the U.S. postal service and additional supergrade positions for the U.S. Tax Court and for allocation by the Civil Service Commission among departments and agencies in the executive branch have been authorized.

Mr. Speaker, let me deal briefly with the subject of a pay raise for 1971. Many columists have labeled this legislation a "pay bill", but this is really a misnomer. There is no comparibility increase ordered by the bill. It was our feeling that the Civil service commission and the Office of Management and Budget could better devise a pay plan to fit the needs of all employees in the statutory pay systems for 1971 and for that reason we refrain from including any mandatory pay increase.

This is not to say, however, that we do not anticipate a pay raise effective January 1, 1971. In the course of our negotiations we were assured time and again by individuals both within the Civil Service Commission and within the Office of Management and Budget that the President fully intended to use the authority that we have granted him under this bill to make a comparability increase for the upcoming year. I for one would like to go on record as being in favor of this increase; I think it is needed and I think we owe it to our federal employees to bring them up to full comparability as we guaranteed them under the 1962 law.

If the President does not see fit to make this adjustment, the matter will not end there. Once the bill becomes law the Congress will immediately have the authority to serve as overseer of the President's action on pay matters. The congressional machinery provided in the bill for overriding an alternative plan submitted by the President will be available to us immediately and I for one intend to hold this administration to the assurances that have been given us.

Lest there be any doubt concerning the availability of the congressional machinery for 1971 and 1972, let me quote you the language of the relevant section. Section 5308(c) of the committee substitute provides that the President may make the initial adjustment—(for 1971)—without regard to the Advisory Committe on Federal Pay and the Federal Employees Pay Council.

It further provides that notwithstanding any provision prescribing an effective date of October 1 for any pay provision made by the President, the initial adjustment shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Finally, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, U.S. Civil Service Commission.

Note, Mr. Speaker, that this section does contain language that suspends the role of Congress as overseer of the pay process for these 2 years. And indeed, why should it? It is nonsensical to think that the years 1971 and 1972 should be treated differently from any other year. Our interest in the well being of Federal employees is not cyclical—it is constant.

In other words, it was and is the intent of the conferees to make available the congressional machinery immediately upon enactment of this legislation. And in fact, this was and is the intent of the administration as well. At the end of my remarks I am including a letter from Chairman Hampton of the Civil Service Commission in which he states:

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternate plan. (It was our intent) . . . simply to permit the first adjustment to be made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present (BLS) survey schedule . . . We interpreted the Committee print to permit the submission of alternate plans these first two years.

Part and parcel to the alternate plan procedure is the congressional review procedure. Thus for 1971 and 1972, if the President determines that he cannot make the full comparability adjustment, he must submit an alternate plan to the Congress. Upon receipt of the alternate plan, the Congress has 30 days within which to act. If the President, because of congressional action, is required to make the full adjustment, increases in rates of pay will take effect on the first day of the first applicable pay period that begins on or after the day of congressional action.

I do want to urge my colleagues to support our efforts, Mr. Speaker. This is really an historic piece of legislation in every sense of that overworked term. For 6 years I have been trying to bring about some kind of rational, sensible, permanent method of approaching the problem of the adjustment of Federal salaries. In 1967 we took a big step in this effort by passing the Federal Salary Act.

That bill set precedent by directing Federal salaries of employees under the statutory pay systems to be adjusted automatically in 1968 and 1969. The Congress was partially taken out of the nonsensical position of fighting year in and year out over Federal pay legislation. Instead, Congress reviewed the decisions reached by the executive and maintained overall control of the process, and that is as it should be.

We took another big step in bringing permanence to wage fixing procedures last August. It was then we shifted pay setting for postal employees from Congress to a new quasi-corporate governmental agency. Blue collar workers have

been under a similar system for almost 100 years. What I say we should do today is to complete the process by enacting this bill, the result being a systematic method of raising pay for nearly all Federal employees.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., November 9, 1970.

Hon. MORRIS K. UDALL,
Chairman, Compensation Subcommittee, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. UDALL: We have learned from the Committee staff that your Committee Print of October 8 is being interpreted to preclude the President's submitting an alternative plan with respect to the pay adjustments which would otherwise take effect in January 1971 and January 1972.

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternative plan. The purpose of section 3 of the Administration's bill was simply to permit the first adjustment to be made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present survey schedule.

My testimony (see pages 57 and 58 of the printed hearings) makes clear our intent that the President could submit an alternative plan with respect to the January 1971 adjustment. We interpreted your Committee Print to permit the submission of alternative plans in these first two years. If you believe that the language of the Committee Print is not sufficiently clear on this point, I should be pleased to suggest amendments which would bring it into line with the Administration's position on this point.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Mr. GROSS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the deplorable maneuver of bringing this conference report to the House under suspension of the rules procedure is just one more sordid—and I emphasize sordid—example of the irresponsibility of this "lame-duck" session. The tactics invoked by the proponents of the conference report are an obvious admission that the handiwork of the conference committee fractured every rule of the conference and it could not on its merits be presented to the House in orderly fashion to stand the test of the House rules.

At this point I note the presence of the distinguished majority leader (Mr. ALBERT). I should like to ask him when the House last considered a conference report under suspension of the rules procedure which prohibits amendments and prevents the offering of points of order?

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

Mr. GROSS. Of course I yield.

Mr. ALBERT. I do not remember the last time, but the Speaker has the authority to recognize for suspension of the rules.

Mr. GROSS. No one disputes that he has that authority.

Mr. ALBERT. And the majority leader never encroaches on that authority.

Mr. GROSS. I should like to address an inquiry to the distinguished minority leader (Mr. GERALD R. FORD).

Did the minority leader join in this enterprise—this irresponsible enterprise of bringing a conference report to the House floor under a suspension of the rules procedure?

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

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I am sure the distinguished gentleman from Iowa knows that the prerogative for invoking this procedure is not in the jurisdiction of the minority leader. It is the sole prerogative of the distinguished Speaker.

I happen to be for this legislation, but I had no choice as to whether or not this conference report should come up under this procedure.

Mr. GROSS. The gentleman has not answered the question as to whether he approved this procedure.

The gentleman usually is consulted as to how legislation comes to the House floor in situations of this kind, especially the dying hours of a session of Congress.

Why have committees of the Congress if members of a committee can go into a conference with the other body and put anything—and I mean anything—into the legislation, come back to the House and be protected under a suspension of the rules by which it is impossible to raise points of order or offer amendments to remove the ungermane provisions? Why have committees if such dictatorial procedures are to be used?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. No; not at this time.

Mr. Speaker, I was prepared to make a point of order against the conference report but being denied that privilege I want to submit for the RECORD and for the edification of the House those items which I contend are in flagrant violation of the rules and precedents of the House of Representatives.

The conference report contains at least three specific provisions which were not committed to the conference committee, which were not contained in either the House or the Senate amendments, and which are clearly not germane to the conference substitute.

First, the conference substitute, in section 8, contains an amendment to the Postal Reorganization Act (Public Law 91–375) dealing with "restrictions on Postal Service employment of relatives" which was not contained in either the House bill or the Senate amendment. It is completely nongermane and irrelevant to the general matter of Federal employee pay which was committed to the conference committee.

Second, the conference substitute, in section 9, provides for 20 adidtional supergrade positions to the supergrade pool administered by the Civil Service Commission and specifically creates five new such positions for the U.S. Tax Court. The matter of supergrade positions was not even remotely involved in the House bill or the Senate amendment and inclusion in the conference substitute is certainly not germane, and clearly introduces extraneous matter not committed to the conference committee.

Finally, Mr. Speaker, the conference substitute, in section 3(a) delegates to the President all authority in the future to set the rates of pay for employees under the statutory pay systems. This is a radically new concept incorporated in the conference substitute that was not in the House bill or the Senate amendment. This concept is not germane to the matter that was in disagreement and it is not a matter that was committed to the conference committee by either House.

This is a vitally important point, Mr. Speaker, since it is the very substance of the conference substitute, yet it clearly violates the rules and precedents of the House. Rule 28, clause 3, of the Rules of the House reads:

> Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification—

I repeat, "a germane modification"—

> of the matter in disagreement, but their report shall not include matter not committed to the conference committee by either House.

The Senate bill was an amendment in the nature of a substitute for the House bill. The conference report is an additional substitute on the same subject. However, the conference report distinctly, clearly, and specifically includes matter not committed to the conferees by either House, and matter which cannot be held to be a "germane modification on the matter of disagreement."

Mr. Speaker, H.R. 13000 passed the House and Senate in late 1969—more than a year ago—and for all intents and purposes was abandoned and superseded by the enactment of Public Law 91–231, enacted in April of this year granting a 6-percent retroactive pay raise to all Federal employees.

It is clearly evident that this bill was resurrected as a convenient vehicle for ramming through the Congress, in the closing days of the 91st Congress, with complete disregard—yes, with complete contempt—for the orderly procedures of this body, an entirely new, radical, nongermane proposition for setting Federal pay.

I cannot in good conscience participate in such maneuvering and in such deception.

Mr. Speaker, aside from the incredible procedures being used to ramrod this legislation through Congress with a minimum amount of consideration, the conference report should be rejected entirely because it is dangerously bad legislation.

It represents a complete abdication of congressional responsibility in a vital area of national fiscal affairs. It is explosively inflationary, and completely contrary to the best interests of the American people.

What is here planned, simply stated, is for the Congress to turn over to the President for all time in the future blank-check authority to set the pay of all Federal employees. It is proposed here in the dying days of the 91st Congress to divest the Congress of a vital responsibility which it has properly exercised since the founding of the Nation.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman has expired.

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

I submit, Mr. Speaker, that this bill does violence to the appropriation and revenue-raising responsibilities of the legislative branch. It turns over to the President—any President—sole responsibility for managing the $48.8 billion a year civilian and military payrolls of the United States with each 1-percent increase in those payrolls amounting to an automatic additional Federal expenditure of $361 million.

Under the procedure proposed in this bill, the sole role of Congress in the future with respect to setting Federal pay will be to find the money somewhere, somehow, to pay the bill. Congress will have absolutely no control over the amount of any future pay raise regardless of how critical the fiscal situation may be at any particular time.

In fact, under the specific provisions of this legislation the Congress can only act at such time as the President does not increase pay, or does not increase it enough—I repeat, does not increase it enough. And incredibly enough, the authors of this legislation have, in effect, told the President that from now on "you increase the pay of Federal employees on a periodic basis with the Congress looking over your shoulder to make sure you do so."

Mr. Speaker, it must be made abundantly clear that by reason of this conference report the President will be required to raise the pay of all Federal civilian and military personnel effective January 1, 1971—tomorrow—again on January 1, 1972, again on October 1, 1972, and on each October 1 thereafter. Thus, the first three pay raises will come in less than 2 years.

It is expected that the pay raise effective January 1, 1971—tomorrow—will approximate 6 percent and will increase the total budget by $2.3 billion. This money is not in the budget. It means adding another $2.3 billion deficit to a budget that is already in the red by over $10 billion and this during a critical period of rapid inflation and rising unemployment. The President himself has just recently pleaded with business and labor to make a special effort to exercise restraint in price and wage decisions. Any example of restraint should certainly begin in Federal Government wage decisions.

The action this House takes today goes far beyond any so-called inflation alert. If this bill is enacted it will be an inflation blast that will ring in the ears of all Americans for a long time to come. The consequences on our economy could be devastating.

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

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

Mr. Speaker, just 3 years ago in this same month, in the closing days of a congressional session, I opposed the enactment of legislation which turned over to the President the final authority to set the pay of Members of Congress, judges, and Cabinet officials. I pointed out then, as I do now, that this is an important responsibility that belongs in the Congress which must be accountable for the expenditures of public moneys and the raising of tax revenues. I pointed out then, as I do now, the inflationary aspects of such action. I pointed out, too, the shameful step-by-step delegations of power to the President—powers and responsibilities no Congress should surrender.

On December 11, Donald Saltz, business editor of the Washington News, devoted his entire column to the consequences of our action of 3 years ago.

His first two paragraphs are as follows:

One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Mr. Speaker, it is imperative for this Congress to decide here and now that it will not abdicate to the Chief Executive its role in managing a $48,800,000,000 total Federal payroll and that it will not recklessly feed the already intense fires of inflation.

Mr. Speaker, it is imperative for the general welfare of this Nation that we here and now reject this conference report.

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

Mr. GROSS. I have promised to yield time to others.

The SPEAKER pro tempore. The gentleman from Iowa has consumed 13 minutes.

Following is the full text of the article by Mr. Donald Saltz in the Washington Daily News:

[From the Washington News, Dec. 11, 1970]

HILL RAISES STIMULATE INFLATION

(By Donald Saltz)

One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Automobile workers, now rail workers, government employes and numerous other organized groups are seeking sharp additions of pay, under the guise of simply offsetting cost-of-living increases.

ABOVE INFLATION

The pay increases being sought and the sums received, in most cases, are more than enough to meet the rate of inflation. What they have the effect of doing is causing more and stronger inflation, and the cycle continues.

If selfish individual demands for more money continue, the U.S. will likely price itself out of more world markets. Already, about one of every nine cars bought in this country is foreign-made. American-made cars have gone up another $175 to $200 or so, as an after-effect of large wage settlements for auto workers.

A large rail pay settlement will mean higher freight rates which will be passed along to the consumer, and that means almost everybody because we all use products that are shipped by rail.

Federal government workers have come to expect annual raises "to bring the workers up to private industry scale," but many government people do not take into account the stability of their positions, their fringe benefits or even annual increments as a result of length of service.

An exact equal, on-the-surface pay footing for government workers stimulates private employers to pay a bit more to offset other advantages of government workers.

HANDICAPPED-RETIRED

As the Congress prepares to raise social security benefits, the other side of the coin shows social security taxes rising at a staggering rate. It offers another reason for workers to demand more pay, which in turn makes prices go up, and once again the retired persons on social security find their dollars inadequate.

The cycle will continue, interrupted only by breathing spells.

As salaries go up, taxes do more than rise proportionately. Higher incomes are assessed higher tax rates.

A large union could win long-time public favor if it would face contract time with a sensible approach and seek wage increases equal to productivity gains. If there has not been an increase in productivity, is it right to seek wage increases?

In some instances, probably, where underpayment is severe. For most lines of work, however, no real justification exists for higher pay on a regular basis.

How can we complain about a higher cost of living when we are responsible for it?

Voluntary restraint is one way to keep prices down. But as long as groups of people plunge headlong into a pool of pay-raise advocates and refuse to consider the longer-term effects of more money for the same work, the country's in trouble.

Mr. DULSKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, the legislation before us today is long overdue. As has been indicated previously the Congress is not abdicating its responsibility in this area of Federal pay legislation. What we are doing is creating an administrative mechanism which would enable the pay raise to reach the employees sooner to give some equity in the matter of comparability.

The legislative process is slow and cumbersome and, because this is so, Federal employees are always lagging behind in comparability.

The Congress of the United States promised Federal employees comparability in 1962, but it has been an empty promise since that time because we have been unable to respond to the cost of living increases in sufficient time to get the benefit to the employees when they deserve them.

Mr. Speaker, what this legislation before us today does is create a mechanism to get the raise to the employee quicker.

Mr. Speaker, the conference report on H.R. 13000, the Pay Comparability Act of 1970, provides in my opinion a rational and realistic approach to a problem which has beset the Post Office and Civil Service Committee, and the Congress, for too long. That is, the fixing of pay of Federal employees under the statutory pay systems.

In effect, what we are trying to do today is fulfill a pledge which the Congress made in 1962 to afford full comparability to Federal employees. That principle of comparability is as sensible and fair to-

day as it was then, but it cannot ever be properly effected or in a timely manner unless we adopt a permanent pay-setting system as proposed in this legislation.

As one of the original cosponsors of this legislation, I hope this conference report now before us will be promptly approved.

In brief, the conference substitute to H.R. 13000 provides the following:

First, it requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee organization representatives, a report recommending pay adjustments in rates of pay of the statutory pay systems on the basis of comparability with private industry. The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress would not be involved in these adjustments.

Second. If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternative pay adjustment plan. The alternative plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The congressional veto of an alternative plan would follow the same procedure established for congressional disapproval of an executive reorganization plan.

Mr. Speaker, I recognize there will be some Members objecting to this procedure in fear the Congress is abdicating its responsibility of setting pay, but I do not agree that this is the case. To answer their anticipated arguments, I agree that we in the Congress are responsible for establishing basic pay-fixing policies, which we will be doing, but the long bitter history has shown that the Congress is just not very well suited to the administrative task of determining and fixing pay schedules. Federal employees who always have to wait inordinately for their much deserved pay raises, are the sufferers from Congress inability to respond to their need more promptly.

Our Post Office and Civil Service Committee has struggled for years to arrive at a solution to this problem of rate setting whereby our Federal employees and Federal Government would jointly share in a system affording fair and comparable pay to Federal employees, while allowing a competitive climate for our Government to retain and recruit the best possible employees.

As my distinguished minority leader has stated, the administration is not opposed to this legislation.

Mr. Speaker, I am convinced we have found in this legislation a workable solution, and I urge the adoption of the conference report by the required two-thirds vote.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, as a longtime student of the procedures of this body and having observed its proceedings since 1965 through the recent bill that was enacted into law on the reorganization of the Congress, I enthusiastically associate myself with the remarks of the gentleman from Iowa (Mr. GROSS) about the technique of bringing this bill on the floor so that points of order cannot be lodged against it, nor can it be amended or properly debated.

I would like to ask the principal sponsor of the bill, my friend, the gentleman from New York, the distinguished chairman of the Committee on Post Office and Civil Service, was the substance of this conference report ever considered in any hearings held by the committee of this body?

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

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. Yes; it was.

Mr. HALL. Will the gentleman cite those hearings to me, please?

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

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. A compensation on the Federal classified system hearing before the Subcommittee on Compensation of the Committee on Post Office and Civil Service of the 91st Congress, second session, on H.R. 13000, July 27, 28, 29, 30, and 31 of 1970.

Mr. HALL. Is my distinguished friend by his answer implying that the substance of this conference report, and particularly the statement of the managers on the part of the House, evolved as a direct result of those hearings—is that correct?

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

Mr. HALL. When I ask the gentleman a question, I automatically yield to him to answer.

Mr. DULSKI. That is correct.

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

Mr. HALL. I yield to the gentleman.

Mr. GROSS. I suggest you ask the chairman of the committee if there was any committee action on this substitute.

Mr. HALL. Would the gentleman care to respond to that?

Mr. DULSKI. The subcommittee acted on this.

Mr. GROSS. The question: Was there any full committee action on this substitute?

Mr. DULSKI. The gentleman knows very well that there was none.

Mr. GROSS. I am glad to have that established in the RECORD.

Mr. HALL. I think it is important to make this record, and I say to the Members who are sitting here under suspension of the rules that this is why points of order against portions of this conference report cannot be lodged, and I presume it is why the signers or the managers on the part of the House do not include all of those who were appointed to the conference.

I would further like to ask if the new supergrades included in the conference report for the Civil Service Commission are needed, and if those already assigned to the downtown pool have been exhausted and, in that same context, whether or not these include the level 4's for the advisory committee?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me to answer that question?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. I ask unanimous consent to include at this point in the RECORD a letter dated December 7, 1970, from Mr. Robert E. Hampton, Chairman of the Civil Service Commission, which answers that specific question.

The SPEAKER pro tempore (Mr. SLACK). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The letter is as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 7, 1970.

Hon. THADDEUS J. DULSKI,
Chairman, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is a follow-up of my discussions with members of your committee about the need for 30 additional supergrade positions.

The increase of 150, which the Congress authorized in December 1969, was sufficient to meet only the most crucial, barebones needs that existed at that time. Attached is a list indicating our distribution of the 150 positions authorized by Congress. When I testified in support of the positions, I pointed out to members of your committee that we would review future program requirements to determine how many additional supergrades would be needed. We now conclude that a minimum of 30 new positions are required. Most of these new critical needs are in the following new or anticipated organizations and functions:

The Environmental Planning Agency. This newly founded agency desperately needs authority to appoint its top staff to permit it to begin its attack on national environmental problems.

The Office of Telecommunications Policy. Top-level positions need to be established to develop a national policy for this heretofore splintered function.

The National Oceanographic and Atmospheric Administration. Established from several different agencies, this new Administration needs to have sufficient executive manpower to coordinate and establish centralized control over the various programs assigned.

Inter-American Social Development Institute. This new organization, part of the President's program "Foreign Assistance for the Seventies," will strive to bring improvements in education, agriculture, health, housing, and labor to Latin America by working principally through private organizations, individuals and international organizations. Supergrade spaces are required for the top several positions in this new Institute.

In order to make most efficient use of quota spaces currently available, the Commission, on a daily basis, has been reassessing priority needs among the agencies and questioning priority needs within the agencies. Space control has been rigorously followed and spaces have been moved among agencies and within agencies after careful scrutiny of priorities and needs. The Commission has launched a program wherein positions that are not filled within 180 days are automatically returned to the Commission pool and

reassigned to satisfy higher priorities. I have personally discussed these stringent control measures with the Under Secretaries of the major agencies. These efforts have been successful in getting maximum use from the existing quota, but we have now reached a point where we simply need additional spaces.

I would greatly appreciate a favorable reception to this request for 30 additional supergrades.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Distribution of 150 spaces

	Total
Agriculture	4
Bureau of the Budget	1
CAB	1
Commerce	4
Commission on Civil Rights	1
Council on Environmental Quality	4
Export-Import Bank	1
FCC	2
Federal Home Loan Bank Board	1
Federal Labor Relations Council	4
Federal Mediation and Conciliation Service	1
FPC	1
FTC	2
GSA	2
Government of District of Columbia	5
HEW	10
HUD	11
Indian Claims Commission	1
Interior	6
ICC	1
Justice	21
Labor	7
National Communication Consumer Finance	1
National Foundation on the Arts	1
Post Office	5
Pres. Comm., Empl. Handicapped	1
Selective Service System	10
Smithsonian	1
DOT	27
Treasury	3
Veterans' Administration	3
Office of the Vice President	4
Reserve	1
	150

Mr. UDALL. In that letter the Chairman of the Civil Service Commission says that they are exhausted, that they do need additional supergrades. In fact, they asked desperately for 50 for the new environmental agencies that have been set up. The gentleman from North Carolina (Mr. HENDERSON) negotiated with them and said, "We will not give you 50, but we will give you 20," and so it was at the request of Mr. HENDERSON that we put 20 in the conference report.

Mr. HALL. I thank the gentleman for his answer, but I submit to the Members who are attentive to the question of this violation of good procedure; that the House, after the bill is enacted, would have nothing more to do about those. We will have lost the committee's responsibility of surveillance, review, and oversight as to how these are allotted from time to time and whether or not, indeed, they are needed. I question whether they are, although I know the problem of recruiting.

Gentlemen, what we are here involved with, is the question of a sacred cow on the part of the big spenders versus the violation of a principle, a principle that goes back to the Constitution itself, wherein it says that the people's personal representatives, their Representatives in the House, will originate such proposals, pertaining to taxes, including stamps, tariffs, and levies, and it was for a violation of that principle that we fought King George in his effort to enforce the Stamp Act, and thus become a representative republic.

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

Mr. HALL. Mr. Speaker, will the gentleman from Iowa yield me additional time?

Mr. GROSS. Yes. Mr. Speaker, I yield the gentleman from Missouri 2 additional minutes.

Mr. HALL. I appreciate the gentleman yielding further.

Mr. Speaker, this violation of the principle of nongermaneness, the right of the minority to strike by submitting points of order against that which, under any rule of the House, is not pertinent; and bringing back a conference-originated complete new bill is unconscionable, and the question is not merely whether we are going to have comparability. I believe maybe that could be a good thing, although I do not believe in all of the requirements of the bleeding hearts for comparability or that it can even be assayed. But the point at issue here, is that we are leaving Congress completely out of any effective action, which is required by the Constitution.

I would like to ask one other question in the short time remaining: Who is the "President's agent," as referred to in the conference report, and how is he derived or appointed?

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

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. He is paid nothing but his usual salary. The agent for the first 2 years will be jointly the Director of the Office of Budget and Management, Mr. Shultz, and the Chairman of the Civil Service Commission, Mr. Hampton.

Mr. HALL. So there are two agents, and it is Mr. Hampton, not Mr. HENDERSON. I appreciate the gentleman correcting that from his last statement.

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

Mr. HALL. Be that as it may, I do not know how these men can act vis-a-vis the President's requirement, which we here impose upon him from the prerogatives of the House, including reports vis-a-vis the Civil Service Commission and vis-a-vis the gentleman's committee on which he acts, and for which he speaks.

Finally, I think we have had enough raises in this session of the Congress. We certainly have had enough in this Congress, the 91st Congress, starting out with a doubling of the President's salary, not at his request but at the request of an advisory commission previously submitted by a prior administration, and then we raised our own salary 41 percent.

Then we raised the salary of our help. Then we raised the salary of our own committees. Then we raised the salaries of House functionaries administration. Then we raised that of the Speaker and gave him an unconscionable going-away present only last week. There are other examples and the people are toting them.

Mr. GROSS. Mr. Speaker, I would point out there have been three pay raises in the last year for Federal employees and this legislation will trigger another raise, effective tomorrow, and costing more than $2 billion.

Mr. HALL. There have been pay raises and they have been in the interest of comparability and equity. It is the responsibility of the Congress to decide these things, whether they be in the military or in the Postal Service or in the General Service Act.

An often forgotten truth these days is that the Treasury tax funds are not the subject for charity or to be given away at the instigation of headline-hunters or those who would please individual segments by such legislation.

I recommend from the bottom of my heart, not only because of the procedure under which we consider this, but also because it is a violation and a raid on the Treasury, that it be voted down without the slightest compunction.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania, I strongly support this legislation. Congress and the House having once definitely decided we would pay Federal employees and postal workers on the basis of comparability, at salary wage and fringe benefit scales comparable with outside similar employees in the U.S. economy, we Members must live up to that firm policy decision and pledge.

The only alternative to this pay raise and benefit legislation is placing the burden of supporting the inflation and Federal Government deficits of the past years on these loyal and hardworking employees, who are working with substandard equipment in so many places.

I believe the pay raise is well merited and strongly urge that we should pass this legislation promptly. The time for higling and hagling, as well as name calling against those of us supporting this pay raise legislation has long since passed.

When the U.S. Congress and the House of Representatives formulates and adopts the policy of comparability for Federal employees and postal workers, I believe the words of the U.S. Congress should be good, and this well-deserved pay legislation adopted.

Mr. UDALL. Mr. Speaker, before the debate closes, I want to make two points. I was a little bit disturbed to hear that gentleman from Missouri, who served with distinction on the Armed Services Committee, talking about bleeding hearts and talking about the $2 billion cost of this bill. Over $1 billion of that $2 billion will go to the armed services. The cost of this bill includes 6 percent for the military. If anybody has been squeezed by the inflation in the last 2 years, it has been these people.

Second, the big point about germaneness and the talk about the 20 supergrades, that is less than 2 percent of the supergrades in the Federal service.

There is another point about the antinepotism provision. We passed in 1967—and the gentleman from Iowa (Mr.

SMITH), was the author of it, the father of it, and he had the support of the gentleman from Iowa—an antinepotism provision. I promised the gentleman on the floor when we passed postal reform and we left that provision out, that I would support a provision to get antinepotism provision made governmentwide.

So these are the two main things about which we are hearing in this order of business, about the increase of less than 1 percent in the supergrades, which is less than one-half of what the administration wanted, and the redemption of a promise some of us made that we would correct the oversight regarding the antinepotism provision, which was left out of the Postal Reform Act.

Mr. DULSKI. Mr. Speaker, this legislation originally passed the House over a year ago by a record vote of 311 to 51. As passed by the House, the bill provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees under the statutory pay systems, and included certain miscellaneous fringe benefits for Federal employees.

The Senate passed a different version of the bill, the bill was sent to conference, and the conferees held several meetings during the early part of 1970 but came to no resolution. Subsequently pay adjustments for employees under the statutory pay systems were enacted and became law under Public Law 91–231 and Public Law 91–375. However, the most important part of H.R. 13000 as passed the House, involving the question of a permanent method of adjusting rates of pay for Federal employees, remains unresolved.

On July 22, 1970, the Chairman of the Civil Service Commission submitted a legislative recommendation proposing new, permanent procedures for implementing the pay comparability policy adopted by the Congress in 1962. Additional hearings were held on the administration's proposal. The provisions that are before us today are basically the same as the provisions included in the administration's proposal of July 22, 1970.

The provisions have the complete support of the administration and are not objected to by the employee organizations representing employees under the statutory systems covered by the bill.

The primary purpose of the legislation now before the House is to prescribe the statutory procedures for fixing rates of pay under the comparability system for employees under the three statutory salary systems—the general schedule, staff officers and employees in the Foreign Service, and physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration.

The procedure requires that an agent of the President—ordinarily the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—will prescribe a comparability pay survey to be conducted by the Bureau of Labor Statistics, prepare an annual comparative statement of the rates of pay based on the survey and submit recommendations for pay adjustments to the President.

An Advisory Committee on Federal Pay, to be composed of three Presidential appointees, will review the recommendations and report to the President its findings and recommendations.

The President is to make adjustments in the rates of the statutory pay systems as he determines necessary to carry out the comparability principle.

The provisions of the legislation also require the establishment of a Federal Employee Pay Council consisting of five members to be chosen from representatives of employee organizations. This pay council, as well as other representatives of employee organizations, has the right to consult with the President's agent and the Advisory Committee on Federal Pay on the procedures for implementing the comparability.

The pay adjustments will become effective in October of each year except that in 1971 and 1972, respectively, they would become effective on January 1. The action by the President in implementing the comparability increases would be final and does not require any action by the Congress. However, provisions are included so that the President, if because of a national emergency or economic conditions affecting the general welfare, considers it inappropriate to make the comparability adjustments, he may submit to the Congress an alternate plan providing pay adjustments other than those required by the comparability survey.

An alternate plan would become effective on October 1 and would continue in effect unless, prior to the end of a period of 30 calendar days of continuous session of the Congress, after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

The legislation also authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government whose rates of pay are fixed by administrative action. Such adjustments are required to be in amounts not exceeding the rate of any adjustments that may be made by the President for the general schedule employees.

In the case of the House of Representatives, provisions are included authorizing the Clerk of the House to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House. The Clerk is also authorized to adjust the monetary limitations and monetary allowances applicable to House employees. This includes the authority for the Clerk to adjust automatically the Clerk-hire allowance for Members. However, the legislation does not contain any provisions under which the pay of House employees would be adjusted automatically. It does contain authority for the pay of House employees to be adjusted at the discretion of the pay-fixing authority, such as by a Member, in the case of an employee in a Member's office.

Mr. Speaker, I wish to emphasize that this legislation does not contain any increases in rates of pay. It does prescribe a permanent system or method under which the rates of pay of the majority of employees of the U.S. Government may be adjusted on an annual basis to fulfill the comparability policy adopted by the Congress in 1962.

I urge that the House act favorably on this proposal here today.

I include a summary of the proposal approved by the conferees:

SUMMARY OF CONFERENCE SUBSTITUTE TO H.R. 13000

The Conference substitute provides a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems (General Schedule, Foreign Service, and Physicians, Dentists and Nurses of the Veterans' Administration).

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the Conference substitute is that in the substitute the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission would submit recommended adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the Conference substitute requires the President to direct such agent as he considers appropriate (normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget) to prepare and submit to him annually after considering the views and recommendations of Federal employee union representatives, a report—

(1) That compares the rates of pay of the statutory pay systems with the pay in private industry;

(2) That makes recommendations for adjustments in rates of pay based on comparability; and

(3) Includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress is not involved in these adjustments.

ALTERNATE PAY PROPOSAL

If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The Congressional veto of an alternate plan would follow the same procedure established for Congressional disapproval of an executive reorganization plan.

FEDERAL PAY COUNCIL

A Federal Pay Council is established, consisting of five members chosen from representatives of employee organizations. The function of the Council is to consult with the President's agent in implementing the comparability procedure.

ADVISORY COMMITTEE ON FEDERAL PAY

An Advisory Committee on Federal Pay is established as an independent establishment consisting of three members appointed by the President for six-year terms. The function of the Committee is to review the report submitted by the Agent to the President, consider all recommendations, and report its findings and recommendations to the President.

PAY ADJUSTMENTS FOR EMPLOYEES NOT UNDER THE STATUTORY SYSTEMS

Provisions are included authorizing administrative pay fixing authorities in the Legislative, Judicial, and Executive Branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary.

MISCELLANEOUS

The Conference substitute contains provisions—

(1) Relating to allowances for employees at remote worksites and allowances for employees involved in floating plant operations;

(2) Extending the nepotism provisions of law to the employees of the United States Postal Service;

(3) Authorizing a total of five supergrade positions (GS 16, 17, and 18) for the United States Tax Court; and

(4) Authorizing 20 additional supergrade positions for allocation by the Civil Service Commission among departments and agencies in the Executive Branch.

Mr. DERWINSKI. Mr. Speaker, in order to place this proceeding in proper perspective, I want to emphasize a few points about the conference report on H.R. 13000, so that we realize the ramifications of our action here today.

Notwithstanding all the trappings of advisory and consultatory panels, what this legislation does is place in the hands of the executive branch the absolute authority over the expenditure of public funds for the Federal civilian and military payrolls.

I hope, Mr. Speaker, that we all realize that this legislation will permanently separate the Congress from any future determination on the size and scope of the Government employee payroll.

It must be noted, Mr. Speaker, that in this bill Congress is surrendering authority over salaries of Government employees while two weeks ago it arbitrarily mandated a pay raise to employees of America's railroads. Could there be a possible contradiction here?

The requirements of this legislation, and the statements made about it, seem to indicate that all future pay raises are mechanical reactions to the prevailing economic trends in private industry.

I understand that the Civil Service Commission favors in large part this package, but its inflationary consequences are clearly underestimated.

Therefore, Mr. Speaker, I offer these comments in the spirit of caution but wonder if the proponents of this elaborate package have truly anticipated these possible difficulties.

I do, Mr. Speaker, want to offer one word of commendation to the conference committee. Section 5 of the conference substitute, which deals with pay adjustments of employees in the House of Representatives, is a long overdue reform of congressional pay procedure.

Under the language of this section, each Member of the House is the pay-fixing authority for the employees on his staff and will be able to exercise his independent judgment on the merits of each annual adjustment. This new procedure is an enlightened departure from the past arrangement, and because I proposed the same change in many previous pay bills, I am especially pleased to find this bright spot in an otherwise doubtful legislative package. If this becomes law, then, for the first time, a Member of the House will be able to apply a consistent and progressive pay policy in the administration of his office.

Mr. SCHWENGEL. Mr. Speaker, today I shall vote "no" on the salary bill not because I am against adequate pay and salaries for Government employees, indeed with one exception in my 14 years in Congress I have voted for salary raises for Government employees. The principal reason for my "no" vote today is because of the low priority Congress has given the plight of our retirees—23,000,000 people on social security have to wait now to get their due—a raise just to meet the ravages of inflation. Mr. Speaker, we of the House first acted on the social security bill last April. What a shame that these people to whom we owe so much and give so little should have to wait so long—when oh, when will we make proper evaluation and set proper priorities when we deal with the well-being and needs of deserving people.

Mr. DENNIS. Mr. Speaker, this, in my judgment is a bad bill.

In the first place the much vaunted principle of comparability is itself subject to some question. Private and public employment are not entirely the same—there are essential differences. Private industry attempts, at least, to operate at a profit—and the profits are properly used, in part, to pay wages and salaries. There are no profits to draw on where public employment is concerned—every penny paid comes out of the hide of the taxpayer. Again, the high wages of industry are balanced by the changes or layoff; the public employee, if sometimes more modestly paid, under a civil service system at least, has a much greater degree of job security.

Laying the matter of comparability entirely aside, there is another, and overriding, reason why this is a bad bill; it is an abdication by the Congress, and by each individual Member of the Congress, of its and of his constitutional duties and responsibilities. We were sent here, as elected representatives of our people, to exercise our judgment on matters within our jurisdiction, including the rate of pay of employees of the Federal Government. By this measure we surrender this duty and responsibility to unelected employees of the executive branch—and, to a lesser degree, to the President of the United States.

Moreover, calls for an automatic annual pay raise, which the Congress, by this measure, so long as it remains upon the books, renders itself powerless to prevent. It is a clear surrender of the responsibility we owe to the American people who pay the bill, and it is a built-in invitation to a continued inflation.

With all respect and good will toward my colleagues who take a different view, I must say that I can see no justification for supporting legislation of this character.

The SPEAKER pro tempore (Mr. SLACK). The question is on the motion of the gentleman from New York that the House suspend the rules and agree to the conference report on H.R. 13000.

The question was taken.

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

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

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

The question was taken; and there were—yeas 183, nays 54, not voting 195, as follows:

[Roll No. 457]

YEAS—183

Adams
Albert
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Bennett
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Burke, Mass.
Bush
Byrne, Pa.
Byrnes, Wis.
Carey
Chamberlain
Clark
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
Dellenback
Downing
Dulski
Duncan
Eilberg
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frey
Fulton, Pa.
Galifianakis
Garmatz
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanna
Hansen, Idaho
Harsha
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Hosmer
Hungate
Hunt
Ichord
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Koch
Kuykendall
Kyros
Leggett
Lloyd
Long, Md.
Lukens
McCarthy
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Mizell
Mollohan
Monagan
Morgan
Morse
Natcher
Nedzi
Nix
O'Hara
Olsen
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Rees
Reid, N.Y.
Reuss
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ruth
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Scott
Shriver
Skubitz
Slack
Smith, Iowa
Springer
Stanton
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watson
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Young
Zablocki
Zwach

NAYS—54

Abernethy
Alexander
Ashbrook
Belcher
Betts
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Chappell
Clancy
Conable
Crane
Daniel, Va.
Dennis
Derwinski
Devine
Dickinson
Fish
Fisher
Flowers
Flynt
Fountain
Fuqua
Goodling
Gross
Hall
Hammer-schmidt
Jarman
Jonas
Kyl
Landgrebe
Latta
McClure
MacGregor
Mahon
Mann
Marsh
Mayne
Mills
Montgomery
Nelsen
Obey
Pryor, Ark.
Rarick
Roberts
Roth
Satterfield
Schmitz
Schwengel
Symington
Teague, Tex.
Whitten
Wylie

NOT VOTING—195

Abbitt	Eshleman	Moss
Adair	Evans, Colo.	Murphy, Ill.
Addabbo	Evins, Tenn.	Murphy, N.Y.
Anderson, Calif.	Fallon	Myers
	Farbstein	Nichols
Anderson, Ill.	Fascell	O'Konski
Anderson, Tenn.	Foreman	O'Neal, Ga.
	Frelinghuysen	O'Neill, Mass.
Andrews, Ala.	Friedel	Ottinger
Andrews, N. Dak.	Fulton, Tenn.	Passman
	Gallagher	Pepper
Aspinall	Gaydos	Philbin
Baring	Gettys	Pirnie
Bell, Calif.	Giaimo	Poage
Berry	Gibbons	Podell
Biaggi	Gilbert	Pollock
Blackburn	Goldwater	Powell
Bow	Gray	Price, Tex.
Brock	Griffin	Purcell
Broomfield	Griffiths	Railsback
Brown, Calif.	Grover	Randall
Brown, Mich.	Gubser	Reid, Ill.
Broyhill, N.C.	Hagan	Reifel
Broyhill, Va.	Haley	Rhodes
Buchanan	Hanley	Riegle
Burlison, Mo.	Hansen, Wash.	Roe
Burton, Calif.	Harrington	Rooney, N.Y.
Burton, Utah	Harvey	Rooney, Pa.
Button	Hastings	Rosenthal
Caffery	Hawkins	Rostenkowski
Carney	Hays	Roudebush
Carter	Hébert	Rousselot
Casey	Henderson	Roybal
Cederberg	Holifield	Ruppe
Celler	Howard	Sandman
Chisholm	Hull	Schadeberg
Clausen, Don H.	Hutchinson	Scherle
	Jacobs	Sebelius
Clawson, Del	Johnson, Calif.	Shipley
Clay	Johnson, Pa.	Sikes
Collier	Karth	Sisk
Collins, Ill.	Kleppe	Smith, Calif.
Collins, Tex.	Kluczynski	Smith, N.Y.
Colmer	Landrum	Snyder
Corbett	Langen	Stafford
Cowger	Lennon	Staggers
Cramer	Long, La.	Steiger, Ariz.
Cunningham	Lowenstein	Steiger, Wis.
Daddario	Lujan	Stephens
Davis, Ga.	McClory	Sullivan
de la Garza	McCulloch	Taft
Delaney	McDonald, Mich.	Talcott
Denney		Thompson, Ga.
Dent	McEwen	Ullman
Diggs	McKneally	Waggonner
Dingell	McMillan	Watts
Donohue	Martin	Weicker
Dorn	Mathias	Whalen
Dowdy	May	Whalley
Dwyer	Meskill	Wilson, Bob
Eckhardt	Michel	Winn
Edmondson	Miller, Calif.	Wold
Edwards, Ala.	Minshall	Wydler
Edwards, Calif.	Mize	Wyman
Edwards, La.	Moorhead	Yatron
Erlenborn	Morton	Zion
Esch	Mosher	

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of Illinois with Mrs. Chisholm.
Mr. Clay with Mr. Lowenstein.
Mr. Abbitt with Mr. McClory.
Mr. Howard with Mr. Anderson of North Dakota.
Mr. Johnson of California with Mr. Mize.
Mr. Murphy of New York with Mr. Hawkins.
Mr. Hanley with Mr. Buchanan.
Mrs. Hansen of Washington with Mr. Broyhill of Virginia.
Mr. Roybal with Mr. Diggs.
Mr. Gibbons with Mr. Schadeberg.
Mr. Gettys with Mr. Winn.
Mr. Collins of Illinois with Mr. Jacobs.
Mr. Purcell with Mr. Zion.
Mr. Pepper with Mr. Thompson of New Jersey.
Mr. Passman with Mr. Erlenborn.
Mr. Edmondson with Mr. Hastings.
Mr. Dorn with Mr. Esch.
Mr. Davis of Georgia with Mr. Denney.
Mr. Casey with Mr. Smith of New York.
Mr. Caffery with Mr. Riegle.
Mr. Aspinall with Mr. O'Konski.
Mr. Long of Louisiana with Mr. Brook.
Mr. Watts with Mr. Broyhill of North Carolina.
Mr. Randall with Mr. Mathias.
Mr. Roe with Mrs. Dwyer.
Mr. Rooney of Pennsylvania with Mr. McDonald of Michigan.
Mr. Rosenthal with Mr. McEwen.
Mr. Sisk with Mrs. Reid of Illinois.
Mr. Staggers with Mr. Berry.
Mr. Stephens with Mr. Rousselot.
Mr. Hagan of Georgia with Mr. Weicker.
Mr. Haley with Mr. Whalen.
Mr. Gaydos with Mr. Stafford.
Mr. Evans of Colorado with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. Eshleman.
Mr. Delaney with Mr. Smith of California.
Mr. O'Neill of Massachusetts with Mr. Rhodes.
Mr. Waggonner with Mr. Bow.
Mr. Hébert with Mr. Bob Wilson.
Mr. Griffin with Mr. Edwards of Alabama.
Mr. Andrews of Alabama with Mr. Collier.
Mr. Henderson with Mr. Martin.
Mr. Lennon with Mr. Don H. Clausen.
Mr. Celler with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Michel.
Mr. Biaggi with Mr. Sandman.
Mr. Dent with Mr. Corbett.
Mr. Dingell with Mr. Price of Texas.
Mr. Donohue with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Blackburn.
Mr. Fascell with Mr. Myers.
Mr. Fulton of Tennessee with Mr. Bell of California.
Mr. Gallagher with Mr. Broomfield.
Mr. Gray with Mr. Cederberg.
Mr. Rostenkowski with Mr. Pirnie.
Mr. Rooney of New York with Mr. Wydler.
Mr. Shipley with Mr. Whalley.
Mr. Sikes with Mr. Lujan.
Mr. Philbin with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Talcott.
Mr. Moss with Mr. Hutchinson.
Mr. Hull with Mr. Minshall.
Mr. Holifield with Mr. Langen.
Mr. Karth with Mr. Scherle.
Mr. Kluczynski with Mr. Mosher.
Mr. Yatron with Mr. Sebelius.
Mr. Moorhead with Mr. Railsback.
Mr. Edwards of California with Mr. Goldwater.
Mr. Burton of California with Mr. Ruppe.
Mr. Burlison of Missouri with Mr. Snyder.
Mr. Podell with Mr. Grover.
Mrs. Sullivan with Mr. Burton of Utah.
Mr. Ullman with Mr. Meskill.
Mr. Landrum with Mr. Morton.
Mr. Colmer with Mr. Pollock.
Mr. de la Garza with Mr. Roudebush.
Mr. Eckhardt with Mr. Steiger of Wisconsin.
Mr. Giaimo with Mr. Wold.
Mrs. Griffiths with Mr. Wyman.
Mr. Hays with Mr. Steiger of Arizona.
Mr. Harrington with Mr. Gubser.
Mr. O'Neal of Georgia with Mr. Foreman.
Mr. McMillan with Mr. Collins of Texas.
Mr. Brown of California with Mr. Powell.
Mr. Anderson of California with Mr. Cramer.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Baring with Mr. Reifel.
Mr. Daddario with Mr. McKneally.
Mr. Dowdy with Mr. Kleppe.
Mr. Gilbert with Mr. Carter.
Mr. Ottinger with Mr. Cunningham.
Mr. Fallon with Mr. Button.
Mr. Farbstein with Mr. Adair.
Mr. Friedel with Mr. Cowger.
Mr. Carney with Mrs. May.
Mr. Taft with Mr. McCulloch.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to extend their remarks and to include extraneous matter on the conference report on H.R. 13000.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1421, MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1337, Rept. No. 91–1804) which was referred to the House Calendar and ordered to be printed:

H. RES. 1337

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment. No amendments shall be in order to said joint resolution except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Appropriations may be offered to the joint resolution at the conclusion of the consideration of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1337 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRIES

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, as I understand it, this is a rule that was reported by the Committee on Rules today.

In view of rule XI, section 22, will approval of this rule require a two-thirds vote, in view of the fact that the rule provides as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session).

The parliamentary inquiry I address to the Chair is: Are we within the last 3 days of the session or without them, and is this rule subject to approval by a majority vote or a two-thirds vote?

The SPEAKER. The Chair is holding that we are within the last 3 days of the session and that consideration of this resolution is not subject to the two-thirds vote requirement.

Mr. YATES. Rather than a two-thirds vote?

The SPEAKER. In answer to the gentleman's inquiry, a two thirds vote is not required to consider the resolution during the last 3 days of a session of Congress.

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

The SPEAKER. The gentleman will state it.

Mr. YATES. Will the Chair enlighten me by defining the 3-day period? Are they 3 legislative days or 3 calendar days?

The SPEAKER. The Chair will state to the gentleman from Illinois in response to his parliamentary inquiry that there are only 3 days remaining; which would be Thursday, Friday, and Saturday

Mr. YATES. Well, it is not within the 3 days end under that definition, is it, Mr. Speaker?

The SPEAKER. The Chair will state to the gentleman that Sundays are not counted within the purview of the rule. Former Speaker Longworth held that Sunday was "non dies" in a ruling in 1929—see also Cannon's Precedents, vol. VII, 944 and 995.

Mr. YATES. Mr. Speaker, for the edification of the membership and as a further parliamentary inquiry, are holidays considered to be Sundays for the purpose of that rule at this point?

The SPEAKER. The Chair does not have to pass upon the question of holidays. The Chair answered the gentleman's parliamentary inquiry which the gentleman very frankly presented and which the Chair answered to the effect that we are within the last 3 days of this session.

Mr. YATES. This is a closed rule that will not permit any amendments to be offered to the resolution itself?

The SPEAKER. The Chair will state to the gentleman from Illinois that that is a matter for the House to determine. In its present form, the gentleman's statement is correct.

Mr. YATES. If the previous question on this rule is voted down, will the resolution be open for amendment?

The SPEAKER. The Chair will state in answer to the gentleman's question, that it would be.

Mr. YATES. It would be.

I thank the Speaker.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, we are in the dying hours of this Congress. The action taken by this House on this resolution will largely determine, in the opinion of this humble Member, whether the Congress adjourns in the next 24 hours or possibly 12 hours, or whether we run on through the New Year's football games and half of the Sabbath Day that is usually reserved for church services. I said, "largely."

The other body that I refer to—I hope most respectfully will, of course, have to cooperate.

Now, under the law of the land this Congress should have adjourned on July 31. The chairman of the Appropriations Committee as well as the chairmen of the various House legislative committees, I think it can fairly be said, cooperated to this end.

The Committee on Appropriations and this body itself largely has passed, if not completely passed, all of the appropriations bills within the required time. Those money bills have been over in the other body for some 5 months. That body saw fit under its rules to debate great issues—issues that they thought were at least of great moment—at length. At one time when certain Senators from a certain section of this country resorted to that practice of extended debate it was known as a filibuster, but today it has a new connotation—it is just speaking at length. I recall—and I think it was on the Vietnam issue—that the Senate talked for months over there, and this House reacted in 30 minutes and disposed of the matter, once it had the opportunity.

As I said in the beginning, I would certainly not desire to be anything other than respectful to the other body, as indeed the rules require that I do. However, I could quote a couple of outstanding leaders in the other body as saying, I hope without violating any rules, that they have made themselves look foolish. Now, I am afraid that in so doing they have also made this body look foolish because we are, under the Constitution, a part of the Congress, although there are some people, some Members of the Congress, speaking of both bodies, who seem to think that the Congress is just one body, a unicameral body, the Senate, and that the tail can wag the dog, and the House must submit to the Senate.

Of course it is not necessary to point out to you that when the wise Founding Fathers set this Congress up they provided that this body, the House modeled after the English Parliament, was to be the important body, and provided that certain powers should be given exclusively to this body—initiating appropriations and revenue matters—in other words, let the body that came directly from the people, fresh from the people, control the purse strings so that when the electors became dissatisfied they did not have to wait indefinitely, but could kick the rascals out every 2 years, to use a term that was used at that time.

But, alas, we have been permitting the other body to arrogate onto itself powers that were never intended for them to have. So we find ourselves here in this dilemma, approximately 1 year after we convened—362 days after, or whatever it is—and we still do not know whether we are going to adjourn, or whether we are not going to adjourn before January 3, as provided by the Constitution.

My rules Committee met this morning, for the first time in a quarter of a century that I have been a member of the committee, on December 31, to get a rule—the rule that we now have under consideration.

Here is a bill that was passed by this House under the leadership of the able gentleman from Arkansas (Mr. MILLS)—the social security bill. It went over to the other body months ago. They were preoccupied with other matters which the Senators thought apparently of great national and public interest. The next thing that Mr. MILLS and the rest of us here knew as Christmas drew near, they began to adorn this social security bill with other ornaments to make it a veritable Christmas tree.

Whereupon the able gentleman from Arkansas and the members of his committee took the position, on both sides of the aisle, as I understand it, that they could not go to a conference with 100 odd amendments on the social security bill in the few days of the session. To add to the confusion the Senate then proceeded to tack its own versions of the controversial trade and welfare bills on to the social security bill. I might add that this practice of adding extraneous and nongermane amendments to House-passed bills should be stopped as I have advocated for several years.

I did succeed partially in the reorganization bill passed for at least 40 minutes debate and a separate vote on these nongermane amendments.

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

Mr. COLMER. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I rise to ask the gentleman if he could give us any understanding of why this conference report is not being brought up under suspension of the rules so that we could have it disposed of or practically disposed of in this period of time had it been brought up and we would be ready for adjournment, I assume, in another hour or two so we could enjoy these football games tomorrow rather than sitting twiddling our thumbs.

Mr. COLMER. And do not forget to go to church on Sunday.

Mr. GROSS. I do not know about tomorrow or Sunday—I was anticipating adjournment tonight.

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

Mr. COLMER. I yield to the gentleman from Texas (Mr. MAHON) the chairman.

Mr. MAHON. Mr. Speaker, the gentleman from Mississippi is presenting a rule which provides for the consideration of a continuing resolution on the transportation appropriation bill which has been the subject of considerable controversy and on which final action has not been taken by the Congress.

The rule would also cover the foreign assistance appropriation bill if that

proves to be necessary but, no doubt, that bill will be cleared later today by the House and sent to the President.

The problem is that on May 27—7 months and 4 days ago—the House passed the transportation appropriation bill. Six months and 7 days thereafter—December 3—the other body passed the bill.

We went to the conference with the other body on the transportation bill and we reached an agreement on December 11. Then the House, on December 15, adopted the conference report by an overwhelming vote—319 to 71.

The conference report then went to the other body and it has not been adopted. There was a 14-day discussion or delay. There, the conference report was tabled and the bill was sent back to the House by a voice vote. It is pending on the Speaker's table.

So, whereas the House has voted on the conference report on the transportation bill, the other body has not done so.

We now propose a continuing resolution which would provide that the Department of Transportation and other agencies in the bill could carry on their functions to the same degree and in the same manner as provided in the transportation bill as modified on December 15 by the House when it adopted the conference report and acted on amendments reported in technical disagreement.

So, having failed to secure adoption of the conference report, this is a continuing resolution which to some extent modifies the situation because it continues the funds for the Department of Transportation not until next June 30, as is normally done for the fiscal year, but it would be until March 30, about one-half of the unexpired time of the current fiscal year. So it seems appropriate in the circumstances that we enact the conference report for a 9-month period rather than for a 12-month period, and we can reconsider this whole matter in the next Congress before March 30. This is an effort to break the logjam and prevent the Department of Transportation from going out of business when we adjourn on Saturday next.

We have air controllers to consider. The airlines would have to cease operation, and economic chaos would come if funds are not provided. The Coast Guard could not function. If no funds are provided, the Coast Guard could not carry on its ordinary functions, in addition to collaborating in efforts to prevent shipping and smuggling into this country of drugs and other forbidden merchandise.

So this is the situation in which we find ourselves, and this unusual situation calls for an unusual closed rule. It is true that we have less than 250 Members here. We have written the transportation bill. We wrote it when we had the full membership here. We cannot write another with 232 Members here. In the circumstances, the pending continuing resolution seems to be a reasonable settlement. That is the object of the proposed continuing resolution, which, in my judgment, the able, wise, and understanding gentleman from Iowa and a majority of the other Members will concur in.

I thank the gentleman for yielding.

Mr. YATES. Mr. Speaker, will the gentleman yield so that I may make a statement with respect to the question as to why the gag rule was imposed here?

Mr. COLMER. I yield briefly to the gentleman from Illinois.

Mr. YATES. Is it not obvious that the only reason for a closed rule at the present time is that the proponents of the SST program want to avoid the possibility of having a separate vote on that program and that appropriation at this time? It would have been perfectly proper for conferees to have been appointed. And yet those conferees were not appointed because I proposed to seek an instruction on the conferees to strike from the conference report language respecting the SST.

Ordinarily when a continuing resolution is brought before the House it is not brought under a closed rule. It is brought under an open rule, which would permit amendments to be offered.

I propose to offer an amendment to the continuing resolution which would strike funds for the SST program. That would be impossible if the closed rule were voted up by the House. That is why I propose to ask for a rollcall on the previous question in an effort to offer that kind of an amendment. But every obstacle has been placed in the way of obtaining a vote on the SST by the proponents of the SST. It is true the House has voted on it previously, but I submit that we are entitled to have a vote on the question every time funds for the Department of Transportation are brought up, and we are not being given that opportunity.

Mr. COLMER. The gentleman asked me a question on political strategy. I am not aware of any conspiracy against the gentleman or what the motives are. I do want to say this, that so far as I can now recall, this is the only rule that I have ever brought to this floor personally where it was closed; and I did so simply because of the situation that we now find ourselves in, because as I have tried to make clear, the other body has put us in an impossible situation. I am traditionally opposed to closed rules.

Now there are occasions when one must be realistic, so that is what I am doing here today. What I understand the Appropriations Committee is doing is to put an additional monkey on the back of those in the other body who are responsible for the situation in which we find ourselves.

We already have one, and when we pass this resolution, if we do, by the grace of the able gentleman from Illinois and others, we will then have put the other body in a position—and I am just spelling it out in so many words—of having to take additional responsibility and calling additionally to the minds of the public who is responsible for this situation, and try to get them to move.

I would like to go one step further.

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

Mr. COLMER. I am always glad to yield to my friend, the distinguished Speaker of this House. I regret, Mr. Speaker, only that it will probably be the last time that I will have this opportunity and privilege to yield to the Speaker, my warm personal friend, who unfortunately is voluntarily retiring from this body after many years of able, distinguished service to his country.

Mr. McCORMACK. Whenever the gentleman yields to me, I am highly honored.

In addition to the presentation made by the able gentleman from Mississippi, who is my dear and valued friend, and who has helped me many times through stress and strain, which I personally appreciate, there is involved here the very fundamental question of representative government functioning.

Here we have a very important department of the Government, and this bill covers many fields of vital importance to the people of the United States, and the House is performing its duties in accordance with the highest traditions of the Congress of the United States, but we also certainly are doing it in accordance with the highest traditions of the House of Representatives.

I do not intend to go into detail. I think the remarks I have made convey to the minds of my colleagues what I have in mind, that representative government in these closing days has got to function. It is under strain because of conditions over which the House has no control, conditions over which probably the majority of the Senate has no control, but in any event, the very question of representative government functioning and enabling the departments of Government to carry on is involved.

This resolution is until March 30, a continuing resolution. It goes to the very depths and fundamentals of our representative government itself. Those even who oppose the SST should recognize this in these closing days, and I hope the membership will adopt the rule and pass the continuing resolution.

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

I thank our able and beloved Speaker for the contribution he has just made to this cause. He has said more in 2 minutes than I have said here in 20 minutes as he usually does. It is a very valuable contribution.

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

Mr. COLMER. I yield to my friend from Texas.

Mr. MAHON. Mr. Speaker, I just wanted to make it clear that in this bill there are many items. If we do not have a continuing resolution and do not have this bill, for example, mass transit will operate on the basis of about $214 million a year rather than $600 million, as contained in this resolution and in the conference report we adopted. There are also funds for highways and otherwise.

This issue today is not an issue of the SST or no SST. The issue is the passage of this resolution in order to enable the Department of Transportation to function. At this point the SST is almost irrelevant.

The question is, as set forth by the Speaker, whether or not representative

government in this country is sufficiently flexible to operate. I say it is, and I predict the House will overwhelmingly adopt the gentleman's rule.

Mr. COLMER. I appreciate the gentleman's contribution.

I had intended going into an explanation of the resolution, but that has been done in the colloquy.

I was about to say, in conclusion, I would like to go the third step. I throw this out for Members to think about. Perhaps some good may come of it; anyhow, it is not going to hurt. I should like to see a sine die resolution passed here today for a fixed time, either midnight tonight or tomorrow, to get through with this thing and to let us try to demonstrate that we are at least a part of this Congress, and that the Congress is capable of functioning and handling the business of the people.

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

I may say, at the outset of my remarks, I agree with the statement made by our able chairman, the gentleman from Mississippi.

I also want to point out I am one of those who do not favor the SST, but I am in support of this resolution. We will have our day in court, so to speak, before March 30, 1971.

I believe we have amply demonstrated here many, many times our position on the SST. In the closing days of this session to constantly bring it up to delay adjournment of this Congress and to make this Congress look more foolish in the public eye I believe is quite ridiculous.

There is more involved in this resolution than the SST.

On May 27 of this year H.R. 17755 passed the House. That bill provided appropriations for the Department of Transportation and related agencies. On December 3 of this year the Senate passed the bill in amended form and the committee on conference met. The report of the committee on conference was agreed to by the House on December 15. Two days ago, on December 29, the Senate tabled the conference report. Since July 1 of this year, the beginning of the fiscal year, the Department of Transportation has been operating at the 1970 funding level rate, or the rate level provided in the bill as passed by the House, whichever was lower.

This continuing resolution is, in effect, an amendment to a similar continuing resolution passed on June 29 of this year. It does two things: First, it provides continuing funding for all Government departments and agencies not yet funded by appropriations bill until March 30, 1971. Second, with respect to related agencies and the Department of Transportation covered by H.R. 17755, such activities will be funded at the level of appropriations agreed to by the House on December 15 when it accepted the conference report on the bill.

This means that a number of Department of Transportation programs presently funded at 1970 fiscal year levels will be substantially increased.

OTHER THAN SST

Here are some of the principal changes:

Urban mass transportation grants will shift from an appropriation level of $214,000,000 to a level of $600,000,000;

Subsidy payments to air carriers will shift from an appropriation level of $27,327,000 to a level of $50,000,000;

Grants-in-aid for airports will shift from an appropriation level of $80,000,000 to a level of $250,000,000;

The aviation security program will be initiated at a rate of operation of $28,000,000;

The oil pollution fund will be established at a level of $20,000,000;

A program providing grants-in-aid for natural gas pipeline safety will be initiated at a rate of operation of $500,000;

High-speed ground transportation will shift from an appropriation level of $11,000,000 to a level of $18,000,000; and

Operations of the Federal Aviation Administration will shift from an appropriation level of $845,647,000 to a level of $951,885,000. A complete listing of the operational levels provided for under this resolution and the conference agreement are shown in the CONGRESSIONAL RECORD of December 15 on pages 41499 and 41501.

What of the SST? The present funding level is 184 million, the amount available for fiscal year 1970. The fiscal year 1971 budget request was for approximately $290 million. This is the figure agreed to by the House, while the Senate provided no funds.

Under the continuing resolution made in order by this rule, the funding level will be $210 million, which is the amount agreed upon by the conferees. This spending level will continue through March 30 of next year, and it is anticipated that $51,700,000 will be expended during the first quarter of 1971 if the continuing resolution is agreed to.

If problems with respect to funding of the SST are not resolved by next March, a further continuing resolution will be necessary. The Committee on Rules has been assured that at such time, an opportunity will be afforded to all Members wishing a rollcall vote on the funding of the SST.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the distinguished gentleman from Ohio.

Mr. Speaker, I just want to make this crystal clear: I voted against the SST in committee, I voted against the SST in conference, and I marched over to the other side last night and spent about 2½ hours. The leaders who are in opposition to the SST over there at the beginning of the discussion stated that they wanted a continuing resolution on the Department of Transportation bill until June 30, that they wanted a continuing resolution on the SST until March 31 at the $290 million level. After about a 2-hour discussion a compromise was about reached. The compromise offered was that we have a continuing resolution on the Department of Transportation bill, including the SST at the $210 million level until March 30, 1971.

At that time the opposition in the House, the gentleman from Illinois (Mr. YATES), and the opposition in the Senate could offer a motion when the continuing resolution comes up for consideration to exclude the SST from the continuing resolution so that we would have a clear vote on the SST on March 30, and vote up or down.

Now, Mr. Speaker, that is exactly what the opposition wanted. When we started the meeting at 8:30 p.m. in the Senate, but something happened on the way to the forum and now the ball game and the rules have been changed entirely.

Mr. Speaker, I stand up here still saying that I am opposed to the SST. But as a practical person I know that something must be done before January 3.

Mr. Speaker, air traffic controllers all over the country will go unpaid. This whole country could be thrown into a paralyzed position if these people walk out, and there is a good possibility that they will walk out if they are not paid.

Mr. Speaker, the Coast Guard which has the job of port security would go unpaid after January 3 and thousands of employees in the Department of Transportation would go unpaid. Now, I am afraid that these people who would reject this compromise are selfish.

Let us vote on the SST up or down at that time, but let us not permit employees all across the country to go unpaid after January 3 because of someone's selfish interest. We will get a clear vote up or down on the SST and this is what we wanted.

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

Mr. CONTE. I shall be glad to yield to my colleague from Massachusetts.

Mr. BOLAND. I am delighted to associate myself with the remarks of my distinguished and affectionate friend from Massachusetts, the ranking minority member of the Subcommittee on the Department of Transportation. The gentleman states the case precisely as it is.

When we went into the informal conference last night, which was at the suggestion offered by one of those who opposed the SST—and this is exactly what we are coming to right now on this resolution—it was for the purpose of undertaking to break this legislative logjam, to see if it could be broken. So, I shall vote for the previous question so we can get this continuing resolution passed or the Senate will have to send over and request to take the papers from the Speaker's desk and ask that they be returned to the Senate and let them take from the table the conference report that was tabled in the Senate.

Mr. Speaker, as the gentleman from Massachusetts (Mr. CONTE) has said, there are a number of employees who will be affected by the action which might be taken or which could come about as a result of our failure to take some action on this resolution.

There are over 100,000 employees in the Department of Transportation, 45,000 of them in the Federal Aviation Administration, 40,000 in the Coast Guard, and innumerable other thousands spread throughout the entire department. Our concern is that government ought to function, and it cannot function with the kind of opposition that is now going on in other places in this building.

The conferees of the House backtracked a considerable way. In almost every conference there is give and take, and we have given, but they do not want to give at all, some of them over there. As a matter of fact, some of those who were in that conference last night, just as the gentleman from Massachusetts—

The SPEAKER. The time of the gentleman has expired.

Mr. LATTA. I yield 1 additional minute to the gentleman from Massachusetts.

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

Mr. CONTE. I yield further to the gentleman from Massachusetts.

Mr. BOLAND. As a matter of fact, in that conference last night, just as the gentleman from Massachusetts opposes the SST, there were three Members of the other body who were there, who were also opposed to the SST, and who were willing to accept the compromise, and they are just as firm in their convictions against the SST as some of those who have been leading the fight.

The gentleman from Illinois (Mr. YATES) has questioned the fact, and says it would be easier to resolve this by going to conference. You could not get anywhere in a conference.

I refused to ask that conferees be appointed because, if we were to go back to conference, the conferees on the part of the other body would have sustained the position they took when we were in conference some weeks ago. And so there is only one way to solve this logjam—the only way we can go home tonight so we can conclude the second session of the 91st Congress—and that is by voting for the previous question, voting against the motion of the gentleman from Illinois, take up the continuing resolution, put the ball back in the court where it belongs, where it started, put it back over there in the Senate and then let them have the onus upon their shoulders.

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

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

Mr. ARENDS. Mr. Speaker, the gentleman from Illinois (Mr. YATES), a moment ago was so insistent that we have another vote, have yet another vote on this issue of the SST, which is not the only issue we are considering here this afternoon. The amazing thing to me, that reasonable men in the other body on the other end of the Capitol have not yet seen the light to stand up to this issue of the SST, and yet we have been on the record and have been willing to go on the record and stand on the record, but yet the other side have put themselves in the position where they have not faced up to the issue over there, by just simply tabling the resolution the other night, which they had no right to do. They should stand up and be counted.

Mr. CONTE. I might add that they have had this bill over in the other body for 7 months, and they have been dilly-dallying over there on the other side, and not facing up to the issue, and to the responsibility of voting on this. If they had, we could have met in conference months ago to join this issue and we could have concluded the battle a long time ago. We would have been able to come back to the House and even return to conference, if necessary, to insure that the majorities in both bodies could work their will. But now, because of the inexcusable procrastination in the other body, here we are at this midnight hour, with a gun pointed at our heads, with the threat of massive walkouts by unpaid workers facing us—and still there are those who would reject this reasonable step, so vitally necessary if we are to avoid a crisis.

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

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

Mr. YATES. And why did they wait 7 months? Because it was apparently easier to wait until after the election before they brought up the measure.

Mr. CONTE. I doubt that very much, because the same is true with every one of the appropriation bills. We have not yet settled the foreign aid bill. Mr. Speaker, I hesitate to be critical of the other body, but my concern for the urgent necessity that the entire Congress be able to conduct its business in a mature fashion compels me to say this. If the other body does not change its rules, it will be completely paralized over there. And the effect of its present near-paralysis is painfully evident here today. Our responsibility to those who have elected us simply demands us to end this chaotic situation.

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

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

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

Mr. Speaker, what a paradox we have here today. Our distinguished Speaker argues that representative Government has to function. Vote for the closed rule, he says. The gentleman from Massachusetts (Mr. BOLAND), says that Government has to function. He, too, urges a vote for the closed rule. Thus, a gag rule—an authoritarian procedure—is recommended for adoption in the name of representative government. No discretion, no thinking, just accept what is placed before this body. We cannot offer any amendments under this rule——

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

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

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

Mr. YATES. Three at once? Which one of the gentlemen should I yield to first? I will be glad to yield to the gentleman from Ohio, because he was kind enough to make time available to me.

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding, and let me just state to the gentleman that we do not have a gag rule here, because the House has to vote on this. We do not bring forth a rule without giving the House an opportunity to vote on it, and to work its will.

Mr. YATES. As I understand it, the Committee on Rules is recommending a gag rule.

Mr. LATTA. That may be true, but the House will have an opportunity to first vote on it, and work its will.

Mr. YATES. Yes, but how many times has it been willing to vote down the previous question on a closed rule?

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

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

Mr. CONTE. The gentleman talks about a gag rule, but the gag rule is over there in the Senate where Senator PROXMIRE will not let them go to conference and vote it up and down.

Mr. YATES. If that is true, why should we follow that procedure in the House?

Mr. CONTE. Will the gentleman from Illinois agree with me that the conference we had was a fair and square conference, and that everything was laid out in the open on the table, and then when there was a vote on the SST the vote was taken, and three Members from the House were against the SST, and three Senators were against the SST. Is that true?

Mr. YATES. Would the gentleman permit me to conclude my statement?

Mr. CONTE. Is that true though?

Mr. YATES. The only time I have to speak is now because if the previous question is voted down and the closed rule is adopted there is no sense in saying anything on the continuing resolution.

The reason I am contesting this rule today is because I want to vote on the SST. It has just been said we have had two votes on the SST. Let us have another vote. We are entitled to vote on the SST every time the transportation bill vote comes to the floor, because it ought to be killed.

We have never had a direct vote on the SST and the last time we had a vote it was lost by what—it was lost by 20 votes on a peripheral issue.

The people in the country are opposed to the SST. Every poll shows it. More people every day realize what a bad program this is. And that is why the pro-SST people in this House do not want a vote on the SST at this time and will not let us get a vote.

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

Mr. YATES. Of course, I yield to my friend, the gentleman from Illinois (Mr. ARENDS), the dean of the Illinois State delegation.

Mr. ARENDS. Will the gentleman please tell us why up to this time the Senate body would not vote on this issue.

Mr. YATES. I would suggest that the gentleman take that up with his friends in the Senate—I do not know why they do not vote on it in the Senate.

Mr. ARENDS. Might I say that at this moment my friends over there are somewhat limited.

Mr. YATES. I just want to make one point in conclusion.

The last time this bill was on the floor, our good friend, the gentleman from Massachusetts (Mr. BOLAND) made this statement and this appears in the RECORD of December 15:

> 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 from Massachusetts failed to point out what Boeing's profits would be.

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

Mr. YATES. I will yield to the gentleman if I have the time before my time expires.

What would Boeing's profits be in the event the 500 planes he referred to were sold?

This is a statement that was made by the junior Senator from Iowa on December 17 in another body. He said:

The current plan calls for the U.S. Government to provide 90 percent of development costs of the SST.

That is true.

He continues:

Despite this huge contribution, the companies will reap most of the profits. Boeing, it is estimated, will make a $150 million profit if 139 planes are sold—yet the Government will still be taking a $1.2 billion loss.

If that number of planes are sold—if the predicted 500 planes are sold that the gentleman from Massachusetts was talking about:

If the maximum predicted number of planes are sold—450 or so—the Government will get back $1 billion more than it spent. Yet Boeing will make a staggering profit of $6.5 billion. That profit, for which Boeing risked only 10 percent of the development costs.

Yes, the Government will get back $1 billion more than it spent and Boeing will make a profit of $6.5 billion.

I have written to the Department of Transportation asking for verification of that enormous figure. Yes, we are getting more information about the SST program every single day.

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

Mr. YATES. I will not yield to the gentleman at this time.

Mr. BOLAND. The gentleman mentioned my name. I wish the gentleman would yield to me.

Mr. YATES. I will yield to the gentleman when I finish my sentence.

I would thank the gentleman to let me finish my sentence.

We know that the SST will pollute the atmosphere. We know that the SST will create noise and the sonic boom.

We know of what the expense will be to the Government—twice the maximum that President John Kennedy said in 1963 when he first established this program. But we are getting more information every day respecting the unfortunate contract to build the SST.

Mr. Speaker, I yield now to the gentleman from Massachusetts.

Mr. BOLAND. I am delighted the gentleman has yielded.

Of course, all these arguments are the usual arguments being made by those who opposed the SST at the very start.

There are arguments on the other side, as you know, which I think balance and sometimes overbalance arguments that you put forward. Everyone knew what the return to the Boeing Co. was going to be at the very start.

Mr. YATES. The return? Do you know that? If you do, let us put it in the RECORD.

Mr. BOLAND. The contracts go to the General Accounting Office and the contracts go to the people within the Government who are familiar with the program.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield to the gentleman the 2 minutes I promised him.

Mr. YATES. I thank the gentleman for yielding me the 2 minutes. Replying to the gentleman, neither the GAO or any other institution has informed us what Boeing's profit will be on the whole program.

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

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

Mr. PUCINSKI. Is it not a fact that discussion about the SST at this point in time is academic since the principal opponent of this proposal in the other body has said that he is going to engage in extended debate until noon Sunday on this continuing resolution if we should send it over there with the SST provision, and we are going to be back in session at 12:01 on Sunday afternoon and, as sure as God made sour apples, you are not going to let down these controllers; you are not going to shut down the country. The Senator from Wisconsin has already served notice in the other body that he is going to continue debate until Sunday, and I do not believe the other body will vote cloture.

Mr. YATES. I merely wish to make one other point, and that is that what we have been discussing we should be debating under the resolution and not under the rule. We ought to be presenting our arguments for and against the SST under the continuing resolution rather than being required, under the strictures of limited time under this rule, to try to inform this House that this program should not again be voted for. That is why I say it is essential that we vote down the previous question, open up this rule, and give us a chance to state our arguments so that we can vote intelligently on the question.

The continuing resolution can be sent to the other body, a continuing resolution will go over there, whether it is amended or not. We ought to be able to offer amendments. I urge that we send it to the other body without funds for the SST.

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

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

Mr. REUSS. I would like to ask the gentleman from Illinois a question that I am sure about 80 million wistful, brokendown taxpayers are asking: Is there any reason under the sun why the greatest deliberative body in the world cannot work out a procedure whereby we might pass the transportation appropriation act less the SST, pay the controllers and leave the hot potato of the SST for consideration next month?

Mr. YATES. Exactly right. That sort of suggestion was offered; namely, to provide funds for the SST——

Mr. REUSS. Let us vote down the previous question.

Mr. YATES. For 60 days and approve the other appropriations for 6 months. Unfortunately, proponents of the SST in the other body refused to accept that proposal.

Mr. COLMER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman from Mississippi has 3 minutes remaining.

Mr. COLMER. Mr. Speaker, I yield the remaining 3 minutes to the able and distinguished gentleman from Missouri (Mr. BOLLING), to close debate.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, I am opposed to the appropriation for the SST. I may at some later date, when we have larger sums of money available for more important matters, be for it again. But I am not for it now and I do not expect to be for it for a number of years. I think we have much higher priorities. I think we know too little about its effects on our environment.

But I honestly think that the argument that we should do other than to order the previous question and adopt this rule and concurrent resolution for continuing appropriations falls on the weight of evidence that has nothing to do with the SST.

One Member of the other body has said that he will prevent final action. He may. Under the rules of the other body it is his privilege.

But very soon from now, perhaps on the afternoon of this coming Sunday, a new Congress could meet, a new Congress already elected—not this Congress—another Congress—a new Congress—which presumably, since the Members would have to come to be sworn in, would have present substantially more Members than are here today. I think the last vote would indicate that there are under 240.

What we have before us now is the problem of arriving at a situation where everybody's rights are protected and that the institution does not look idiotic. I think you can make an argument for fairness and democracy on any side you wish. But I would suggest that the way to get us out of the difficulty into which we have gotten because of an excess of zeal on the part of people on both sides on the other side of this Hill is to adopt this continuing resolution and all the preliminaries necessary to it. That is the only issue before us here. It seems to me we should do that unanimously.

I have elicited from my friend, the chairman of the Appropriations Committee, the absolute, flat guarantee that next year in the new Congress, the one that has now been elected, he would have a straight up-and-down vote on the SST.

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

Mr. BOLLING. No, I will not yield.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I speak as an individual who has strongly advocated unashamedly the full fund-

ing of the SST. I would have personally preferred to have stood our ground, just because those on the other end of the Capitol continue to take the position that they would not let the matter come to a vote. I personally was willing to gamble that if there was no resolution of the problem because of the obstinacy of a few Members of the other body, the Department of Transportation would have gone without any appropriation. This would have been a very difficult position to take, but I personally was willing to take that position, and I am today, but in order to resolve the matter, I think in a responsible way, we should vote for the rule, we should vote for the previous question, and we should vote for the resolution. I hope we do all overwhelmingly.

Mr. COLMER. Mr. Speaker, I urge the adoption of the resolution.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 145, nays 76, answered "present" 2, not voting 209, as follows:

[Roll No. 458]

YEAS—145

Abernethy	Fulton, Pa.	Monagan
Adams	Fuqua	Montgomery
Albert	Galifianakis	Natcher
Arends	Garmatz	Nelsen
Ashbrook	Goodling	Passman
Beall, Md.	Green, Oreg.	Patman
Belcher	Hagan	Patten
Betts	Hall	Pelly
Biester	Halpern	Perkins
Blanton	Hammer-schmidt	Pettis
Blatnik	Hanna	Philbin
Boggs	Hansen, Idaho	Poff
Boland	Harsha	Preyer, N.C.
Bolling	Hicks	Price, Ill.
Brinkley	Hogan	Quie
Brooks	Hosmer	Rarick
Brown, Ohio	Hunt	Roberts
Burke, Fla.	Ichord	Rogers, Fla.
Burleson, Tex.	Jonas	Roth
Bush	Jones, Ala.	Ruth
Byrnes, Wis.	Jones, N.C.	Satterfield
Cabell	Kazen	Schmitz
Camp	Kee	Scott
Chamberlain	Keith	Shriver
Clancy	King	Skubitz
Clark	Kuykendall	Slack
Colmer	Kyl	Springer
Conable	Landgrebe	Stephens
Conte	Latta	Stratton
Corman	Leggett	Stubblefield
Daniel, Va.	Lloyd	Stuckey
Davis, Wis.	Lukens	Symington
Dellenback	McCloskey	Taylor
Dennis	McClure	Teague, Calif.
Devine	McDade	Thomson, Wis.
Dickinson	McFall	Van Deerlin
Duncan	McMillan	Wampler
Feighan	Madden	Ware
Findley	Mahon	White
Fish	Mailliard	Whitten
Fisher	Marsh	Wiggins
Flood	Mann	Williams
Flowers	Mayne	Wilson, Charles H.
Flynt	Meeds	Wright
Foley	Miller, Ohio	Wyatt
Ford, Gerald R.	Mills	Young
Foreman	Mizell	Zablocki
Fountain	Mollohan	Zwach
Frey		

NAYS—76

Alexander	Gross	Nix
Ashley	Gude	Obey
Barrett	Hamilton	O'Hara
Bennett	Hathaway	Olsen
Bevill	Hechler, W. Va.	Pike
Bingham	Heckler, Mass.	Pryor, Ark.
Brademas	Helstoski	Pucinski
Brasco	Horton	Rees
Burke, Mass.	Hungate	Reuss
Byrne, Pa.	Jacobs	Rodino
Carey	Jones, Tenn.	Ryan
Cleveland	Kastenmeier	Scheuer
Cohelan	Koch	Schneebeli
Conyers	Kyros	Schwengel
Coughlin	Long, Md.	Smith, Iowa
Crane	McCarthy	Steed
Culver	Macdonald, Mass.	Tiernan
Derwinski	Matsunaga	Tunney
Dulski	Melcher	Udall
Eilberg	Mikva	Vander Jagt
Ford, William D.	Minish	Vanik
Forsythe	Mink	Waldie
Fraser	Morgan	Widnall
Gonzalez	Morse	Wolff
Green, Pa.	Nedzi	Wylie
		Yates

ANSWERED "PRESENT"—2

Robison	Saylor

NOT VOTING—209

Abbitt	Esch	O'Neal, Ga.
Adair	Eshleman	O'Neill, Mass.
Addabbo	Evans, Colo.	Ottinger
Anderson, Calif.	Evins, Tenn.	Pepper
Anderson, Ill.	Fallon	Pickle
Anderson, Tenn.	Farbstein	Pirnie
Andrews, Ala.	Fascell	Poage
Andrews, N. Dak.	Frelinghuysen	Podell
Annunzio	Friedel	Pollock
Aspinall	Fulton, Tenn.	Powell
Ayres	Gallagher	Price, Tex.
Baring	Gaydos	Purcell
Bell, Calif.	Gettys	Quillen
Berry	Giaimo	Railsback
Biaggi	Gibbons	Randall
Blackburn	Gilbert	Reid, Ill.
Bow	Goldwater	Reid, N.Y.
Bray	Gray	Reifel
Brock	Griffin	Rhodes
Broomfield	Griffiths	Riegle
Brotzman	Grover	Roe
Brown, Calif.	Gubser	Rogers, Colo.
Brown, Mich.	Haley	Rooney, N.Y.
Broyhill, N.C.	Hanley	Rooney, Pa.
Broyhill, Va.	Hansen, Wash.	Rosenthal
Buchanan	Harrington	Rostenkowski
Burlison, Mo.	Harvey	Roudebush
Burton, Calif.	Hastings	Rousselot
Burton, Utah	Hawkins	Roybal
Button	Hays	Ruppe
Caffery	Hébert	St Germain
Carney	Henderson	Sandman
Carter	Holifield	Schadeberg
Casey	Howard	Scherle
Cederberg	Hull	Sebelius
Celler	Hutchinson	Shipley
Chappell	Jarman	Sikes
Chisholm	Johnson, Calif.	Sisk
Clausen, Don H.	Johnson, Pa.	Smith, Calif.
Clawson, Del	Karth	Smith, N.Y.
Clay	Kleppe	Snyder
Collier	Kluczynski	Stafford
Collins, Ill.	Landrum	Staggers
Collins, Tex.	Langen	Stanton
Corbett	Lennon	Steele
Cowger	Long, La.	Steiger, Ariz.
Cramer	Lowenstein	Steiger, Wis.
Cunningham	Lujan	Stokes
Daddario	McClory	Sullivan
Daniels, N.J.	McCulloch	Taft
Davis, Ga.	McDonald, Mich.	Talcott
de la Garza	McEwen	Teague, Tex.
Delaney	McKneally	Thompson, Ga.
Denney	MacGregor	Thompson, N.J.
Dent	Martin	Ullman
Diggs	Mathias	Vigorito
Dingell	May	Waggonner
Donohue	Meskill	Watson
Dorn	Michel	Watts
Dowdy	Miller, Calif.	Weicker
Downing	Minshall	Whalen
Dwyer	Mize	Whalley
Eckhardt	Moorhead	Whitehurst
Edmondson	Morton	Wilson, Bob
Edwards, Ala.	Mosher	Winn
Edwards, Calif.	Moss	Wold
Edwards, La.	Murphy, Ill.	Wydler
Erlenborn	Murphy, N.Y.	Wyman
	Myers	Yatron
	Nichols	Zion
	O'Konski	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rhodes for, with Mr. Saylor against.

Mr. Bob Wilson for, with Mr. Robison against.

Mr. Hébert for, with Mr. Mosher against.

Mr. Waggonner for, with Mr. Wydler against.

Mr. Hays for, with Mr. Lujan against.

Mr. Rooney of New York for, with Mr. Riegle against.

Mr. Henderson for, with Mr. Addabbo against.

Mr. Lennon for, with Mr. O'Neill of Massachusetts against.

Mr. Daniels of New Jersey for, with Mr. Donohue against.

Mr. Evins of Tennessee for, with Mr. Burton of California against.

Mr. Fascell for, with Mr. Rostenkowski against.

Mr. Miller of California for, with Mr. Dent against.

Mr. Holifield for, with Mr. Burlison of Missouri against.

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

Mr. Gray for, with Mr. Roe against.

Mr. Hanley for, with Mr. Rooney of Pennsylvania against.

Mr. Shipley for, with Mr. Powell against.

Mr. Sikes for, with Mr. Griffin against.

Mrs. Hansen of Washington for, with Mr. Gaydos against.

Mr. Nichols for, with Mr. Brown of California against.

Mr. Sisk for, with Mr. Biaggi against.

Mr. Staggers for, with Mrs. Chisholm against.

Mr. Gettys for, with Mr. Dingell against.

Mr. Annunzio for, with Mr. Clay against.

Mr. Bow for, with Mr. Eckhardt against.

Mr. Martin for, with Mr. Edwards of California against.

Mr. Price of Texas for, with Mr. Farbstein against.

Mr. Grover for, with Mr. Gallagher against.

Mr. Morton for, with Mr. Gilbert against.

Mr. Delaney for, with Mrs. Griffiths against.

Mr. Abbitt for, with Mr. Harrington against.

Mr. Anderson of California for, with Mr. Hawkins against.

Mr. Anderson of Tennessee for, with Mr. Howard against.

Mr. Anderson of Alabama for, with Mr. Karth against.

Mr. Casey for, with Mr. Lowenstein against.

Mr. Moorhead for, with Mr. Moss against.

Mr. Murphy of New York for, with Mr. Podell against.

Mr. Pickle for, with Mr. Caffery against.

Mr. Chappell for, with Mr. Diggs against.

Mr. Davis of Georgia for, with Mr. Edwards of Louisiana against.

Mr. Dorn for, with Mr. Evans of Colorado against.

Mr. Downey for, with Mr. Gibbons against.

Mr. Edmondson for, with Mr. Ottinger against.

Mr. Haley for, with Mr. Rosenthal against.

Mr. Hull for, with Mr. Roybal against.

Mr. Jarman for, with Mr. St Germain against.

Mr. Johnson of California for, Mr. Stokes against.

Mr. Kluczynski for, with Mr. Yatron against.

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

Mr. Pepper for, with Mr. Thompson of New Jersey against.

Mr. Randall for, with Mrs. Sullivan against.

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

Mr. Goldwater for, with Mr. Andrews of North Dakota against.

Mr. Corbett for, with Mr. Eshleman against.
Mr. Broyhill of Virginia for, with Mr. Reid of New York against.
Mr. McClory for, with Mr. Steele against.
Mr. Hastings for, with Mr. Steiger of Wisconsin against.
Mr. Carter for, with Mr. Steiger of Arizona against.

Until further notice:
Mr. Aspinall with Mr. Anderson of Illinois.
Mr. Baring with Mr. Mathias.
Mr. Carney with Mr. Michel.
Mr. Daddario with Mr. Blackburn.
Mr. de la Garza with Mr. Myers.
Mr. Dowdy with Mr. Railsback.
Mr. Fallon with Mr. Broomfield.
Mr. Friedel with Mr. Ayres.
Mr. Giaimo with Mr. Bell of California.
Mr. Landrum with Mr. Adair.
Mr. Long of Louisiana with Mr. Berry.
Mr. Murphy of Illinois with Mr. Brotzman.
Mr. O'Neal of Georgia with Mr. Cederberg.
Mr. Purcell with Mr. Bray.
Mr. Rogers of Colorado with Mr. Don H. Clausen.
Mr. Ullman with Mr. Collier.
Mr. Del Clawson with Mr. Brock.
Mr. Cunningham with Mr. Collins of Texas.
Mr. Denney with Mr. Brown of Michigan.
Mrs. Dwyer with Mr. Cowger.
Mr. Edwards of Alabama with Mr. Broyhill of North Carolina.
Mr. Frelinghuysen with Mr. Cramer.
Mr. Burton of Utah with Mr. Buchanan.
Mr. Gubser with Mr. Button.
Mr. Harvey of Michigan with Mr. Erlenborn.
Mr. Hutchinson with Mr. Esch.
Mr. Johnson of Pennsylvania with Mr. Kleppe.
Mr. McEwen with Mr. Langen.
Mr. McKneally with Mr. McCulloch.
Mr. MacGregor with Mr. McDonald of Michigan.
Mr. Meskill with Mrs. May.
Mr. Minshall with Mr. Mize.
Mr. O'Konski with Mr. Pirnie.
Mr. Pollock with Mr. Quillen.
Mrs. Reid of Illinois with Mr. Reifel.
Mr. Roudebush with Mr. Rousselot.
Mr. Ruppe with Mr. Sandman.
Mr. Schadeberg with Mr. Scherle.
Mr. Sebelius with Mr. Smith of California.
Mr. Smith of New York with Mr. Stafford.
Mr. Snyder with Mr. Stanton.
Mr. Talcott with Mr. Thompson of Georgia.
Mr. Watson with Mr. Weicke.
Mr. Whalen with Mr. Whalley.
Mr. Whitehurst with Mr. Winn.
Mr. Wyman with Mr. Zion.

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

Mr. SAYLOR. Mr. Speaker, I have a live pair with the gentleman from Arizona (Mr. RHODES). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present".

Mr. ROBISON. Mr. Speaker, I have a live pair with the gentleman from California (Mr. BOB WILSON). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 19113. An act to provide for the free entry of 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind., and H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

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

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; and H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18582) entitled "An Act to amend the Food Stamp Act of 1964, as amended."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury.

The message also announced that the Senate agrees to the House amendment to the Senate amendment to the text and to the House amendment to the Senate amendment to the title to a bill of the House of the following title.

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty.

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. JONAS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

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

We are now considering a continuing resolution which will provide that the Department of Transportation and related agencies affected can continue until March 30, 1971, under the provisions of the transportation appropriation bill as modified by the House on December 15, 1970, when the conference report and amendments outside the conference report were agreed to in the House.

This matter was debated considerably in connection with the rule.

This is the best way we know of to try to dispose of this final appropriation bill of the year. We have the foreign aid appropriation bill which will be taken up in a few moments but there are no issues unresolved. It will clear to the White House today.

I would hope, unless there are some questions, that I might leave the matter at that.

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

I concur in the views and expressions of the gentleman from Texas. In my judgment it is absolutely essential that we pass this joint resolution if we are not to paralyze the entire operations of the Department of Transportation.

Mr. Chairman, I have no requests for time.

Mr. YATES. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. MAHON. I yield for a question.

Mr. YATES. At any point in this debate would it be in order to move to strike out the last word in order to get time to discuss any question?

Mr. MAHON. Does the gentleman wish to have me yield him some time?

Mr. YATES. I would appreciate the gentleman responding to a question.

The gentleman contemplates that this resolution, if passed, will go to conference, unless the other body adopts it in the same form as we pass it?

Mr. MAHON. I would expect the other body to adopt it without change. I do not expect to go to conference.

Mr. YATES. The gentleman does not intend to go to conference?

Mr. MAHON. I do not believe it will be necessary to go to conference, because I believe it will be adopted by the other body.

Mr. YATES. There will be no opportunity in the other body to offer amendments?

Mr. MAHON. There will, I assume, be ample opportunity in the other body, I would say to the gentleman, depending upon the conditions under which the proceedings are held for the consideration of the continuing resolution.

Mr. YATES. Well, I have no desire to hold up the debate, Mr. Chairman, and I am not going to ask for additional time. However, I want to make the point

that I would be very interested if the other body just tacitly accepts this resolution as proposed by this body. It is my opinion that there will be some discussion on the passage of this resolution.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

RÉSUMÉ OF THE APPROPRIATION BUSINESS OF THE SESSION

Mr. MAHON. Mr. Chairman, under leave granted by the House, I wish to insert at this point for the information of Members and others, a very brief résumé of the appropriations business of the session in respect to appropriation bills handled by the Committee on Appropriations.

While the bulk of the outgo side of the budget annually acted upon by Congress is handled through these appropriation bills, there are a number of actions in nonappropriation bills out of the legislative committees that directly affect the overall results of congressional impact on the budget—so-called backdoor appropriation bills and provisions, certain legislative bills that mandate additional spending, inactions on a few budgetary proposals that are treated as so-called negative expenditures in the budget, and of course inactions on or changes in budget proposals related to the revenue side of the budget. The comprehensive budget scorekeeping reports issued periodically by the staff of the Joint Committee on Reduction of Federal Expenditures encompass all of these actions and inactions on the budget. A final session-end report will be issued next week.

In the meantime, I should like to include a résumé of the appropriation bills handled by the Committee on Appropriations.

APPROPRIATION BILLS, FISCAL YEAR 1971

Mr. Chairman, with respect to the appropriation bills dealing with budget requests for the current fiscal year 1971, Congress has processed 14 regular annual bills plus the usual session-end supplemental bill, a total of 15 bills. This excludes the original independent offices-HUD bill which was vetoed but includes the new bill which has been signed into law.

In the 15 bills, in respect to fiscal 1971 budget requests for new budget—obligational—authority, requests from the President totaled $140.1 billion. A total of $138.4 billion has been approved, a net reduction of $1.7 billion. I include the Transportation appropriation bill on the basis of the conference report agreed to in the House on December 15; final action on the bill has not been taken in the other body, but the continuing resolution approved today in the House would enact the funding levels in the Transportation bill through March 30, 1971.

Of the 15 bills enacted, four were above the related budget requests and 11 were below the related budget requests. The net overall reduction, as I mentioned, is $1.7 billion.

These figures represent new budget—obligational—authority, not budget expenditures—budget outlays—which in addition to expenditures from new budget authority include billions of dollars of expenditures from carryover balances of appropriations made in previous years, and also expenditures from certain so-called permanent appropriations, such as interest on the public debt and a number of trust funds which Congress is not required to act upon at each session.

FISCAL YEAR 1971 BILLS IN THE HOUSE

Mr. Chairman, the figures just recited represent the final congressional actions. The House, in the 15 bills, considered budget requests of $139.1 billion; approved $136.5 billion; for a net reduction of $2.6 billion. Three bills were above the related budget requests and 12 bills were below the related budget requests.

FISCAL YEAR 1971 BILLS IN THE SENATE

The Senate considered budget requests of $140.1 billion; approved $139.5 billion; for a net reduction, overall, of $600 million plus. It will be noted that the Senate considered about $1 billion in budget requests not considered by the House. Five of the 15 bills as passed by the Senate were above the related budget requests and 10 were below the related budget requests.

APPROPRIATION BILLS, FISCAL YEAR 1970

In addition to the appropriation bills relating to the current fiscal year 1971, the Congress at this session also considered certain supplemental requests relating to the fiscal year 1970 which ended last June 30th. These were considered and approved in the second supplemental appropriation bill, 1970. Budget requests considered totaled $6,430,-171,902. The approved total was $6,021,-535,005, for a reduction of $408,636,897. I should add that this reduction includes the sum of $275,000,000 with respect to a request related to the foreign military credit sales program.

TABULAR SUMMARY BY BILLS, FISCAL 1971 AMOUNTS

Mr. Chairman, the bill-by-bill totals with respect to fiscal 1971 are shown in the tabular summary which follows.

To repeat what I said earlier, these are the appropriation bills processed through the Committee on Appropriations. A more comprehensive summary of all congressional actions affecting the budget, including these appropriation bills, will be issued next week in the scorekeeping report of the staff of the Joint Committee on Reduction of Federal Expenditures.

The appropriation bill summary for fiscal year 1971 follows:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change, increase (+) or decrease (−)
IN THE HOUSE			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,216,823,500)	(17,390,212,300)	(+173,388,800)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
5. State-Justice-Commerce-Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	$2,465,814,937	$2,429,579,937	−$36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public Works-AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor-HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
15. Supplemental	1,701,836,738	1,525,365,538	−176,471,200
Total, House bills	139,091,898,560	136,472,075,355	−2,619,823,205
IN THE SENATE			
1. Legislative	421,414,899	413,889,653	−7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,468,223,500)	(18,655,019,500)	(+1,186,796,000)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
6. Agriculture	7,748,354,500	8,475,935,100	+727,580,600
7. Public Works-AEC	5,263,433,000	5,258,695,000	−4,738,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,122,080,500	−129,119,500
9. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,018,079,000	−28,614,000
10. Military construction	2,134,800,000	2,057,871,000	−76,929,000
11. Labor-HEW	18,759,377,000	19,269,514,078	+510,137,078
12. Transportation	2,553,816,437	2,303,923,605	−249,892,832
13. Foreign assistance	2,876,539,000	2,603,639,000	−272,900,000
14. Defense	68,745,666,000	66,417,077,000	−2,328,589,000
15. Supplemental	1,928,985,264	2,089,107,792	+160,122,528
Total, bills cleared Senate	140,114,389,200	139,466,483,528	−647,905,672
ENACTED			
1. Education (veto overridden by House)	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,900
3. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
4. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,468,223,500)	(18,009,525,300)	(+541,301,800)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
5. Legislative	421,414,899	413,054,220	−8,360,679
6. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,004,711,000	−41,982,000
7. Public Works-AEC	5,263,433,000	5,238,517,000	−24,916,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,108,074,500	−143,125,500
9. Military construction	2,134,800,000	2,037,814,000	−96,986,000
10. Agriculture	7,748,354,500	8,090,856,550	+342,502,050
11. Labor-HEW	18,759,377,000	18,999,392,500	+240,015,500
12. Transportation	2,553,816,437	[1] 2,458,134,605	−95,681,832
13. Foreign assistance	2,876,539,000	2,534,310,000	−342,229,000
14. Defense	68,745,666,000	66,595,937,000	−2,149,729,000
15. Supplemental	1,928,985,264	1,853,372,792	−75,612,472
Total, bills enacted (15 bills)	140,114,389,200	138,408,257,167	−1,706,132,033

[1] Conference report not finalized. See H.J. Res. 1421, adopted in the House Dec. 31, 1970.

Source: Prepared Dec. 31, 1970, in the House Committee on Appropriations.

The CHAIRMAN. Under the rule, the joint resolution is considered as having been read for amendment.

The joint resolution is as follows:

H.J. RES. 1421

Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294, as amended), is hereby further amended by striking out "the sine die adjournment of the second session of the Ninety-first Congress" and inserting in lieu thereof "March 30, 1971": *Provided,* That projects and activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1971 (H.R. 17755, Ninety-first Congress), may be conducted at a rate for operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on December 15, 1970.

The CHAIRMAN. No amendments are in order to the joint resolution except amendments offered by direction of the Committee on Appropriations.

Are there any committee amendments?

Mr. MAHON. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, pursuant to House Resolution 1337, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

MOTION TO RECOMMIT OFFERED BY MR. ROBISON

Mr. ROBISON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. ROBISON. I am opposed to the joint resolution, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROBISON moves to recommit the joint resolution (H.J. Res. 1421) to the Committee on Appropriations

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 180, nays 37, answered "present" 2, not voting 213, as follows:

[Roll No. 459]

YEAS—180

Adams	Fuqua	Montgomery
Albert	Galifianakis	Morgan
Alexander	Gonzalez	Natcher
Arends	Goodling	Nelsen
Ashbrook	Green, Oreg.	Nix
Ashley	Green, Pa.	O'Hara
Barrett	Gross	Passman
Beall, Md.	Gude	Patman
Belcher	Hagan	Pelly
Betts	Hall	Perkins
Bevill	Halpern	Pettis
Bingham	Hamilton	Philbin
Blanton	Hammer-schmidt	Pike
Blatnik	Hanna	Poff
Boggs	Hansen, Idaho	Preyer, N.C.
Boland	Harsha	Price, Ill.
Bolling	Hathaway	Pryor, Ark.
Brasco	Hechler, W. Va.	Pucinski
Brinkley	Hicks	Quie
Brooks	Hogan	Rarick
Brotzman	Horton	Roberts
Brown, Ohio	Hosmer	Rogers, Fla.
Burke, Fla.	Hungate	Roth
Burke, Mass.	Hunt	Ruth
Burleson, Tex.	Ichord	Satterfield
Bush	Jonas	Schmitz
Byrne, Pa.	Jones, Ala.	Schneebeli
Byrnes, Wis.	Jones, N.C.	Schwengel
Cabell	Jones, Tenn.	Scott
Camp	Kazen	Shriver
Chamberlain	Kee	Skubitz
Clancy	Keith	Slack
Clark	King	Smith, Iowa
Cleveland	Kuykendall	Springer
Colmer	Kyl	Stanton
Conable	Kyros	Stephens
Conte	Landgrebe	Stratton
Corman	Latta	Stubblefield
Coughlin	Leggett	Stuckey
Culver	Lukens	Symington
Daniel, Va.	McCloskey	Taylor
Davis, Wis.	McClure	Teague, Calif.
Dellenback	McDade	Thomson, Wis.
Dennis	McFall	Udall
Derwinski	Macdonald, Mass.	Van Deerlin
Devine	MacGregor	Vander Jagt
Dickinson	Madden	Wampler
Dulski	Mahon	Ware
Duncan	Mailliard	White
Feighan	Mann	Whitten
Findley	Marsh	Wiggins
Fisher	Matsunaga	Williams
Flood	Meeds	Wilson, Charles H.
Flowers	Miller, Ohio	Wolff
Flynt	Mills	Wright
Foley	Mink	Wyatt
Ford, Gerald R.	Mizell	Wylie
Foreman	Mollohan	Young
Fountain	Monagan	Zablocki
Frey		Zwach
Fulton, Pa.		

NAYS—37

Bennett	McCarthy	Rodino
Brademas	Mayne	Ryan
Carey	Melcher	Saylor
Cohelan	Mikva	Scheuer
Crane	Minish	Steed
Ford, William D.	Morse	Thompson, N.J.
Forsythe	Nedzi	Tiernan
Fraser	Obey	Tunney
Helstoski	Olsen	Vanik
Kastenmeier	Patten	Waldie
Koch	Rees	Widnall
Long, Md.	Reuss	Yates
	Robison	

ANSWERED "PRESENT"—1

Conyers

NOT VOTING—213

Abbitt	Andrews, Ala.	Biaggi
Abernethy	Andrews, N. Dak.	Biester
Adair	Annunzio	Blackburn
Addabbo	Aspinall	Bow
Anderson, Calif.	Ayres	Bray
Anderson, Ill.	Baring	Brock
Anderson, Tenn.	Bell, Calif.	Broomfield
	Berry	Brown, Calif.
		Brown, Mich.
Broyhill, N.C.	Gilbert	Pickle
Broyhill, Va.	Goldwater	Pirnie
Buchanan	Gray	Poage
Burlison, Mo.	Griffin	Podell
Burton, Calif.	Griffiths	Pollock
Burton, Utah	Grover	Powell
Button	Gubser	Price, Tex.
Caffery	Haley	Purcell
Carney	Hanley	Quillen
Carter	Hansen, Wash.	Railsback
Casey	Harrington	Randall
Cederberg	Harvey	Reid, Ill.
Celler	Hastings	Reid, N.Y.
Chappell	Hawkins	Reifel
Chisholm	Hays	Rhodes
Clausen, Don H.	Hébert	Riegle
Clawson, Del	Heckler, Mass.	Roe
Clay	Henderson	Rogers, Colo.
Collier	Holifield	Rooney, N.Y.
Collins, Ill.	Howard	Rooney, Pa.
Collins, Tex.	Hull	Rosenthal
Corbett	Hutchinson	Rostenkowski
Cowger	Jacobs	Roudebush
Cramer	Jarman	Rousselot
Cunningham	Johnson, Calif.	Roybal
Daddario	Johnson, Pa.	Ruppe
Daniels, N.J.	Karth	St Germain
Davis, Ga.	Kleppe	Sandman
de la Garza	Kluczynski	Schadeberg
Delaney	Landrum	Scherle
Denney	Langen	Sebelius
Dent	Lennon	Shipley
Diggs	Lloyd	Sikes
Dingell	Long, La.	Sisk
Donohue	Lowenstein	Smith, Calif.
Dorn	Lujan	Smith, N.Y.
Dowdy	McClory	Snyder
Downing	McCulloch	Stafford
Dwyer	McDonald, Mich.	Staggers
Eckhardt	McEwen	Steele
Edmondson	McKneally	Steiger, Ariz.
Edwards, Ala.	McMillan	Steiger, Wis.
Edwards, Calif.	Martin	Stokes
Edwards, La.	Mathias	Sullivan
Eilberg	May	Taft
Erlenborn	Meskill	Talcott
Esch	Michel	Teague, Tex.
Eshleman	Miller, Calif.	Thompson, Ga.
Evans, Colo.	Minshall	Ullman
Evins, Tenn.	Mize	Vigorito
Fallon	Moorhead	Waggonner
Farbstein	Morton	Watson
Fascell	Mosher	Watts
Fish	Moss	Weicker
Frelinghuysen	Murphy, Ill.	Whalen
Friedel	Murphy, N.Y.	Whalley
Fulton, Tenn.	Myers	Whitehurst
Gallagher	Nichols	Wilson, Bob
Garmatz	O'Konski	Winn
Gaydos	O'Neal, Ga.	Wold
Gettys	O'Neill, Mass.	Wydler
Giaimo	Ottinger	Wyman
Gibbons	Pepper	Yatron
		Zion

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.

Mr. O'Neill of Massachusetts with Mr. Rhodes.

Mr. Waggonner with Mr. Smith of California.

Mr. Hays with Mr. McKneally.

Mr. Abbitt with Mr. Schadeberg.

Mr. Henderson with Mrs. May.

Mrs. Sullivan with Mr. Adair.

Mr. Holifield with Mr. Andrews of North Dakota.

Mr. Annunzio with Mr. Ayres.

Mr. Addabbo with Mr. Berry.

Mr. Teague of Texas with Mr. Bow.

Mr. Biaggi with Mr. Brock.

Mr. Karth with Mr. Button.

Mr. Hull with Mr. Denney.

Mr. Miller of California with Mr. Del Clawson.

Mr. Daniels of New Jersey with Mr. Bell of California.

Mr. Donohue with Mr. Martin.

Mr. Hanley with Mr. Lloyd.

Mr. Gray with Mrs. Heckler of Massachusetts.

Mr. Fulton of Tennessee with Mr. Johnson of Pennsylvania.

Mr. Gettys with Mr. Mize.

Mr. Garmatz with Mr. Myers.

Mr. Fascell with Mr. Brown of Michigan.

Mr. Evins of Tennessee with Mr. Don H. Clausen.

Mr. Eilberg with Mr. Corbett.

Mr. Downing with Mrs. Dwyer.
Mr. Dent with Mr. Edwards of Louisiana.
Mr. Delaney with Mr. Esch.
Mr. Celler with Mr. Hastings.
Mr. Casey with Mr. Harvey.
Mr. Burton of California with Mr. Bob Wilson.
Mr. Burlison of Missouri with Mr. Whalen.
Mr. Lennon with Mr. Zion.
Mr. Kluczynski with Mr. Snyder.
Mr. Johnson of California with Mr. Sandman.
Mr. Yatron with Mr. Price of Texas.
Mr. Abernethy with Mr. Biester.
Mr. Anderson of California with Mr. Blackburn.
Mr. Anderson of Tennessee with Mr. Carter.
Mr. Andrews of Alabama with Mr. Bray.
Mr. Aspinall with Mr. Goldwater.
Mr. Baring with Mr. Collins of Illinois.
Mr. Brown of California with Mrs. Chisholm.
Mr. Caffery with Mr. Cederberg.
Mr. Carney with Mr. Diggs.
Mr. Chappell with Mr. Grover.
Mr. Daddario with Mr. Clay.
Mr. Davis of Georgia with Mr. Lujan.
Mr. de la Garza with Mr. Collier.
Mr. Eckhardt with Mr. Diggs.
Mr. Dorn with Mr. Erlenborn.
Mr. Dowdy with Mr. Broomfield.
Mr. Edmondson with Mr. Gubser.
Mr. Edwards of California with Mr. Collins of Texas.
Mr. Edwards of Louisiana with Mr. Broyhill of North Carolina.
Mr. Evans of Colorado with Mr. McClory.
Mr. Fallon with Mr. Cowger.
Mr. Farbstein with Mr. Hawkins.
Mr. Friedel with Mr. Stokes.
Mr. Gallagher with Mr. McCulloch.
Mr. Gaydos with Mr. Hutchinson.
Mr. Giaimo with Mr. Broyhill of Virginia.
Mr. Gibbons with Mr. McDonald of Michigan.
Mr. Gilbert with Mr. Eshleman.
Mr. Griffin with Mr. Cramer.
Mrs. Griffiths with Mr. Buchanan.
Mr. Haley with Mr. Fish.
Mrs. Hansen of Washington with Mr. Kleppe.
Mr. Harrington with Mr. Burton of Utah.
Mr. Howard with Mr. Frelinghuysen.
Mr. Jacobs with Mr. Langen.
Mr. Jarman with Mr. Cunningham.
Mr. Landrum with Mr. Pirnie.
Mr. Nichols with Mr. Michel.
Mr. Long of Louisiana with Mrs. Reed of Illinois.
Mr. O'Neal of Georgia with Mr. Minshall.
Mr. Moorhead with Mr. Roudebush.
Mr. Ottinger with Mr. Scherle.
Mr. Lowenstein with Mr. Pollock.
Mr. Moss with Mr. Reid of New York.
Mr. Pepper with Mr. Rousselot.
Mr. Murphy of Illinois with Mr. O'Konski.
Mr. McMillan with Mr. Meskill.
Mr. Pickle with Mr. Sebelius.
Mr. Podell with Mr. Reifel.
Mr. Murphy of New York with Mr. Smith of New York.
Mr. Purcell with Mr. Quillen.
Mr. Randall with Mr. Ruppe.
Mr. Roe with Mr. Morton.
Mr. Rogers of Colorado with Mr. Stafford.
Mr. Rooney of New York with Mr. Wyman.
Mr. Watts with Mr. Railsback.
Mr. Vigorito with Mr. Thompson of Georgia.
Mr. Rooney of Pennsylvania with Mr. Steele.
Mr. Rostenkowski with Mr. Mosher.
Mr. Sikes with Mr. Wold.
Mr. Staggers with Mr. Steiger of Wisconsin.
Mr. Rosenthal with Mr. Riegle.
Mr. Roybal with Mr. Steiger of Arizona.
Mr. St Germain with Mr. Whitehurst.
Mr. Shipley with Mr. Taft.
Mr. Sisk with Mr. Winn.
Mr. Ullman with Mr. Talcott.
Mr. Mathias with Mr. Watson.
Mr. McEwen with Mr. Weicker.
Mr. Whalley with Mr. Wydler.

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

The SPEAKER. The Chair observes that the gentleman from Wisconsin (Mr. KASTENMEIER) is present in the Chamber, and directs the Clerk to call his name.

Does the gentleman desire to vote? Otherwise, the Clerk will record the gentleman as "present."

Mr. KASTENMEIER. Mr. Speaker, I vote "nay."

The SPEAKER. The gentleman from Wisconsin votes "nay."

The Chair observes the gentleman from Michigan (Mr. CONYERS) is present in the Chamber, and directs the Clerk to call his name.

Does the gentleman desire to vote? Otherwise, the Clerk will record the gentleman as "present."

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

The SPEAKER. The Chair will state that the Chair is about to announce the vote.

One hundred and eighty Members voting in the affirmative, 37 Members in the negative, and one "present," and the Chair being present, making a quorum, the joint resolution is passed.

Without objection, a motion to reconsider is laid on the table.

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks in the RECORD on the continuing resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks on the continuing resolution and include certain tables and pertinent extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON H.R. 19172, LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. BARRETT. Mr. Speaker, I call up the conference report on the bill (H.R. 19172) to provide Federal financial assisstance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

The Clerk read the title of the bill.

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 30, 1970.)

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

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if this is the bill which we sent to conference the other day without objection, and if that conference has acted and this is the report thereon; also whether the Senate amendments are germane thereunto, and what is the change in the cost factor over that discussed on the floor of the House the other day?

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

Mr. HALL. I yield to the gentleman, my friend from Pennsylvania.

Mr. BARRETT. There have been one or two technical changes, but no change in the substantive language. There is no nongermaneness in the report.

I do wish to comment that through the vigilance of the gentleman from Missouri, his observations on all these bills, and his objections, the House conferees were able to hold fast and sustain their arguments against the very strenuous argument put up by the Senate conferees, and we were able to come into the House with exactly the amount of money that we originally came in with in the House bill, namely, $10 million for the first year and $20 million for the second. You literally saved the taxpayers of this country about $43.5 million over the Senate amount.

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

Do I correctly understand now that instead of a 3-year bill, the conferees have decided upon a 2-year bill as passed by the House in lieu of the 3-year bill as recommended by the Senate, and which it was originally recommended that the House accept, and that the money factor, instead of being $75 million a year for 3 years, is now $10 million for the first year and $20 million for the second year? Is that correct?

Mr. BARRETT. The gentleman is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection and compliment the managers on the part of the House for sustaining and improving our position and the Treasury.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I rise in support of the conference report on the bill, H.R. 19172. This bill is designed to eliminate lead-based paint poisoning which has developed into a serious affliction of many children living in the deteriorated housing of our city slums.

The bill would achieve its purpose by giving grants to local governments for the detection and treatment of lead-paint poisoning and similar grants to eliminate lead-based paint where it poses a health hazard.

The Housing subcommittee of the Banking and Currency Committee held thorough hearings on this subject in June of this year. The bill received a unanimous vote when reported by the committee in September and passed this House without opposition.

There is a critical need for programs, such as this bill will provide, to permit local communities to take advantage of new treatment and detection techniques, to motivate parents, teachers, health aides, and others to become more aware of the problem; and to use available materials to remove lead-painted surfaces from exposure.

Certainly, this is one of the most humane bills to appear before this Congress and I urge its adoption.

Mr. BARRETT. Mr. Speaker, I rise in strong support of the conference report on the bill H.R. 19172, the Lead-Base Paint Poisoning Prevention Act. The House conferees believe that this report is a substantial victory for the House. As the Members may recall from yesterday when I attempted to have the House concur in the Senate-passed version of this bill, objections were raised regarding the amounts authorized for this program of lead paint elimination. The Senate-passed bill would have authorized 73.5 million dollars over a 3-year period in grants to be made by the Secretary of Health, Education, and Welfare for the purpose of assisting local communities in eliminating lead-base paint. The House version of the bill would have authorized the Secretary of Housing and Urban Development and the Secretary of Health, Education, and Welfare to make grants to assist local communities to eliminate the lead paint poisoning problem. The House-passed bill authorized 30 million dollars over a 2-year period.

I am happy to inform the House that the House conferees retained the 30 million dollar authorization over strong opposition from the Senate conferees who insisted on their full $73.5-million authorization.

Basically we have adopted the language of the Senate-passed bill in authorizing the Secretary of Health, Education, and Welfare to carry out this program rather than the House version which would have authorized the Secretary of Housing and Urban Development as well as the Secretary of Health, Education, and Welfare to carry out this grant program. We believe that the Secretary of Health, Education, and Welfare is the proper administration official since most of the problem involved here is a health problem. We have also provided for a demonstration and grant program to be conducted jointly by the Sceretary of Health, Education, and Welfare and the Secretary of Housing and Urban Development to seek to establish methods by which lead paint can be effectively removed from interior surfaces and exterior surfaces to which children are commonly exposed.

Mr. Speaker, I do not want to dwell any lnoger on the merits of who got the best deal out of the conference, but again let me direct my remarks to the House to say that we have retained the House authorization figure over the larger Senate figures. This bill is landmark legislation since it is the first time that the Federal Government will provide financial assistance to eliminate this growing crisis in our larger and older central cities. We are taking the first step to keep more children from dying of this dreaded lead poisoning.

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

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

Mr. BARRETT. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, I urge acceptance of the conference report on H.R. 19172, the Lead-Based Paint Poisoning Act.

Two days ago when the gentleman from Pennsylvania (Mr. BARRETT) asked unanimous consent to pass the Senate version, there was objection to the passage of the large increased appropriation authorized therein.

I am pleased to say to you that we have since met in conference and the Senate has concurred in a reduction of the authorization to $30 million which was the amount contained in the House bill previously passed here.

The Senate bill also contained authorizations for 3 years, opposed to the 2-year authorization in the House bill. Here, too, the Senate has concurred with us.

We have concurred with the Senate on the question of what Federal agency should administer this program. After due consideration, we concurred with their view that it was more appropriate to have HEW administer this program than HUD. The administration concurs with this view.

I am pleased to report to you that H.R. 19172 as now offered to you is wholly consistent with the objectives of H.R. 19172 as passed previously by the House and, further that it is completely consistent moneywise and truewise with the program this House previously approved.

Mr. Speaker, I would make a plea for the enactment of this much needed program. During the debate on the unanimously consented request earlier this week, the point was made that the prevention of lead-based paint poisoning is essentially a parental and community responsibility. I agree wholeheartedly with this contention and want to point out that the whole thrust of this bill is directed to a better discharge of that responsibility.

One of the problems which our hearings brought out was that so many of the parents are either unaware that paint on surfaces in their homes is poisonous and/or are unaware until tragedy has struck that the ingestion of paint chips is harmful. The principal thrusts of the bill are . . . one, to provide some minimum assistance to communities in developing and carrying out programs to identify those existing surfaces which pose a threat—and two, to provide minimum assistance to communities in preparing and disseminating information to parents to educate them to the problem and means of protecting their children. Nothing in this bill involves the Federal Government in the discharge of these parental responsibilities. On the other hand, it does help them understand these responsibilities and how to shouder them.

I think the bill is meritorious too, in that it provides authority to get at the root causes of this problem. The prohibitions against future use of lead-based paint in residential structures provides assurance that this problem will not become a permanent part of our Federal activity.

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

Mr. BARRETT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, passage of the conference report on H.R. 19172, the Lead-Based Paint Poisoning Prevention Act, brings close to successful culmination 2 years of effort on my part, and on the part of hundreds of people across the country who have been working to this end.

A success like this is particularly sweet, because the good that will be accomplished is so indisputable, the vice attacked so apparent.

The problem of lead poisoning is severe throughout the Nation. It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from lead poisoning.

Yet the disease is preventable. It need not claim the thousands of children that it does—children who, eating the lead-tainted paint and plaster which fall from the walls and ceilings of their slum dwellings, experience illness, brain damage, and even death.

In March 1969, I introduced a package of three bills aimed at alleviating the disease. In the following months, 30 other Members of the House either cosponsored my legislation or introduced similar bills. Several bills were also introduced in the Senate.

H.R. 9192 authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paint and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 9191 establishes a fund in the Department of Health, Education, and Welfare from which the Secretary is to

make grants to local governments to develop programs to identify and treat individuals afflicted with lead poisoining.

H.R. 11699 requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also requires that these plans be enforced.

Following my introduction of these three bills, I undertook an intensive campaign, both within the Congress and among interested private and public organizations, to press for the passage of them. On November 12, 1969, my office arranged an informational breakfast for Members of the House and Senate. The program was conducted by the New York Scientists' Committee for Public Information, and in attendance were health officials, medical experts, and others interested in the lead poisoning problem. Senator KENNEDY, who joined me in cosponsoring the breakfast, introduced legislation similar to mine in the Senate with 19 cosponsors.

In my own district, I organized the 20th Congressional District Committee To Wipe Out Lead Poisoning, and in February of this year we sponsored a conference for residents of my congressional district whose theme was lead poisoning—its symptoms, its causes, and its cure.

This July, the Subcommittee on Housing held hearings on lead poisoning. These hearings were chaired by my distinguished colleague and friend, the chairman of the subcommittee (Mr. BARRETT). Recognizing the seriousness of the lead-poisoning problem across America, he undertook to introduce legislation dealing with the problem—legislation very similar to my own.

On October 5, the Lead-Based Paint Elimination Act of 1970 passed the House. This legislation in effect incorporated my bills H.R. 9191 and H.R. 9192.

The bill which passed the Senate on December 17 is that introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY). It also incorporated my bills H.R. 9191 and H.R. 9192.

The conference report on H.R. 19172 provides, in effect, for three 2-year programs.

First, the Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government for the purpose of developing and carrying out local programs to detect and treat lead-based paint poisoning. For fiscal year 1971, $3,330,000 is authorized, and for fiscal year 1972, $6,660,000.

Second, the Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out programs to eliminate the hazards of lead poisoning. For fiscal year 1971, $5 million is authorized, and for fiscal year 1972, $10 million.

Third, the Secretary of Housing and Urban Development is to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing with which children might come into contact. The Secretary is to subsequently report to the Congress and suggest further legislative steps within 1 year. For fiscal year 1971, $1,670,000 is authorized, and for fiscal year 1972, $3,340,00.

In addition to these program activities, created by the Lead-Based Paint Poisoning Prevention Act, the bill also directs the Secretary of Health, Education, and Welfare to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance, after enactment of this bill.

It has taken almost 2 years to obtain passage of lead-poisoning legislation. But rarely in my career as a legislator have I felt my efforts so well rewarded. The legislation which should soon go on the statute books as public law offers hope to thousands of children—children mostly doomed to grow up in decaying slums where the lead-tainted paint and plaster chips, which are the carriers of the disease, befoul their homes.

It is the shame of America that these children do not yet have the opportunity to be born and raised in decent living conditions. It is the disgrace of America that we have done so little. But the lead poisoning legislation for which I, and so many dedicated individuals have been pleading, demanding, urging, and cajoling is on the verge of becoming law. It is only a small part of the enormous debt and obligation we owe all children who are deprived and disadvantaged, but it is an urgently essential and long, long overdue step.

It is fitting that, at a time of the year when so much lip service is paid to brotherhood and charity, the Congress is indeed bearing a gift to the little children.

Mr. MINISH. Mr. Speaker, as we approach adjournment of the 91st Congress, I am pleased that the leadership has seen fit to schedule final action on the conference report on the Lead-Based Paint Poisoning Act. We cannot afford to postpone enactment of such a vital and needed measure.

The legislation would authorize the Secretary of Health, Education, and Welfare to make grants to local governments to carry out intensive programs to eliminate the causes of lead paint poisoning as well as to develop detection and educational programs. The bill also prohibits the use of leaded paints in all Federal or federally assisted construction programs, and requires the Secretary of Housing and Urban Development to undertake a comprehensive study to determine the methods by which lead-based paint can most effectively be removed from existing structures.

Lead poisoning among young children in our urban centers is a grave problem. These children often eat peeling or chipping paint from the walls of older apartments and houses. Brain damage, mental retardation, cerebral palsy, and even death can result.

Approximately 200 children die from lead poisoning every year in the United States, and more than 12,000 are treated by doctors and hospitals. Even these statistics, however, do not illustrate the full extent of the problem. It has been estimated that for every child treated for lead poisoning, 25 are injured, perhaps permanently, but never treated.

Mr. Speaker, I urge passage of this important conference report.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker laid before the House the following resignation from the House of Representatives:

DECEMBER 31, 1970.

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

DEAR MR. SPEAKER: I hereby submit my resignation as the Representative-at-Large from the State of Delaware in the United States House of Representatives, effective midnight, December 31, 1970.

Sincerely,

WILLIAM V. ROTH, Jr.

CONFERENCE REPORT ON H.R. 15628, AMENDING THE FOREIGN MILITARY SALES ACT

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 15628) to amend the Foreign Military Sales Act:

CONFERENCE REPORT (H. REPT. NO. 91–1805)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act, 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 numbered 1 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and insert in lieu thereof the following: "shall not exceed $340,000,000 for each of the fiscal years 1970 and 1971".

And the Senate agree to the same.

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

"SEC. 7. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made

in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, 'International Fighter aircraft' means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91–121 (relating to military procurement for fiscal year 1970 and other matters).

"SEC. 8. (a) Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization under part II of the Foreign Assistance Act of 1961 shall be considered to be an expenditure made from funds appropriated under that Act for military assistance. When an order is placed under the military assistance program with the military departments for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with section 644 (g) and (m) of the Foreign Assistance Act of 1961, to be nonexcess.

"(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeds $100,000,000.

"(c) For purposes of this section, 'value' means not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

"(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

"SEC. 9. In considering a request for approval of any transfer of a defense article to another country under section 505 (a)(1) and (a)(4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under the aforesaid such sections to the transfer of any significant defense articles on the United States Munitions List unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

"SEC. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section.

"SEC. 11. For purposes of sections 8 and 9—

"(1) 'defense article' and 'excess defense articles' have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

"(2) 'foreign country' includes any department, agency, or independent establishment of the foreign country.

"SEC. 12. The joint resolution entitled 'Joint resolution to promote the maintenance of international peace and security in Southeast Asia', approved August 10, 1964 (78 Stat. 384; Public Law 88–408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

"SEC. 13. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term 'United States' means the several States and the District of Columbia."

And the Senate agree to the same.

Amendment to the title: That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
E. ROSS ADAIR,
WILLIAM S. MAILLIARD,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
FRANK CHURCH,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
JOHN SHERMAN COOPER,
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. 15628) to amend the Foreign Military Sales Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees, the differences between the House bill and the conference agreement are noted below.

AUTHORIZATION OF FUNDS (SECTION 2)

The House authorized the appropriation of $275,000,000 for fiscal year 1970 and $272,500,000 for each of fiscal years 1971 and 1972.

The Senate authorized the appropriation of $250,000,000 for each of fiscal years 1970 and 1971. The Senate amendments did not contain an authorization for fiscal year 1972.

The House established an aggregate ceiling of $350,000,000 during fiscal year 1970 and $385,000,000 for each of fiscal years 1971 and 1972.

The Senate established an aggregate ceiling of $300,000,000 for each of fiscal years 1970 and 1971. The Senate amendments did not establish an aggregate ceiling during fiscal year 1972.

The Managers on the part of the House agreed to an authorization for each of fiscal years 1970 and 1971 of $250,000,000 and an aggregate ceiling of $340,000,000 for each of the fiscal years 1970 and 1971.

PROHIBITION ON THE SALE, GRANT, LOAN OR TRANSFER OF ANY INTERNATIONAL FIGHTER AIRCRAFT TO ANY FOREIGN COUNTRY OTHER THAN SOUTH VIETNAM (SECTION 8 OF THE SENATE AMENDMENT)

The Senate added an amendment which would prohibit the sale, grant, loan or transfer of any International Fighter to any country other than South Vietnam, unless it has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, as amended, or is a regular commercial transaction not financed by the United States.

The House bill contained no comparable provision.

The House conferees receded and accepted the Senate amendment. There is sufficient authority available under both the Foreign Military Sales Act and the Foreign Assistance Act of 1961, as amended, to make this aircraft available to friendly countries and international organizations.

RESTRICTION ON GRANTS TO FOREIGN COUNTRIES OF EXCESS DEFENSE ARTICLES (SECTION 9 OF THE SENATE AMENDMENT)

This Senate amendment provided that the total value of excess defense articles that may be furnished in any fiscal year shall not exceed $35 million. Any amount given above that ceiling would be subtracted from funds available for grant military assistance and deposited in the Treasury of the United States as miscellaneous receipts. For valuation purposes, the amendment provides that excess defense articles be valued at not less than 50 percent of acquisition costs.

The House bill did not contain a comparable provision.

The Managers on the part of the House agreed to a ceiling of $100,000,000. The value of such excess defense articles shall be not less than one-third of the price paid for the the item by the United States.

The managers on the part of the House agreed that the Congress should have control over the amount of excess defense articles made available to friendly countries and international organizations each year.

The ceiling agreed to is high enough to permit the distribution of such excess articles to continue during the rest of the fiscal year.

MILITARY EQUIPMENT TRANSFER (SECTION 11 OF THE SENATE AMENDMENT)

The Senate amendment added a new section 11 to the bill which provided: in subsection (a) that the President shall not consent under the Foreign Assistance Act or the Foreign Military Sales Act to the transfer of a defense article by the original recipient country to another country unless the United States would itself furnish that defense article directly to the second country; and in subsection (b) that the original recipient (foreign country or private person) of a defense article from the United States

must agree not to dispose of the defense article to a second recipient without obtaining the agreement of the second recipient that it, in turn, will not dispose of the defense article to a third recipient without the consent of the President and without obtaining the consent of the third recipient that it, in turn, will not dispose of the defense article to a fourth recipient without the consent of the President.

The House bill did not contain any comparable provisions.

The House receded with an amendment which reworded subsection (b). Existing law and Department of Defense regulations give the President the ability to impose controls over any successive transfers of defense articles. The Senate language would require the imposition of controls over "nth" countries and even upon private parties who buy demilitarized articles for salvage and smelting purposes.

The language agreed upon by the committee of conference limits controls to those of "significant defense articles on the United States munitions list." It also removes the unintended inclusion in the Senate text of nonweapon items such as clothing, automobiles, and typewriters.

REQUIRING APPROPRIATIONS TO BE CONSISTENT WITH AUTHORIZING LEGISLATION (SECTION 12 OF THE SENATE AMENDMENT)

The Senate amendment requires that any appropriation above the amount authorized by the Congress cannot be used and that any appropriations for which there is not an authorization cannot be expended.

The House bill contained no comparable provision.

The managers on the part of the House agreed that appropriations should not be made without prior authorization by the Congress.

DEFINITIONS (SECTION 13 OF THE SENATE AMENDMENT)

This provision adopts from section 644 of the Foreign Assistance Act of 1961, as amended, the definitions of "defense articles" and "excess defense articles."

The House bill contained no comparable language.

The House agreed that the definitions as contained in section 644 of the Foreign Assistance Act should apply.

REPEAL OF THE GULF OF TONKIN RESOLUTION (SECTION 14 OF THE SENATE AMENDMENT)

This Senate amendment would repeal Public Law 88-408, the Gulf of Tonkin resolution.

The House bill contained no comparable provision.

The managers on the part of the House accepted the Senate language. Recent legislation and Executive statements make the 1964 resolution unnecessary for the prosecution of United States foreign policy.

TRANSPORT OF CHEMICAL MUNITIONS FOR OKINAWA TO THE UNITED STATES (SECTION 16 OF THE SENATE AMENDMENT)

This Senate amendment, in addition to prohibiting the use of any funds authorized or appropriated under this Act or any other law to transport chemical munitions from Okinawa to the United States, authorized the appropriation of such funds as are necessary for the detoxification or destruction of such chemical munitions only outside the United States.

The House bill contained no comparable provision.

The managers on the part of the House accepted compromise language which makes it clear that the term "United States" means the several States of the Union and the District of Columbia.

AMENDMENT TO TITLE

The Senate amended the title of the House bill to reflect the action taken by the Senate.

The House receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
E. ROSS ADAIR,
WILLIAM S. MAILLIARD,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 15628) to amend the Foreign Military Sales Act, 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 Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take some time to explain what transpired?

Mr. MORGAN. Yes.

Mr. GROSS. I thank the gentleman, and withdraw my reservation.

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

There was no objection.

Mr. MORGAN. Mr. Speaker, after a long delay, the conference on H.R. 15628, the Foreign Military Sales Act, has reached agreement.

I believe that a fair compromise has been reached. There are provisions in the bill that I would prefer to have omitted. On the other hand, the Cooper-Church amendment which had proved a major stumbling block has been omitted. It is true that other legislation now includes most of the Cooper-Church language, so that its commission does not make too much difference.

The two most objectionable provisions of the Senate bill which were entirely new were one setting a ceiling on the value of excess military equipment which could be given to a foreign country and another provision requiring that any foreign country receiving a grant of military assistance was required to deposit an amount of its own currency to the account of the United States equal to 50 percent of the value of such assistance.

The conference agreed to the elimination of the provision requiring the deposit of local currencies, and the House accepted a ceiling of $300,000,000 for the deliveries of military excess which should be enough to permit deliveries to continue during the remainder of the fiscal year.

We agreed to a ceiling on the authorization for an appropriation of funds to finance military sales of $250 million for each of the fiscal years 1970 and 1971, which was the Senate figure. The House figure was $275 million. We were influenced by the fact that the figure in the appropriation bill is only $200 million.

The House had set a limit of $350 million on the total amount of credit sales which could be made during the fiscal year 1970 and $385 million for the fiscal year 1971. The Senate figure was $300 million for each of the 2 years. The conference agreed to a ceiling of $340 million for each of the 2 years.

We also accepted a Senate amendment which prohibited the transportation of chemical munitions from the Island of Okinawa to any of the United States.

The House conferees agreed also to an amendment terminating the joint resolution to promote the maintenance of international peace and security in Southeast Asia—sometimes called the Gulf of Tonkin resolution.

Our feeling was that changes in U.S. policy and provisions of law recently enacted have made this resolution no longer significant.

Mr. Speaker, the important thing is that we have brought back a military sales authorization which will permit us to continue to make sales of military equipment on credit. Without it, we would have been in a position where we could give military items to countries but could not sell to them on credit, even if they were ready to pay for them.

Mr. Speaker, I regret that we could not do better, but I believe that we have brought back a good bill, and I urge the approval of the conference report.

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

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

Mr. GROSS. Mr. Speaker, where does the gentleman anticipate this $100 million of surplus military materiel now in Vietnam will go?

Mr. MORGAN. As the gentleman knows, this surplus military equipment amendment was not in the House bill. This was put in the Senate Foreign Relations Committee.

After any war, we go around and see the huge military depots full of weapons and equipment we can no longer use. I remember after World War II, we had many of the military depots in France where we had miles and miles of stored military equipment, and there was not any use bringing it back to this country, because it had no sales value. We do not have that kind of military equipment now, but we do have a great deal of surplus military equipment that we have to dispose of. It has a value of about 30 percent of the original cost.

I am sure the gentleman from Louisiana (Mr. PASSMAN) in his hearings dealt with this problem. We worked out a formula in this bill to help dispose of some of this excess military equipment.

Mr. GROSS. If the gentleman will yield further, I still do not have a very good answer about where the $100 million of military equipment will go and who will get it.

Mr. MORGAN. A great deal of this equipment will go to such nations as South Korea, where otherwise they would have to buy new equipment or we would have to buy it for them.

Mr. GROSS. I hope to high heaven we do not ship it to Okinawa and then move it again somewhere else, because we are about to do what we ought never to have done, which is to turn Okinawa back to the Japanese.

Mr. MORGAN. I could not agree more with the gentleman from Iowa. He and I share the same views with respect to giving up that essential military base.

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

Mr. MORGAN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Under the excess military equipment program, the equipment is declared excess and is no longer usable by our own military forces, and then we make it available to the recipient countries included in the military assistance program; is that true?

Mr. MORGAN. That is true.

Mr. PASSMAN. Under our present law we cannot sell military equipment to civilians, so if we do not provide the excess military equipment to these countries, it has to be sold at scrap value which is perhaps one-half of 1 percent on the dollar.

Mr. MORGAN. That is correct.

Mr. PASSMAN. In many cases the excess equipment is in the country that will receive it.

Mr. MORGAN. Often that is true.

Mr. PASSMAN. I thank the distinguished chairman.

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

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

Mr. MAILLIARD. I thank the gentleman for yielding.

I simply want to say that this bill has been tied up in conference for over 6 months. I believe the House conferees can say that we have brought back a bill we would have liked to bring back in this form several months ago, but the other body was adamant until today. We have removed from the bill the Senate amendments—and there were several of them—which were really mischievous and would have done great injury to this program in the national security interests of the country.

I believe the conference report we bring back is in good shape and the House should support it.

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

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

Mr. ZABLOCKI. Mr. Speaker, I wholeheartedly agree with the conference report. I hope the House will approve it unanimously.

Mr. Speaker, I rise in support of the conference report to the foreign military sales bill and urge its adoption by the House.

Mr. Speaker, I was one of the conferees on this bill and for almost 6 months we have been tied up because of certain amendments that were added by the Senate which were unacceptable to the House.

I am happy to say that the differences have been resolved and the bill is now acceptable. For example, the Senate bill added an amendment which would have restricted U.S. activity in Cambodia. This amendment was not in the House bill and we were successful in getting the Senate to drop it.

In another provision, the Senate version of the bill would have required a foreign country which receives military grant aid or excess defense articles to pay in its own currency 50 percent of the amount of grant aid or an amount equal to 50 percent of the fair value of the excess material furnished. Had this amendment stayed in the bill, it could have gutted the military assistance program.

Another amendment the Senate added required that any appropriation above the amount authorized by the Congress cannot be used and that any appropriations for which there is not an authorization cannot be expended.

Mr. Speaker, I have long believed that there should be no appropriations without prior authorization. The House conferees accepted the Senate language in this instance.

I am not going to discuss each and every one of the differences and compromises that were made during the course of the conference. The fact that we have any bill at all reflects great credit upon the chairman, Hon. THOMAS E. MORGAN, and the other House conferees, and I urge the adoption of the conference report.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have until the date of adjournment to place their remarks in the RECORD on the conference report just agreed to.

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

There was no objection.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I call up 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, together with the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19 thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to Senate amendment numbered 19, as follows:

Strike out the period at the end of the said amendment and insert: ": *Provided, however,* That none of these funds may be obligated or expended until an authorization shall have been enacted into law."

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

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19.

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

Mr. PASSMAN. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Has the other body acted on this conference report?

Mr. PASSMAN. They have adopted this conference report. We are merely concurring in the Senate amendment to our amendment on the military credit sales program and it will then be cleared for the President.

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

Mr. PASSMAN. Yes.

Mr. GROSS. The other body has accepted the conference report or will accept the conference report with the concurrence of the House in this amendment? Which is correct?

Mr. PASSMAN. They have accepted the appropriation conference report. Of course, the Senate will have to consider the authorization conference report, but as I understand it they did reach agreement in conference and we feel we have protected the position of the House all the way on this bill. This should be the final action on the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

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 count.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. How did the count come out?

The SPEAKER. What is the gentleman's inquiry?

Mr. HALL. How did the count come out that the Chair was making of the House?

The SPEAKER. How many has the Chair counted now?

Mr. HALL. That is correct.

The SPEAKER. This is considered strictly confidential and strictly off the record and no one else can be told, but the Chair has counted 133 and the Chair is still counting.

Mr. HALL. Mr. Speaker, considering the dilemma in which the Chair finds itself, I ask unanimous consent to withdraw my point of order.

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

There was no objection.

So the motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have until the end of

the session in which to revise and extend their remarks in the RECORD on the motion which was just agreed to.

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

There was no objection.

PROVISION FOR SINE DIE ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 799) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 799

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that when they adjourn on said day, they stand adjourned sine die.

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

The SPEAKER. The Chair will state to the gentleman from Iowa that the resolution is not debatable. If the gentleman would like to ask unanimous consent to proceed for 1 minute, he may do so.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 minute.)

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Oklahoma as to what this means with respect to tomorrow.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, it is my intention, since we have sent everything that we have available, so far as I know, to the other side of the Capitol, and have no other business pending here, to ask to go over until Saturday if this resolution is agreed to. I have checked this with the leadership on the other side of the Capitol.

Mr. GROSS. It is not intended that there be a session tomorrow?

Mr. ALBERT. I intend to ask unanimous consent to go over until Saturday if this resolution is agreed to.

Mr. GROSS. I would state to the gentleman from Oklahoma that the press and radio and TV are saying that nonessential business will not be conducted in the District of Columbia tomorrow, so I would assume the House would not be in session.

Mr. ALBERT. The gentleman from Iowa has made a very pertinent observation.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned to meet at 12 o'clock noon on Saturday next.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman what the plan and schedule will be when we meet on Saturday next?

Mr. ALBERT. We have no scheduled business at this time.

The only matter of which I am aware that could possibly be in controversy is the continuing resolution we passed today. As I understand, the other body is going to take that up tomorrow—if not tonight.

Mr. HALL. Mr. Speaker, if this unanimous consent request is granted, do we have the assurance of the majority leader that there will be no new legislative business brought up on Saturday next or subsequently in this session prior to sine die adjournment.

Mr. ALBERT. I cannot speak for the other body, but so far as we are concerned, we have finished all legislative business except for matters that might come up under unanimous consent.

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

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

Mr. MILLS. Mr. Speaker, would that preclude, may I ask of the majority leader, in view of the understanding that he has, unanimous consent to take from the Speaker's table a House-passed bill and to reject a Senate amendment or to agree to a Senate amendment—depending on whether or not it was satisfactory? Could that be done on Saturday?

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

Mr. MILLS. I yield to the gentleman.

Mr. ALBERT. I had thought that the gentleman meant we would not take up any new legislation—that is, we would not take up some bill that had not come back from the Senate or some conference report.

Mr. HALL. Or some emergency measure out of the Committee on Rules with all points of order waived, et cetera, et cetera.

Mr. ALBERT. I do not believe we will have anything like that.

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

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

Mr. MILLS. The reason I asked the question is that the Senate this afternoon is in the process of passing a number of bills that the House passed by unanimous consent on last Tuesday. Some of them will have amendments. Some of the amendments are entirely satisfactory and there is no objection from any source. Others of them are not acceptable and it would be my purpose, if I am not precluded by this arrangement, to ask unanimous consent to take from the Speaker's table several of these bills and agree to the amendments that are acceptable and object to the amendments that are not acceptable and send the bills back with that objection to the Senate—as I say, it would be my purpose to do that. Would I be precluded now from such action?

Mr. HALL. I would say insofar as that is concerned, on any agreement that was made prior to my withdrawal of the previous objection, that that would not be precluded.

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

Mr. HALL. I yield to the gentleman.

Mr. ALBERT. Matters pertaining to legislation in the Senate, such as the bill we sent over, and matters that can be handled by unanimous consent would not be excluded from consideration on Saturday.

Mr. HALL. That is the only way you can do it because you are never going to have another quorum.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. BURKE of Massachusetts. A very strong bill might come up under a unanimous-consent request, to pass. It has already passed the Committee on Ways and Means and an effort might be made by a Member on your side of the aisle.

Mr. GROSS. Dealing with the shoe industry?

Mr. BURKE of Massachusetts. It deals with green olives.

Mr. HALL. Mr. Speaker, I thought we disposed of all that with Spanish olives and onions and potatoes and tomatoes.

Mr. GROSS. No; these are new problems.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, may I ask the majority leader if this wonderful concurrent resolution that we hope the other body will now pass has been checked out to see that this wonderful resolution is not the Titanic running into the submerged iceberg of a filibuster in the other body? What happens?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, this has been cleared with the leadership of the other body. The date has been agreed upon. I would think it would be the Titanic running a race with itself because when we adjourn on Saturday, we are going to adjourn sine die anyway whether we are through or not.

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

Mr. ARENDS. Mr. Speaker, reserving the right to object, might I simply ask this question: Is this a good time to say "Happy New Year" to everybody?

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

There was no objection.

THE HOUSE MUST STAND FIRM

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

Mr. PELLY. Mr. Speaker, as the Members of the House know, the day before yesterday, by a voice vote, the Senate tabled the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and insisted on its amendments, requested further conference with the House and appointed new conferees.

Mr. Speaker, the House already has accepted the DOT conference report, and I do not see why we should begin our work all over again. The other body has

dilly-dallied over this bill and its conference report and in every way possible has acted in a manner which is an affront to the House of Representatives.

Accordingly, Mr. Speaker, I want to urge the Members of the House and its leadership to stand firm on this body's earlier decision and refuse at this late date to return to conference or appoint new conferees.

If the Senate wants to accept the responsibility for turning down this conference report, then let the blood be on their heads. Anyone who reads the debate in the Senate can only come to the conclusion that certain Members of that body are bringing the legislative process into disrespect and acting, as I said, in a manner which is an affront to this House.

I urge our leadership to stand firm and uphold the dignity of the House.

A TRIBUTE TO THE WASHINGTON STATE DELEGATION

Mr. PELLY. Mr. Speaker, as this 91st Congress comes to an end, and as is the custom, Members of the House and Senate are paying tribute while saying farewell to departing colleagues who will not serve in the 92d Congress. Truly, we are losing some very able Members of both the House and the Senate and there are many whose names come to my mind who will be greatly missed. But, fortunately, continuity in the way of experience and knowledge will be assured by many valuable Members who will return next month.

Public esteem for the legislative branch is not, perhaps, at a high level right now, and much criticism is, not doubt, well founded. However, we do have the finest system of government in the world. It is constantly being improved and will continue to be. And, let it not be overlooked that the shortcomings of the Congress are due to the needed expansion of services demanded by the public. These shortcomings also come sometimes from individual human failings of some Members.

Mr. Speaker, today as this session closes, instead of dwelling on faults, I want to emphasize the positive. For example, my own Washington State delegation, all of whom except myself next year will be members of the majority party, may sometimes differ in our views on legislation.

But, Mr. Speaker, these colleagues are my friends and regardless of politics, I respect them, and certainly it has been a privilege to work with them on all matters affecting both the Nation and the State.

Perhaps I should not mention anyone by name, but I am sure all of us in the delegation have a common admiration for the senior Member of the delegation Senator WARREN G. MAGNUSON. I have been greatly privileged to serve in this Congress with him, and I am grateful for his leadership and cooperation.

I regularly read the CONGRESSIONAL RECORD, and I follow the Senate debates. This brings the full realization of the tremendous burden carried by the Senator due to the vast jurisdiction of the Senate Commerce Committee.

So, Mr. Speaker, while kind words are properly being handed out to departing Members, let us not overlook those who remain. In this spirit, I thank all the Members with whom I will serve next year and pay tribute to their diligence and cooperation.

UNICAMERAL LEGISLATURE PROPOSED

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

Mr. MONAGAN. Mr. Speaker, the breakdown of the final step of the legislative process in the other body during the last few weeks has caused those concerned with the effective operation of our National Legislature to ponder the relevancy of our system to the needs of today.

Although the House had substantially completed its business weeks ago, the capacity of individual Members of the other body to filibuster caused a disastrous disruption of the legislative machinery and resulted in a failure to enact badly needed and much desired legislation.

The legislative process consists of and requires a series of compromises but its proper functioning demands also that a majority prevail and that obstructionism should not succeed. Progress involves at least minority acquiescence in solutions reached by the majority and cannot condone the destruction of months of effort and uncounted sums of money because the view of a minority is not accepted. "Either this or nothing" is not an acceptable motto for a legislator in a democracy.

The problem of the filibuster is not novel in Anglo-Saxon legislatures. It was used by Parnell and his associates to disrupt the operations of the British House of Commons so long as his combination remained effective and yielded only when the deplored remedy which Randolph Churchill called cloture was introduced.

In a later instance, the stubbornness of the House of Lords was overcome when George V privately let it be known that he would create sufficient peers to offset the opposition and follow the views of the House of Commons. Since that time the role of the House of Lords has been largely a ceremonial one. In effect the British Parliament consists of one House.

Perhaps we should consider the desirability of a unicameral national legislature. The Swedes have just changed their Parliament to a single chamber body and therefore such a move is not without modern precedent. Nebraska has a unicameral legislature. In addition, the equal representation requirement now imposed by the Supreme Court upon legislative bodies raises questions as to the constitutional position of the Senate as measured by this formula and in the case of Baker against Carr, Chief Justice Warren clearly found great logical difficulty in excluding the Senate from the operation of "one-man, one-vote" doctrine.

This proposal is a radical one and involves substantial constitutional change but no greater than those which took place between the property-holding days of the Constitution and the equality of franchise of today. Legislative demands are heavier today than ever, the volume of legislation is greater and its complexity increases with the broadening of the fields which are required to be covered. Efficiency of operation demands that unnecessary checks be eliminated. I certainly would not suggest the removal of necessary protective devices but I can see no liberty which would be effected by confining the enactment of our laws to a single body representative by regular redistricting of the population of the country in the manner of the present House.

Other suggestions have been made including the introduction of the rule of germaneness into the Senate legislation and the reduction of the margin required there to cut off a filibuster. In the House a simple majority suffices. It must be asked however whether these revisions would do the necessary job. I would tend to accept the conservative solution if that promised to be effective but I suggest that the broader change is one that should seriously be considered in the light of the impasse which has been created in the closing days of this 91st Congress.

TRANSFER OF FUNDS FROM THE CIVIL SERVICE RETIREMENT FUND TO THE CIA RETIREMENT FUND

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

Mr. PHILBIN. Mr. Speaker, the Congress recently passed S. 4571, a bill amending the Central Intelligence Agency Retirement Act of 1964.

The purpose of the bill was essentially to provide Central Intelligence retirees with the same benefits recently provided civil service retirees.

However, included in the legislation was a provision which authorized the Civil Service Commission to transfer to the CIA retirement fund all Government contributions previously accumulated in the civil service retirement fund when employees of the civil service transferred into the Agency's retirement system.

The purpose of this authorization was to insure the actuarial soundness of the CIA retirement fund. Testimony developed by the committee indicated that execution of this authority would result in the transfer of approximately $33 million from the civil service retirement fund to the CIA retirement fund. This sum would have represented past Government contributions for all Agency employees transferred to the CIA retirement system since 1964.

I am now advised that some staff people on the Civil Service Commission have questioned legislative intent in this regard. I am, therefore, making this statement to erase any doubt in the minds of any responsible authority as to the legislative intent of the Congress in this regard.

I trust that this will take care of the problem.

OPERATION NOEL

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

Mr. TIERNAN. Mr. Speaker, several weeks ago many of us had the opportunity to attend a Christmas party in the Longworth Cafeteria sponsored by Operation Noel. The purpose of the party was to say "Merry Christmas" and "Many Thanks" to our servicemen hospitalized in Washington area military hospitals.

Those of us who were there know what an outstanding success the party was, but few of us are aware of the hours of work that made it such a success, nor do we know of the many companies and individuals who contributed toward its success.

It takes the cooperation of many to put on a party such at this—to give our servicemen the tribute they so rightfully deserve. Without the help of concerns such as Anheuser-Busch and the American Medical Association, along with many other individuals too numerous to name, Operation Noel would have had a more difficult time.

The idea for Operation Noel was conceived last year by Joe Westner of Western Gear Corp. With the help of his wife, Fran, legislative assistant to Representative TOM KLEPPE of North Dakota, Kathy Pierpan, secretary to Representative OTIS PIKE of New York, and Jayne Gillenwaters and Pat Rinaldi, secretaries to Representative JOHN SCHMITZ of California, Joe Westner's Operation Noel put on a party the servicemen will never forget.

Mr. Speaker, I would like to urge my colleagues to join me in saying "Thanks" to these young people who are well on their way to establishing a "Hill" tradition—the Operation Noel Christmas party. As their organization progresses from year to year, their search for contributions and assistance will become easier and easier. They have already received tremendous support from many who recognize the importance of showing our hospitalized servicemen that they are not forgotten at Christmas.

Congratulations, Operation Noel, for a job well done, and best wishes for the future.

PROGRAM AID TO CORN GROWERS

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

Mr. FINDLEY. Mr. Speaker, in a meeting this week with high officials of the U.S. Department of Agriculture, I requested that in corn production areas of the Nation hit hard by the southern corn leaf blight, farmers be permitted to have soybeans considered as feed grains for purposes of maintaining their historical feed grain base.

I presented this request personally to Clarence D. Palmby, Assistant Secretary of Agriculture, and Carroll G. Brunthaver, Associate Administrator of Agricultural Stabilization and Conservation Service.

I also summarized my proposal in this letter:

HON. CLARENCE PALMBY,
Assistant Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Official forecasts during the corn blight information conference recently at the Beltsville, Maryland, experiment station give validity to the concern being expressed by farmers throughout the corn belt and particularly in the West Central Illinois District I represent.

As you know many producers were hard hit by the blight this past year and now face the uncertainties of the 1971 season. The Department has already shown concern for their problem by designating 58 counties disaster areas, including 10 counties in the District I represent, making such farmers eligible for emergency low-interest loans from the Farmers Home Administration. This concern is much appreciated.

These farmers now face an additional peril in the approaching season due to the short supply of blight-resistant seed.

My purpose in writing is to urge that you permit corn producers in blight-disaster counties to count acres planted to soybeans in 1971 as corn for purposes of history under the feed grains program. This would be especially helpful to small farmers for reasons I set forth below. As you know, the Agricultural Act of 1970 gives you this authority. I make this request only for 1971 because it appears the seed problem will largely be corrected by 1972.

I make the request with full awareness that the privilege of indiscriminate substitution can bring pressure on soybean supplies and therefore prices. I hold to the view that substitution should be approved only sparingly, under circumstances of genuine hardship, and only when it will not threaten soybean prices.

The recommendation I have made, in my view, meets these conditions.

Substitution would be permitted only in counties where the Department of Agriculture has already certified the existence of emergency conditions caused by widespread blight infestation and other production problems. The market output for soybeans is exceptionally good for 1971, so much so some observers see the possibility of substantial shortage of supplies.

USDA economists this year have said American farmers need to increase soybean plantings by 8–10 million acres next year over 1970 to fulfill world market demand for American soybeans. The largest soybean acreage increase in any one year occurred in 1961 when American farmers increased soybean production 3.3 million acres. An increase of more than six million acres, it is felt, would cause harvest season price declines to near the price support level for a brief period during harvest time, but almost no source is forecasting such a large increase in 1971 soybean plantings.

Let me describe the seed supply program confronting two farmers typical of my home area, Pike County, Illinois, one of the counties designated as a disaster area due to blight. One is a commercial corn producer who, under the feed grains program, planted only 50% of his base last year. To plant the same acreage in 1971 he needs 20 bushels of seed corn, but, due to the shortage, can buy only 20%, that is four bushels, in a blight-resistant variety. In addition, his supplier will sell him eight bushels of blend. His quota is based on his purchases last year. For the balance he can buy only Texas sterile variety which is highly susceptible to blight. As you know, agricultural specialists have warned for years against planting this variety unblended.

Last year he suffered a 40% loss of normal yield due to the blight. Under the present circumstances he must face another year of very high risk in planting corn or lose history under the feed grains program by not planting corn.

Another farmer has a 25-acre feed grains base but cooperated under the program last year by planting no corn. Under the new legislation his option not to plant corn is gone. He must plant corn or lose history. But because he did not plant in 1970 he has no source for blight-resistant seed.

Both of these farmers cooperated under the feed grains program and both now face serious seed supply problems.

Under my proposal each could plant soybeans instead of corn in 1971 without losing feed grains history, that is entitlement as cooperators in future years. By shifting each would ease the seed shortage while imposing no adverse pressure on soybeans. The demand for soybeans is such that the extra U.S. production may actually enable the United States to keep major overseas customers happy with high-quality oil and meal they have come to expect from this country.

Approval of this request would impose no additional costs on the government. In fact, savings would accrue as production payments would not be required to farmers who shifted from corn to soybeans. The decision announced by the Department of December 8 disapproved substitution where payments would be made. As I have just mentioned, under my request payment would not be required.

Prompt approval of this request would help producers and their suppliers meet serious problems in planning for the coming season.

Sincerely,

PAUL FINDLEY,
Member of Congress.

THE 1971 COTTON PROGRAM

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

Mr. ALEXANDER. Mr. Speaker, after carefully reviewing provisions of the 1971 cotton program, I am convinced the USDA has badly shortchanged cotton farmers in Arkansas and all across the Nation.

Cotton continues to be a major basic commodity in this country. Yet, the current proposals of the Federal program regulating the product's sale constitute a severe economic penalty against its producers.

When it was announced on December 8, the 1971 cotton program appeared on the surface to be one that the cotton producers could live with. More thorough analyses bring to light some very disturbing facts.

Among the most disturbing of these is the impression left by the USDA announcement that under the 19.50 cents per pound loan rate, the farmer will take a reduction of only three-quarters of a cent from the present loan level of 20.25 cents.

Actually the top loan price per pound was 20.70 cents. This included a 45 hundredths of a cent per pound premium for middling inch cotton with a 3.5 to 4.9 micronaire reading.

Thus, producers of premium cotton will take a reduction of 1.20 cents per pound. This does not end the reductions the cotton producers will take under the 1971 program.

No longer will the loan rate payment be made on the gross weight of the bale—which includes the cotton fiber plus the bagging and ties. Payment will, instead, be made on the bale's net weight—which excludes the bagging and ties.

The wrappings average 21 pounds in weight per bale. The loss to the farmer, from this change, distributed over a 500-pound bale will be eighty-hundredths of a cent per pound.

Thus the actual loss to the cotton producer on a bale of middling one inch cotton with a micronaire reading between 3.5 and 4.9 will be 2 cents per pound. This means a loss to the producers of $10 per 500-pound bale.

The switch to the net weight payment plan will also have an effect on price support payments.

Under the new proposals, the price support payment will be the difference in the average market price and the greater of 35 cents or 65 percent of parity. But, in no case will it be less than 15 cents per pound.

Since the market price of cotton is quoted on the gross weight of the cotton bale, the average market price will probably be around 20 to 20.25 cents per pound. The net weight provision, in other words, will artificially increase the market quotation by about 80 hundredths of a cent.

Thus, it will be difficult for the farmer ever to collect more than 15 cents per pound in price support.

The losses to the Nation's cotton producers, resulting from the 1971 proposed program, will amount to a whopping $10 per bale—a $120 million overall loss.

It is time for the USDA to begin representing the interests of the cotton producers, rather than favoring the cotton buyer.

The proposed 1971 cotton program must be changed to a more workable and sensible basis, if disastrous consequences are to be avoided throughout the Cotton Belt.

TRIBUTE TO HON. BYRON ROGERS

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, BYRON ROGERS is a gentleman who holds my deepest admiration and affection. He is a man of indefatigable energy and commitment to principle—a man truly whose personal interests have always been secondary to the tasks he has undertaken.

Champion of unpopular causes—unswerving devotion to justice—a man who cares deeply for his fellow man are but a small expression of the qualities of an individual who has earned the respect and has endeared himself to his colleagues for the manner in which he performed his service to our country. More than they will ever know, the people of our Nation owe BYRON a special debt of gratitude.

Mr. Speaker, there is an old maxim that goes—we are rich in what we give—poor in what we keep. Because of what he gave, BYRON has accumulated so many riches.

BYRON is a fair, generous, warm human being. I feel privileged to have been touched by the warmth of his friendship and he will be missed by none more than me.

I wish my friend an abundance of joy and satisfaction.

TRIBUTE TO HON. JEFFERY COHELAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

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

Mr. GONZALEZ. Mr. Speaker, at this very late hour, both as to the year as well as to the session, with a great deal of regret I get up to note the great service that our colleague JEFFERY COHELAN of California has rendered the Congress, the Nation, and his State of California.

It was with extreme regret that in November last—in fact, prior to November—I read the account of JEFFERY COHELAN's defeat in his bid for renomination as a Congressman from his California district.

The reason for the regret is that ever since I came to the Congress I have gotten to know JEFFERY COHELAN and have been personally a witness to his excellent service and his expeditious manner of discharging his duties as a Representative.

We know that he served on the Armed Services Committee, and many districts throughout the country, including mine, have been greatly indebted to his expertise and to his spirit of sacrifice which enabled him to be present at practically every meeting the Armed Services Committee held while he was a Member. Through these processes of election and victory and defeat, we learn to accept what comes, but it certainly is with a very definite feeling of regret that we see a man of the talent and ability and dedication of JEFFERY COHELAN lost to us as a Member of this House.

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

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

Mr. FINDLEY. Mr. Speaker, I join with my colleague, the gentleman from Texas, in this personal salute to JEFFERY COHELAN. I first made the acquaintance of JEFFERY COHELAN as a member of the weekly prayer breakfast group during the period when Mr. COHELAN served that group as chairman, and I came to know him better than would otherwise have been the case.

I do thank the gentleman from Texas for taking this time. Mr. COHELAN has always struck me as a man of great conscience, great determination, and great idealism. Those are qualities that are never in oversupply in this body or anywhere else.

Mr. Speaker, I thank the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman from Illinois. I express gratitude for his apt and well spoken words.

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

Mr. GONZALEZ. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I thank my friend, the gentleman from Texas, for yielding, because I wanted to associate myself with his remarks and those of the gentleman from Illinois who preceded me.

Mr. Speaker, I have learned to have a very high respect and a very warm regard for the gentleman from California. He is the type of person we need in the Congress. I certainly regret seeing him leave. He has been on the Appropriations Committee for some time and has rendered great service to his State and Nation. We will miss him here along with certain other very fine men who are leaving us, but it is a tragedy sometimes, I think, for men such as Mr. COHELAN to end their career here in Congress in defeat.

Mr. GONZALEZ. I thank the gentleman from Arkansas.

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

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

Mr. VANIK. Mr. Speaker, I certainly want to take this opportunity to associate myself with the remarks of my distinguished colleague, the gentleman from Texas, and my distinguished colleague, the gentleman from Arkansas, the chairman of the Committee on Ways and Means. Our colleague, JEFF COHELAN, was really a legislator's legislator. The thing that is really so remarkable about his work here is his courage. He was unswerving in his determination to serve the great human causes that called particularly from his district as well as throughout the Nation. There are many Members who have served a much longer time who have not been able to dramatize their work and energies here with significant developments in law, but everyone in the United States is aware of what JEFF COHELAN did in the Cohelan amendment to the education appropriation bills. These are significant things.

He was an instrument for better government. Certainly he was an instrument for developing a better education program. He was a courageous Member of this body. I am certainly regretful he will not be with us. I know and hope he will continue with his endeavors to make contributions to the public service. Certainly he will find a way to be vocal and active, and I wish him great success in his new endeavors.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Ohio.

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

Mr. GONZALEZ. I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I join with my colleagues in commending JEFFREY COHELAN. As some of the Members may know, the California delegation is a close one. JEFFREY COHELAN has been our secretary for 12 years. He never missed a meeting. We met every week. One of the purposes of these meetings is to discuss among ourselves legislation we think is important. Every appropriation bill during the time JEFF was on that committee he has explained to us in detail and

lucidly, and we have followed his leadership.

We will sorely miss that in the 92d Congress. I, too, hope that JEFF continues to serve in some capacity in public life, because he has the kind of insight, coupled with courage and dedication, which makes him an ideal public servant.

I am sure I speak for all his California colleagues when I say how very much we will miss him in the next Congress.

Mr. GONZALEZ. I thank the distinguished gentleman from California.

Our illustrious colleague, Mr. VANIK, has mentioned the fact that JEFFERY was a legislator's legislator. This is very true. I can think specifically of JEFFERY COHELAN not just as a Congressman from an individual local district but as a national Congressman.

I know I consider him, as many of my colleagues do, a man keenly devoted to the cause of education in our country.

Perhaps it has been written, and perhaps it has not been, but those of us who were witness to his heroic activity just a couple of years ago observed that he saved from disappearance certain specific school districts which depended almost entirely, for 90 percent of their entitlement, on impacted area funds. He saved them from going out of existence, and continued those particular schools, so we know that he has created a niche in history and has earned the warm regard in the hearts and minds of those educators who know that impact area fund was well on its way to disappearing, and that they would have had forcibly to close the school doors only 2 or 3 years ago but for his efforts.

That was a result of JEFFERY COHELAN'S keen interest, which, incidentally, could not help him politically one bit, because these districts were entirely outside the jurisdiction of the State of California.

Mr. Speaker, the hour is late, and there are other Members who have indicated their interest and their desire to participate.

Mr. MIKVA. Mr. Speaker, JEFF COHELAN leaves a big gap in the ranks of this House. As a freshman Member, I have a special awareness of the strength and vigor which Mr. COHELAN lent to this body. When an issue involving the people's weal came up, JEFF COHELAN was there to give it leadership and voice.

And what a full voice he has had. The beginning of the turning around of our priorities in this country is in no small part due to the efforts of the gentleman from California. On every issue which has shaped the new directions which this country must follow, JEFF COHELAN has been there—articulate and effective.

His colleagues will miss him, and so will the country. We can hope that the fortunes of reapportionment will renew his presence in the House at an early time. In the meantime, whether as a Member or as a private citizen, Mr. COHELAN will be heard.

Mr. RYAN. Mr. Speaker, I commend the gentleman from Texas (Mr. GONZALEZ) for taking this time to pay tribute to our departing colleague from California (Mr. COHELAN). I have been privileged to serve with JEFFERY COHELAN during the past 10 years, and I know his dedication to the public interest.

During his years in Congress, Congressman COHELAN has been a leader in many important fights. I am sure we all recall his leadership in the fight for adequate funding for education and his very significant role in the creation of the Redwoods National Park in his home State of California. His concern for those displaced by Federal projects was demonstrated in his efforts on behalf of the Uniform Relocation Act which passed the Congress during this session.

Economist, conservationist, educator, legislator—JEFFERY COHELAN'S talents and skills have made him an able and respected member of the House. I know that whatever path he may pursue in the future, he will make a meaningful contribution to social progress. I wish him great success in his future endeavors.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have the remainder of the time in this session to include their remarks concerning JEFFERY COHELAN'S exemplary service as a Congressman.

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

There was no objection.

A TRIBUTE TO GEORGE E. BROWN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, I should like to take this occasion to note with sincere regret the departure from the House of a good friend and colleague, GEORGE E. BROWN, JR., of California.

It has been my privilege to serve with GEORGE BROWN in the Congress since he first entered this Chamber four terms ago. In these 8 years, I have watched one of the truly sincere, courageous Members of the House constantly strive to achieve justice and peace.

During the course of these 8 years, this Nation has gone to war. It has become aroused to the degradation of our environment which is magnifying with terrifying speed. It has experienced the great struggle for civil rights for all Americans.

On each of these issues, GEORGE has taken a stand, early and clearly. He spoke out against the war when only a few of us opposed it. He spoke out against pollution long before the environment and ecology became popular concerns. He spoke out for equality of all Americans—black, brown, red, white—when far too many stood aside silently.

GEORGE BROWN has never been one of the declaimers—his has been a quiet course. But, in his steady manner, and in his firm convictions, he has played a major role in this House and in the Nation. All of us are indebted to him for his having served here.

For GEORGE BROWN, leaving the House is not an ending. It is just the beginning of a new venture. I am confident that, in the future, he will continue to speak out, and his voice will continue to be heard.

Mr. MIKVA. Mr. Speaker, GEORGE BROWN was a special kind of Congressman. He created a conscience, not only for his colleagues, but for the country. He did not wait to see whether the political winds were blowing in the right direction before he took his stand.

He had a unique talent for using the forum of his office to great effect. He took seriously the notion that a Congressman represented the whole country, and represented people not only in voting on the issues, but in putting the issues before the country. Whether it was the Quakers at the Capitol steps or the students at the moratorium, GEORGE BROWN was there—visible, vigorous, and outspoken.

And so it is that his colleagues here in the House will miss him particularly because the rest of the country will continue to hear GEORGE BROWN'S voice and feel the pressure of the conscience he creates. We will miss the special impact that he had in and on this body. We can only hope that the vacancies of reapportionment will conspire to return him soon to the House of Representatives.

Mr. ROSENTHAL. Mr. Speaker, I would like to take this occasion to express how much I believe the House of Representatives will miss the presence here of our colleague from California, the Honorable GEORGE E. BROWN, JR.

GEORGE BROWN has displayed tremendous courage in taking on unpopular but worthy causes and he will be difficult to replace. His leadership in organizing the national protest against U.S. military involvement in Southeast Asia and his resolute support for justice to migrant workers are just a few of the noteworthy accomplishments he has recorded in this body.

I wish him well and look forward to seeing him many times in the years ahead.

Mr. ECKHARDT. Mr. Speaker, I rise to join the other Members of this body who have spoken of their regret at the imminent departure of GEORGE BROWN, my dear friend and respected colleague in the last two Congresses.

GEORGE BROWN has been the only conscientious objector in Congress. Indeed, in many ways, he has been the conscience of the Congress. Moral courage and dedication to principle have been at the heart of his approach to every issue.

In our work together in the passage of legislation, in efforts to move the executive branch of the Government to the vigorous enforcement of our laws, and in the protection of human rights on the international scene as well as at home, he has been an imaginative leader and a ready collaborator.

Wise and compassionate men of principle are far too few in Congress, as elsewhere, and we shall all have reason to regret the absence of GEORGE BROWN.

Mr. KASTENMEIER. Mr. Speaker, I too, wish to rise and take this opportunity to say a few words about my friend, GEORGE BROWN, of California.

Next month when we begin the work on the 92d Congress, we will sorely miss his presence. We will miss him because he has been a leader who cannot be easily replaced. In the quest for a national policy dedicated to peace rather than to war, GEORGE BROWN has stood head and shoulders above all others. His personal position and personal quest for peace have been unerring.

Nearly every elected official—and it is especially true of Members of Congress—says he is for peace. These statements, however, are not in the same category with those of GEORGE BROWN, for his commitment has been total.

He understands that investments in war machinery encourage war. He knows that any country investing what this country does in military hardware each year is going to find a place to use that hardware. He realizes, and is not afraid of the fact, that to turn back this war machine through the legislative process, it is sometimes necessary to restrain the Chief Executive, curtail his power to raise taxes to pay for military buildups and activity, curtail any attempts to promote foreign involvements, and inhibit any acquiescence to wars abroad—be they in the Dominican Republic, Laos, Cambodia, or Vietnam.

GEORGE BROWN has taken the initiative and provided the leadership when others have been afraid to act. Begrudgingly, even his strongest opponents admire and admit to his courageous and uncompromising commitment to world peace.

Of course, all this does not mean that his contributions are limited to one area. His desire to see America in peace has pervaded his every endeavor. In the areas of science, of human rights, and of personal dignity, GEORGE BROWN has stood for programs and policies to bring this dream closer to reality. Often these have been unpopular stands. But they have been consistent and singlemindedly true to their larger goal of peace and dignity for mankind.

One has only to look at his voting record and at his speeches to know that GEORGE BROWN'S insight and his sense of values are faultless and uncompromising. In all his work in this body, he has been a tireless worker for the cause of peace. I know that I speak for all of Congress when I say that we will miss him deeply, not only as a friend, but as a peerless leader for peace, and against war.

Mr. BUSH. Mr. Speaker, one of the truly wondrous things about the House of Representatives is the friendships one makes here. My personal friendship for GEORGE BROWN prompts me to wish him well in the future in whatever endeavor he undertakes, except possibly as he may devote his energies to defeating Republicans.

There are many admirable things about GEORGE BROWN. His propensity for friendship and his sense of fair play come immediately to mind, but I particularly respect the fact that you know where the man stands and that he stands there because of deep conviction and motivation. We have canceled out a lot of each others votes I guess but the differences he had with me and any other Members in this body who disagreed with him were never personal or mean.

From one lameduck to another I want to wish our friend and colleague a happy and prosperous future.

Mr. FRASER. I join with my colleagues to pay tribute to the public service GEORGE BROWN has given to this Nation as a Member of the U.S. House of Representatives.

GEORGE and I came to Congress together in 1963 with a vision of hope and progress for the Nation under President Kennedy's leadership. We have served through years that saw the Military Establishment expand, taking on new roles, financed by a sharply increased budget. We watched as the Nation, neither critically examining the reasons nor apprehending the consequences, eased itself into a war in Southeast Asia.

We have witnessed a willingness by many Americans to ignore and invade the political and civil liberties of our citizens.

What I remember above all else was GEORGE'S early understanding of these tragic events. Earlier than anyone else in the House he spoke out clearly against the policies which were so widely supported by others.

At the same time he has worked hard and given constant support to enlarging freedom and opportunity for our people.

Independent of his courageous prescience, I have enjoyed knowing and working with GEORGE as a colleague. He has been friendly, courteous and constant.

We wish him the best as he goes forward into new opportunities to serve our Nation and humanity.

Mr. UDALL. Mr. Speaker, it is always sad to bid farewell to good friends, and today is such an occasion. I want to join this salute to a great public servant from California, GEORGE BROWN.

GEORGE BROWN has been a staunch and stalwart defender of good causes and an able and vigorous opponent of proposals he considered inconsistent with the public good. He is truly a man of principle.

The adjective "courageous" is sometimes used rather loosely, but few would deny it applies to GEORGE BROWN. I know I join with many of my colleagues in the wish that he return to this House someday soon.

It has been a great pleasure and honor to serve with this distinguished son of California, and I will miss him.

PETITIONING CHAIRMAN OF WAYS AND MEANS COMMITTEE IN REGARD TO SENATE AMENDMENTS TO SOCIAL SECURITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, I have a petition signed by 100 Members of the House of Representatives urging the Honorable WILBUR MILLS, chairman of the Ways and Means Committee to take the Senate amendments to the social security bill from the Speaker's desk to conference and accept those which: First, increase social security benefits by 10 percent; second, increase the social security minimum to $100; third, increase the retirement earnings test to $2,400; and fourth, increase the monthly minimum allowance for the aged, disabled, and blind on welfare to $130 a person or $200 per couple.

I can very well understand the frustrations that result from the failure of the other body to act on this bill while it languished in the other body for over 7 months. I also understand the frustration of Members who properly explained about the attempt to attach nonrelated legislation to the social security bill.

These considerations, however, should be put aside because of the need to adopt this legislation. A new bill next year is not likely to provide a 10-percent increase in benefits, nor is it likely to increase the minimum benefit to $100—nor is it likely to include an increase in the allowable retirement income to $2,400 per year; nor is it likely to increase the monthly minimum allowance for the aged, disabled, and blind on welfare to acceptable levels. Furthermore, if a new bill passes the Congress by April 1, increased benefit payments will not be received by 26 million recipients until after July 1.

The experience of this year indicates the manner in which the social security legislation is used as a delivery system for legislation which could not make it through this Congress on its own power. This abuse of the legislative process could be avoided if we pass out a social security bill this session.

Following is the petition signed by 100 Members of this body urging action before sine die adjournment of this Congress.

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

Mr. MILLS. Mr. Speaker, reserving the right to object, and I shall not object, of course, but I would think it would be the gentlemanly thing to do, and I am sure those who signed the petition would want done, and that is to accord the privilege to the chairman of the Committee on Ways and Means the opportunity to have the original copy of it and not just to read the signatures into the CONGRESSIONAL RECORD.

Therefore, I hope my friend from Ohio will provide that opportunity to the chairman of the committee.

Mr. VANIK. I have for the chairman the original. I got the 100th name just a couple of minutes ago and it is on my desk. I have a mimeographed copy of it.

Mr. MILLS. I appreciate the gentleman at least letting me have the original copy.

Mr. VANIK. I shall be glad to do so.

Mr. MILLS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. VANIK. Mr. Speaker, the petition referred to follows:

PETITION

We, the undersigned Members of the House of Representatives, hereby urge the Honorable Wilbur Mills, Chairman of the Ways and Means Committee, to take the Senate

Amendments to the Social Security Bill from the Speaker's Desk to Conference and accept those which (1) increase social security benefits by 10 percent, (2) increase the social security minimum to $100, (3) increase the retirement earnings test to $2400, (4) increase the monthly minimum allowance for the Aged, Disabled, and Blind on welfare to $130 a person or $200 per couple.

LIST OF SIGNERS

Brock Adams, Phillip Burton, Jonathan Bingham, James A. Burke, James Scheuer, Dominick Daniels, Michael Harrington.

Henry Helstoski, Lloyd Meeds, Donald Reigle, Joseph Minish, Robert Kastenmeier, William Ford, Robert Nix.

William Ryan, Edward Patten, Edward Koch, Sidney Yates, John Melcher, Edward Garmatz, Thaddeus Dulski.

Louis Stokes, William Hathaway, John Brademas, Fred Schwengel, Lucien Nedzi, Patsy Mink, Michael Feighan.

Richard McCarthy, Paul McCloskey, William Harsha, William J. Green, Donald Fraser, Jerome Waldie, James Fulton.

Robert Tiernan, Ken Hechler, Frank Clark, John Conyers, William Barrett, Richard Hanna, James Byrne, Samuel Stratton.

Melvin Price, Lester Wolff, Charles Carney, Lawrence Coughlin, Joshua Eilberg, David R. Obey, Abner Mikva.

Thomas M. Rees, Frank Brasco, Ray Madden, Seymour Halpern, William Moorhead, Clement Zablocki, Lionel Van Deerlin.

John Dingell, Otis Pike, Robert Leggett, Paul Findley, Roman Pucinski, James Kee, Peter Kyros.

Edward Roybal, Jeffery Cohelan, Frank Annunzio, Torbet Macdonald, Robert Mollohan, Frank Thompson, Peter Rodino.

Byron Rogers, Arnold Olsen, Cornelius Gallagher, Henry Reuss, Charles A. Vanik, William Randall, John Culver, James O'Hara.

Edward Boland, Ludlow Ashley, Bertram Podell, Spark Matsunaga, Joseph McDade, John Slack, Clarence Long, Robert Steele, Clarence Miller.

Also attached herewith is a Library of Congress memorandum relating to the financing of the OASDI system under the Senate version of the bill as compared with the House version:

MEMORANDUM

DECEMBER 29, 1970.

From: Francisco Bayo.

Subject: Comparison of the Financing of the OASDI System Under the Senate Version and House Version of H.R. 17550.

The attached Table I compares the financing adopted for the Senate version and the House version of the OASDI system under H.R. 17550. This comparison is made on the basis of level earnings assumptions and does not take into account the effect of the automatic benefit increase provisions or of their corresponding financing. The House version of these provisions is estimated to yield enough revenues, over the long-range future, to finance all the automatic increases in benefits. However, under the Senate version of the automatic provisions the system would slowly accumulate actuarial surpluses, unless the Congress acts in the future to either increase the benefits further or reduce the taxes.

On the basis of the level earnings assumption and disregarding the automatic provisions, the House bill has an actuarial imbalance for the OASDI system of −0.15% taxable payroll which is close to the permissible variation of .10% of taxable payroll. This was also the case under the Ways and Means Committee bill, which had an actuarial balance of −0.12% of taxable payroll and which was increased on the House floor to −0.15% of taxable payroll by a liberalization in the retirement test. However, this is not the case for the Senate bill which has an actuarial imbalance of −0.25% of taxable payroll and is beyond the acceptable limits of variation. It should be indicated that the bill reported by the Senate Finance Committee had an actuarial balance of −0.15% of taxable payroll, as in the House bill, and that the liberalization adopted on the Senate floor with respect to the earnings test and to grandchildren's benefits increased the imbalance by 0.10% to a total of −0.25% of taxable payroll.

The main differences between the two versions of the bill are presented in Table II which also indicates their long range cost effect. The level-cost of the OASDI system under present law and under both versions of the bill are presented in Table III.

TABLE I.—CHANGES IN ACTUARIAL BALANCE OF OLD-AGE, SURVIVORS AND DISABILITY INSURANCE SYSTEM AS PERCENTAGE OF TAXABLE PAYROLL OF HOUSE AND SENATE VERSIONS OVER PRESENT LAW

Item	Level-cost	
	House bill	Senate bill
Actuarial balance of present system	−0.08	−0.08
Effect of 1970 earnings	+.28	+.28
Increase in earnings	+.23	+.23
Age 62 computation point for men	−.12	−.07
Earnings test changes	−.13	−.22
Widow's benefits 100 percent of PIA at age 65	−.24	−920
Actuarial reduction changes	−.10	(1)
Eligibility for blind	−.01	−.08
4-month waiting period for disability	(1)	−.06
Family maximum for new beneficiaries	(1)	−.04
Miscellaneous changes [2]	−.01	−.02
General benefit increase	−.48	−.96
$100 minimum PIA	(1)	−.28
Revised contribution schedule	+.51	+1.25
Total effect of changes in bill	−.07	−.17
Actuarial balance under bill	−.15	−.25

[1] This change not included in this version of the bill.

[2] Includes the following: for both versions, child's benefits for children disabled at ages 18 to 21; workmen's compensation offset based on 100 percent of "average current earnings"; and reduced widower's benefit at age 60; for House version only, elimination of support requirement for divorced wife's and widow's benefits; for Senate version only, disabled-child 7 years reentitlement; broaden definition of adopted child: and benefits to children supported by grandparents.

TABLE II.—*Changes in actuarial balance of Old-age, survivors, and disability insurance system as percentage of taxable payroll of the Senate version over the House version of H.R. 17550*

[In percent]

Item:	Level cost
Actuarial balance under House bill	−0.15
Changes approved by Senate:	
Eliminate actuarial reduction changes	+.10
Age 62 computation prospective only	+.05
Earnings test of $2,400 exempt amount	−0.09
Limitation on widow's benefits	+.04
Liberalized eligibility for blind	−.07
Child's benefit on grandparent's account	−.01
4-month disability waiting period	−.06
Family maximum for new beneficiaries	−.04
10-percent benefit increase	−.48
$100 minimum PIA	−.28
Contribution schedule	+.74
Senate changes over House bill	−.10
Actual Balance under Senate bill	−.25

TABLE III.—LEVEL-COST AND ACTUARIAL BALANCE AS PERCENTAGE OF TAXABLE PAYROLL OF THE OASDI SYSTEM UNDER PRESENT LAW AND UNDER THE HOUSE AND SENATE VERSIONS OF H.R. 17550

[In percent]

	Level-cost		
		H.R. 17550 [2]	
	Present law [1]	House version	Senate version
Total cost of system	9.96	10.54	11.38
Contribution schedule	9.88	10.39	11.13
Actuarial balance	−.08	−.15	−.25

[1] Based on $7,800 earnings base and 1969 earnings levels.

[2] Based on $9,000 earnings base and 1970 earnings levels.

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

[H.R. 17550: 1st-year costs and number of persons affected under the version passed by the House of Representatives and under the version passed by the Senate]

Provision	1st-year benefit costs [1] (millions)		Present-law beneficiaries immediately affected [2] (thousands)		Newly eligible persons [3] (thousands)	
	House version	Senate version	House version	Senate version	House version	Senate version
Total	$3,970	$6,763	(4)	(4)	504	629
General benefit increase	1,729	5,003	26,300	26,300	6	6
Modified retirement test	404	625	650	650	380	380
Age 62 computation point	1,040	6	10,200	.....	60	.....
Increased benefits for widows and widowers	689	649	3,300	2,700	.....	.....
Shorten disability waiting period to 4 months	(5)	185	(5)	140	(5)	.....
Noncontributory credits for military service after 1956	35	35	130	130	.....	.....
Children disabled at ages 18 to 21	11	13	.....	.....	13	13
Liberalized provisions for blind workers	$25	$240	.....	.....	30	225
Election to receive larger future benefits by certain beneficiaries eligible for more than 1 actuarially reduced benefit	17	(5)	100	(5)	.....	(5)
Liberalized workmen's compensation offset	7	7	55	55	5	5
Eliminate support requirement for divorced wives and surviving divorced wives	13	(5)	.....	(5)	10	(5)

[1] Represents additional benefit payments in fiscal year 1972.

[2] Present-law beneficiaries whose benefit for the effective month would be increased under the provision.

[3] Persons who cannot receive a benefit under present law for the effective month, but who would receive a benefit for such month under the provision.

[4] Figures not additive because a beneficiary may be affected by more than 1 provision.

[5] Provision not included.

PROGRESS OF OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER SYSTEM AS MODIFIED BY HOUSE-APPROVED BILL AND BY SENATE-APPROVED BILL, SHORT-RANGE ESTIMATES.

[In millions of dollars]

Calendar year	Income		Disbursements			Net increase in funds	Funds at end of year
	Contributions [1]	Interest on fund	Benefit payments [2]	Administrative expenses	Railroad retirement financial interchange		
Present law							
Past experience:							
1967	25,518	896	21,417	515	539	3,942	26,250
1968	27,448	1,045	24,954	603	458	2,479	28,729
1969	32,004	1,342	26,767	612	513	5,453	34,182
Estimated future experience:							
1970	35,201	1,821	31,894	623	589	3,916	38,098
1971	39,639	2,102	33,792	740	617	6,592	44,690
1972	42,121	2,513	35,122	792	688	8,032	52,722
1973	48,003	3,150	36,366	849	671	13,267	65,989
1974	50,743	3,979	37,626	869	649	15,582	81,571
1975	53,333	4,904	38,900	872	630	17,835	99,406
System as modified by House-approved bill							
1971	38,188	1,953	37,269	814	617	1,441	39,539
1972	41,006	2,088	39,101	801	753	2,439	41,978
1973	43,494	2,322	40,506	758	729	3,823	45,801
1974	46,059	2,617	41,950	874	800	5,052	50,853
1975	56,921	3,186	43,417	881	714	15,095	65,948
System as modified by Senate-approved bill							
1971	39,827	1,930	39,683	810	617	647	38,745
1972	42,935	2,016	42,015	812	780	1,344	40,089
1973	45,543	2,185	43,503	869	863	2,493	42,582
1974	48,232	2,413	45,021	885	847	3,892	46,474
1975	57,099	2,860	46,570	892	835	11,662	58,136

[1] Includes reimbursements from general fund of Treasury for costs of noncontributory credits for military service and payments to noninsured persons aged 72 and over.
[2] Includes payments for vocational rehabilitation services.

Note: Estimates under the House-approved bill and under the Senate-approved bill assume no automatic increases in (1) benefit rates under the cost-of-living provision, and (2) the contribution and benefit base.

Source: Office of the Actuary, Baltimore.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholster's pins free of duty;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 18693. An act to amend section 165(i) of the Internal Revenue Code of 1954;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves; and

H.R. 19881. An act: consolidated returns of life insurance companies.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond.

SOCIAL SECURITY ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 10 minutes.

Mr. MILLS. Mr. Speaker, I want to take time first to thank my friend, the gentleman from Ohio (Mr. VANIK), for all of his valuable assistance in trying to help me work out, along with other Members who would have been on the conference committee, these many knotty problems that we would have if we went to conference. His assistance is appreciated. And I am sure if we were in conference and could be in communication with the gentleman with respect to each of the 295 amendments that the Senate adopted to the bill, raising the size of the bill from 158 pages initially to an even 400 pages, that we could get some very valuable direction from the gentleman in making decisions as to what the House conferees should be expected to do on each of these amendments.

How long this would take, however, insofar as receiving that consultation and advice and then making a decision on the part of those of us who would be the conferees, I do not know. But I think the gentleman has been in the Congress long enough, I think he has been on the Committee on Ways and Means long enough—maybe he has not attended enough conferences to know—that it is humanly impossible within a short period of time to go to conference, hand pick four or five things out of a bill that the gentleman wants us to have, and come back with those four or five things, and turn down the remainder in the conference and get the other side to agree.

You know, a conference is a compromise between representatives of this body and of the other body. I have never known of a time when the other body just capitulated on the basis of suggestions that the gentleman from Wisconsin (Mr. BYRNES) and I, and other House conferees would say what we wanted on the House side, because invariably they tell us that Senator So-and-So has a most important amendment in this bill, and we just could not go back to the Senate without Senator So-and-so's amendment adopted in the conference "for fear that he would engage in what is referred to over there as 'unlimited discussion' on the weaknesses of the conference report without 'my' provision in it."

That has happened invariably with respect to every one of these so-called Christmas tree bills that the House has been presented with over the years, usually before Christmas, you understand, Mr. Speaker, but this one did not pass the Senate until December 29.

Actually, there were so many errors in it after passage in the other body that it actually took two prints and two revisions by the enrolling clerks, or whoever does it, in order to put the bill in some form that they could submit to the House. It has taken over 2 working days of the Government Printing Office and the enrolling clerks in the Senate to get out this 400-page document for the House. Now, nobody knows yet whether it is perfect or not, even as far as the clerical condition is concerned, but we do know we did not get it until today.

And as I look at my calendar it seems to me that today is the 31st day of December, is it not?

Now, I took the occasion this afternoon, after I received the print—because of the interest of my friend, the gentleman from Ohio, in something being done, and also my own interest—just to run through some of these things, and see just what the Senate had done that he, on yesterday, recommended so quickly when he sent a letter to everybody in the House saying that he acknowledged that these were good amendments, and stating in the first paragraph of his letter to all of his dear colleagues, dated December 30:

Today the House will receive—

And it did not, but he said it would—

the Senate-passed Social Security Act with a request for a conference. The Senate amendments to this bill merit adoption by the House en bloc. There is no need for a conference and delay.

Now, I hope my friend has changed his mind, because there are provisions within the Senate bill that my friend fought in the House Committee on Ways and Means when they were being discussed. For example, my friend would not be for a suggestion that the Secretary of Health, Education, and Welfare be directed to levy against any and all property that any person might have who happened to owe money to the medicare program. Surely not.

The gentleman opposed that in the Committee on Ways and Means, but the gentleman asked me yesterday to just proceed to take the bill with that kind of an amendment in it.

Another provision that my friend surely would not want is one in an effort to do, I think, a very implausible thing: subsidize employers to employ the hard core unemployed, giving a tax break of such nature that it is profitable to the employer to fire his long-time unionized members, and go to nothing but so-called hard-care employment.

That is one thing I have always been told by my friends in organized labor, that they feared and did not want to see happen in connection with any of these training programs.

Now that is another provision which, had I followed the gentleman's advice and taken the bill from the Speaker's table and adopted the Senate amendments en gross or en bloc, we would have had in this bill.

But the most serious part of it all really is here again—the irresponsibility of the matter. And I say this advisedly. It makes one's patience wear thin, when we have this sort of situation on a bill which reaches us on December 31 in the afternoon, which has 295 amendments, covering 268 pages of new provisions, which we were asked to accept even before the language of the amendments was available.

One thing that has happened every time the Committee on Ways and Means has acted on social security, and I wish my friend, the gentleman from Wisconsin, if I am wrong will correct me, the Committee on Ways and Means historically and certainly ever since I have been a member, and that goes back to 1942, has studiously acted to prevent this fund from ever becoming actuarially unsound.

We have never allowed such a bill to pass with our support even though every time, I may say without exception, we have had to patch it up in conference to prevent Senate amendments from making it actuarially unsound. We presented a bill to the President, which was sound, and we could say to the American people that it was actuarially sound, and we have maintained the integrity of the congressional position that you may rely with certainty upon these monthly payments when you are in retirement.

This bill, as we have it before us, is out of balance by 0.25 percent of payroll. Now that does not sound like very much does it? But what does 0.25 percent of payroll represent in dollars? That represents over $1 billion a year. We do not have enough in the fund to run the risk of spending more money within the life of the fund—more money than we can take in on an actuarial basis.

Now I could ask the gentleman to help me with respect to extending a lot of these other provisions, but I am not going to because I know now that my friend does not want us to take all of this. He has had a chance to know more about what is in the bill—and I am not criticizing him. I know that he has this zeal to help people. I have it myself. But if he will be patient with me and not be too anxious, and will let me go over some of these things with him and advise with him ahead of time, I may be able to help him to avoid making a mistake in this area because I have had some experience that he has not had an opportunity to have that I am sure my friend could use.

What I am talking about is this.

No one has spent more time, in my opinion, working in this field in the effort to help people than the membership of our committee, in total, over all of these many years. I know I have spent a lot of time thinking about this. I have been proud of the fact that the benefits under social security have risen; and that the fund has grown more; the program has meant more during the period of time I have been on the committee, and may I say even during the period of time I have been chairman of the committee, than in all of the history of the program theretofore. I have taken great pride in that. It is a pleasure for me to have been the author of so many of the bills that have helped the program to go in this direction.

But I urge my friends who are petitioning me through the gentleman from Ohio (Mr. VANIK) to be a little patient with us—and I know that we will not do all that they ask of us, and I say that in all frankness—but I have a lot more optimism about the whole operation than my friend has. I am not a pessimist like he is.

I have said, and the gentleman from Wisconsin has said, and every member of the Committee on Ways and Means with whom I have discussed the matter has agreed with me that there will be reported from the Committee on Ways and Means as soon as possible after we reconvene a bill which will provide social security benefit increases across-the-board retroactive to January 1. The benefits in this bill would go into effect then.

It would be my intention that the bill would provide for those things that the House provided for in the social security measure insofar as outside earnings are concerned. We cannot go to the $2,400, without making our bill as actuarially unsound as the Senate bill is, except that we should increase taxes—and I do not know whether we want to do that or not—but what I would like to do is to report back a bill without a whole lot of discussion and a whole lot of divisiveness on the part of the committee, as quickly as we can. In my opinion, no hearings are necessary, I am sure my friend would agree. I think if we do that and make such adjustments as we want to with respect to the percentage across-the-board increase in benefits and let the House know that the bill that it voted on last year is similar to the bill that we are asking it to vote on next year with these exceptions that we will describe, the bill would go through by unanimous consent.

The SPEAKER pro tempore. (Mr. FOLEY). The time of the gentleman from Arkansas has expired.

(By unanimous consent, at the request of Mr. BYRNES of Wisconsin, Mr. MILLS was allowed to proceed for 5 additional minutes.)

Mr. MILLS. I thank the gentleman.

The bill could pass by unanimous consent, in all probability. There is no reason why we cannot do it by Lincoln's Birthday, if we get the House organized. I would like to repeat: if we get the House organized in time. I, of course, do not know whether we can do it. I do not know what the caucus is going to impose upon us in that respect. They may make it impossible for us, if we are not careful, to organize the House in a short period of time. It may take us the month of February. But if it does not, we can, as the Ways and Means Committee, meet and report this bill out, in my opinion, in a short time at the most and have it passed.

So I say I am far more optimistic than my friend from Ohio is. I am surprised that he is so pessimistic, and I hope he will not go home and go to bed tonight without that degree of optimism about this that I have.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. BYRNES of Wisconsin. I think there are others who share the chairman's optimism, and certainly there are people who are as concerned about the welfare of these people as is the gentleman from Ohio, the gentleman from Arkansas, or myself. I refer to the National Council of Senior Citizens, Inc.

If the chairman would permit, I would like to call to the attention of the gentleman from Ohio a letter that they sent to the chairman of the committee and also to myself as the ranking member, and this was done some time ago, acknowledging the impracticality of going to a conference.

Certainly, if the proposition the gentleman suggested yesterday had been presented, they would have been equally shocked—the idea that we should just accept the Senate amendments en bloc. I could not help but be breathless at the preposterousness of such a proposition in abdicating the responsibilities of the House and the responsibilities of the Ways and Means Committee.

Now today the gentleman presents us with a new proposition, and that is to follow this very selective method.

But let me read what the National Council of Senior Citizens wrote to the chairman and myself with respect to the matter at hand:

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., December 23, 1970.

Hon. WILBUR D. MILLS,
Chairman Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR WILBUR: This morning's press carried a story to the effect that you and Congressman Byrnes had issued a joint statement dealing with the practical impossibility of any House-Senate Conference completing action during this session on H.R. 17550, even in the unlikely event that the Senate could act on this legislation between now and the end of this Congress.

Let me say that we in the National Council of Senior Citizens were relieved to learn of this position taken by you and the ranking minority member. We have been concerned during the last several weeks lest the Senate might be pushed by the time factor into some hasty action on this complex and far-reaching piece of legislation and that a House-Senate Conference would be confronted with the task of reconciling the two measures made enormously more complex by all of the changes made in the bill as reported by the Senate Finance Committee. It is our view that the position that you and Congressman Byrnes have taken and your

making the position public represents a responsible approach to the problem at this stage and we are grateful for it.

We were glad to note also that the statement as reported indicated your readiness to consider improvements in the Social Security and Welfare programs early in the first session of the new Congress and that you expected that increases in Social Security benefits would be made retroactive to January 1. If you are successful in these efforts, the elderly will not have suffered any overall loss of benefits, though so many of them are living on the very edge of the margin that even delays in receiving benefit increases are very serious. Any such delay, however, would not be nearly as harmful to the elderly of this country as the effects of hasty and ill-considered legislation might be.

In connection with the new proposals in benefits, we hope that the Ways and Means Committee will recognize that since the very modest increase of five percent passed the House early this year, it has already been used up by the effects of the inflationary rise in the cost of living which hits the elderly on fixed incomes the hardest. We would urge therefore that as you approach this problem in the new year you would consider substantially greater increases in the benefit schedules than those in the House-passed bill of 1970.

With the season's best wishes, I am

Sincerely yours,

NELSON H. CRUIKSHANK,
President.

That is the position the Chairman is taking, and it is the position I have taken, that we are here dealing with a trust we have that involves the future floor of protection for all the older people and the people who are working today, and that 20-some million who are dependent on this system. We cannot take risky action, we cannot take precipitous action, we cannot take ill-considered action if we are going to do justice by the rights of these people and their dependents under this system.

I compliment the chairman with respect to the position he has taken in our dealing with this legislation and with respect to the bill as it has come over from the Senate.

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

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

Mr. VANIK. Mr. Speaker, I would like to say I never intended to imply that what the other body prepared for us was a perfect bill. We have had many imperfect bills sent to us from the other body. There has been the trade bill, that included oil quotas and everything else under the sun that could be hooked onto it. I know neither the distinguished Chairman nor the distinguished ranking minority member of the Ways and Means Committee can tell me and assure this House that the social security bill will not again be used as a delivery system for the kind of conglomerate legislation that could not pass this House on its own.

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

(On request of Mr. VANIK, and by unanimous consent, Mr. MILLS was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Speaker, I would like to say I have always supported the integrity of this fund. As a matter of fact, I opposed the language of the House bill, and I cannot tell the gentleman right now whether it is in the Senate bill, the language reducing the tax rate or suspending the increase that was already provided in the law to take effect January 1.

And by that very provision they have diverted over $40 billion out of the trust fund during the next 10 years. I opposed that diversion in the House bill, as the gentleman knows.

I just want to say in closing on this point that it is not my patience that is at issue, and it is not the patience of our distinguished Chairman of the Ways and Means Commttee that is at issue, but it is the patience of the 26 million people plus the great body of other people that are affected by the other provisions of what the Senate has suggested in the four proposals I have made.

I certainly hope, with every hope that I can muster, that what we do next year will approach the high degree of service and accomplishments that is suggested by the four proposals I have asked the House Ways and Means Committee to adopt.

Mr. MILLS. If I have a minute or two left, I will say to the gentleman I do not like his fourth proposal either, because the House proposal of providing $220 to the couple as a minimum payment is better to me than the Senate's providing $200 per couple, but the gentleman will have a chance to vote further in the committee on it if he wants. I will not vote for it. I will vote for the more liberal provision the House will provide. I hope my friend from Ohio, on more reflection, will also.

But what I want to get my friend to understand—and I had thought the gentleman had been in Congress long enough never to accept a proposal from the other body with respect to a bill this big, to understand that never should anybody take such a package, and never recommend to one's colleagues again that the amendments should be taken en bloc until the gentleman himself has had a chance to study them and read them.

Never in my years of dealing with the Senate have I ever known that body to produce anything and send it here, never have I ever had to go to conference with them on something that I have taken en bloc. I have never done it. I will ask the gentleman from Wisconsin if he has ever known of a major product coming from that body which we have had to meet on that he would take en bloc?

This is what I want to caution my friend about, because I do not want him to make a mistake again if he stays here—and I think he will, because he is a valuable and able Member—but I caution my friend, the gentleman, just do not make that mistake.

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

(By unanimous consent, Mr. MILLS was allowed to proceed for 2 additional minutes.)

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

Mr. MILLS. I yield to my friend from Ohio.

Mr. VANIK. I just want to say I certainly hope that the distinguished chairman and the ranking minority member of the Ways and Means Committee and other Members of this House will help us adopt rules that will make it possible for the other Members of this body better to see a bill that they vote on that is reported out of a conference.

I have to go to the Speaker's desk to read the amendments, because under the archaic procedure under which we operate today a conference report coming over from the other body is almost secret to most of the Members of the House. They have no way of knowing totally what is going on in the legislative process, not only at this stage of a legislative session but also at any stage of a legislative session.

Mr. MILLS. Would my friend yield back to me?

Mr. VANIK. Certainly.

Mr. MILLS. Now, do not castigate us any more about conference reports and things like that.

I have never brought up a conference report during the time I have been chairman of the committee which has not been printed and available to every Member of the House who wanted to get it before it was ever considered. All a Member has to do is to ask for it and read it.

The gentleman asked me, though, yesterday, to take a bill that was not even over here, which had not even been printed by the Government Printing Office, and to accept all the amendments en bloc. It did not become available to anyone until today. But the gentleman sent his letter out yesterday.

If the gentleman wants to criticize us about conference reports, do not do that any more, please.

Mr. VANIK. I want to point out that no Member of this House had access to that volume prepared by the other body unless he went to that desk. I believe the rules ought to be changed.

Mr. MILLS. It was not there. What I am trying to tell the gentleman is that the engrossed copy arrived today—I repeat, today—at the Speaker's desk, and I could not get a copy of this until today, which represents the bill as amended by the Senate, and the ink is not even dry on it now. No one could get a copy because it was not in print.

Mr. VANIK. I want to point out to my distinguished chairman, I thought the report would be delivered the day before. They personally told me in the other body it would be delivered.

Mr. MILLS. What I am trying to caution my friend—and to get my friend to see the wisdom of my advice—is not to send out a letter until he has had an opportunity to analyze and to know what is in the proposition he is asking the House to take. That is all I ask. He should not have sent out the letter on the basis of the bill having been sent to the House. He should have sent out his letter, in my opinion, on the basis of an actual examination and an indepth study of the amendments, because now I do not know whether in the future I want to go along with his recommendations that I do something or not, because I just will not know how far into the subject he has gone. That is what worries me.

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

(By unanimous consent, Mr. MILLS was allowed to proceed for 1 additional minute.)

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

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

Mr. VANIK. I just want to point out to the distinguished chairman that no Member of this House had access to this bill at all until it was brought to the Speaker's desk. In my letter I assumed it was going to be brought over yesterday. That is the reason why the language was in the letter. But that is only a small part of the controversy I raise today.

Mr. MILLS. Pardon me, but there is no controversy between the gentleman and me. We are both trying to do the same thing, to help the old people.

Mr. VANIK. I just want to say, in concluding my remarks, I certainly hope and trust that the goals we both aspire for and aim for with respect to our social security program will be adopted in time next session to make it a realistic and early payout to the 26 million people who are involved some time before April 1.

Mr. MILLS. I just want the gentleman to be optimistic, to be in the committee, like he is, and to see to it that it is done. But be optimistic about it, I say to my friend.

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

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

Mr. CORMAN. I thank the gentleman for yielding.

I notice in the proposal of the gentleman from Ohio we are dealing with two subject matters, although both deal with the old people. One is the social security benefit and the other is public assistance.

I understand from the chairman that we may move rather rapidly into this whole field. It is my own feeling that when we talk about public assistance, people who are poor and may be hungry, we are talking about people who are too old to work, too sick to work, and too young to work. Am I to anticipate we will take care of all those people at the same time, since there are little resources in the States to pay their portion of the cost of this?

It seems we must not exclude any portion of the poor when we finally decide what the Federal Government wants to do and what we will attempt to get the States to do.

Mr. MILLS. I will state to the gentleman that if I had not already made that observation, I should have done so. We do not want just a social security bill. What we would want, if I could have my way in the matter, would be a combination of such matters as we have been talking about; namely, social security amendments, medicare amendments, medicaid amendments, welfare amendments, which would include the AFDC program and any changes in that area, and also your adult assistance, which applies to the aged, to the disabled, and to the blind, so that we will have a complete package in one bill.

Mr. CORMAN. Mr. Speaker, I appreciate the comments of the chairman. But I would rather, when we look at this total picture of assistance, believe the first thing involved is what the beneciaries are to get and how much out of the total amount of resources will be devoted to these programs; how much the Federal Government is going to put in the pot and how much the State and local governments will put in.

Further, with regard to the Federal Government contribution, it comes in two forms. One form is general funds and the other form is from social security. We are always tempted to raise it to a rather high level, the minimum of social security, depending upon public assistance, but in truth if you do that you then cut back on the amount of money you have to give as benefits to social security recipients who have paid a substantial amount of money over a long period of time. So, in truth you rob the workers to obtain the expenditures for the benefits you might otherwise not have.

Mr. MILLS. I think the gentleman from California is eminently correct.

Mr. Speaker, let me say this in conclusion: I regret that I had to conclude, along with the gentleman from Wisconsin (Mr. BYRNES), because of the time elements involved, that it would be an idle gesture and that it would be impossible for us to accomplish anything by going to conference. Therefore, you have to conclude that it would have been inadvisable to take the bill from the Speaker's table and engage in an idle gesture of asking unanimous consent for it to go to conference and die in the conference. I would rather that we not go through any such idle gesture here but recognize, all of us, just because we may at this particular session of the 91st Congress have lost a battle, it does not mean we have lost the war. I have received letters and telegrams from a number of organizations representing our older citizens commending us on our decision on this matter. There will be another Congress either on January 4 or January 21 or sometime next year—the beginning of the 92d Congress—and I can assure all of my colleagues, as I have said to my friend, the gentleman from Ohio (Mr. VANIK), with reference to the timing of this bill, it is my intention to move the bill as quickly as is possible and I have no thought of letting anything that might develop interfere with the carrying out of that purpose insofar as I can control it. Now, certainly, I know that my friend has confidence in me, as I have in him, and I know I can join him and I know he joins me in wishing a very happy New Year to all of those who are here as well as our colleagues who are not here, but certainly to those who have remained here long enough to hear the gentleman from Ohio and the gentleman from Arkansas settle this matter.

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

THE LATE HONORABLE NAN WOOD HONEYMAN

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, it is with sadness and regret that I report the death of a former Member of this House—and a friend and fellow Oregonian. They were restless, creative, and visionary years when the first woman, from my State of Oregon to serve in the Congress, took the oath in the well of this House. It was 1937—with a great depression still to unravel and a world war growing ever more imminent—the Nation could afford nothing short of the very best in representative government.

With an already well-established record of widely ranging public service, with a reputation for boundless energy, with an unflinching public commitment to "New Deal" philosophies and policy, with a close personal friendship with Franklin and Eleanor Roosevelt of many years, the United States could not have asked for a better combination of the "right person for the right time" than they found in Nan Wood Honeyman.

In the tradition of pioneer women, Nan Wood Honeyman was a self-reliant, independent, and strong-willed individual. Her legislative role in Washington and her work on behalf of the State of Oregon in a time of seemingly impossible difficulties for the country were characteristic of the fine pioneer family from which she herself descended. To be one of Nan Wood Honeyman's successors from the third congressional district is a genuine honor, and with my fellow Oregonians, I mourn her death. The following glowing testament to the late Congresswoman Honeyman appeared December 14, 1970, in the Oregon Journal:

NAN HONEYMAN RITES SCHEDULED WEDNESDAY

Funeral services for Nan Wood Honeyman, Oregon's first woman member of Congress, will be held at 11 a.m. Wednesday at Trinity Episcopal Chapel in Portland. Mrs. Honeyman, 89, died Thursday in Woodacre, Calif., where she resided in recent years.

Mrs. Honeyman was a close friend of two Democratic U.S. presidents many years before they were elected to the nation's highest office.

As Nanny Wood while attending college in the East, she first met Franklin D. Roosevelt and his wife, Eleanor, when they were all guests at a Roosevelt family wedding. The meeting evolved into a lifetime friendship.

She became acquainted with Lyndon B. Johnson when he was about 30 years old and that friendship also endured, particularly after all three were in politics.

Mrs. Honeyman was born at West Point, N.Y., while her Army father, Col. Charles E. S. Wood, was stationed there. When she was 2 the family moved to Oregon where Col. Wood gave up his military career to become a lawyer.

She received her education at Portland's St. Helens Hall and at a finishing school in the East. After completing her schooling she met and married David T. Honeyman, now deceased, of the Portland hardware store family.

A woman of seemingly boundless energy, Mrs. Honeyman reared three children but still had time to participate in many civic and social activities during the first decades of her married life. She came into the pub-

lic eye as president of the League of Women Voters; chairman of the Women's Organization for Prohibition Reform (although she was a nondrinker), on the boards of Doernbecher Children's Hospital and the Oregon Mental Hygiene Society and as committeewoman for both national and state Democratic party groups, as well as being a leader in many other civic and social organizations.

It was her observance of the failure of prohibition and public sentiment against presidential candidate Al Smith because of his religion that impelled her to try the political field herself.

In 1934 she opened a campaign office in Portland to run for the Oregon Legislature three months after serving as hostess for the Portland visit of President and Mrs. Franklin D. Roosevelt. She won a two-year term in the November election and the Honeyman political career was launched.

She shortened her name from Nanny to Nan and set her sights on Congress in 1936. Col. Wood at that time wrote of his daughter to a friend:

"I can't see she has much of a chance. She gets up and says what she thinks . . . and she doesn't know how to pussyfoot. Intelligence and candor are doubtful assets in practical politics . . ."

During her campaign, Mrs. Honeyman said, "I am aware that politics was once considered a man's world . . . when government was largely concerned with men's affairs. Today's governmental problems are primarily women's . . . (because) government and the home are closely united."

She ran a strong campaign and in her platform advocated many things such as federal funds to complete the Wilson River-Wolf Creek highways to the Oregon beaches.

She defeated incumbent William A. Ekwall for the 3rd District post and was the only new woman member of the House.

In her first three months in office, Mrs. Honeyman made one speech of less than five minutes in the House but she often had private discussions with President Roosevelt at the White House. She bowed to the teasing of male constituents in the House for wearing black and said she would get a wardrobe of different colors.

Later she made a womanly pitch to have Congress drop the special tax on cosmetics but lost. When the secret of her 56th birthday leaked out in 1937 (she looked much younger), a Texas congressman proposed to "have Congress declare it's your 30th birthday." She blushingly told him to hush up.

Although she stayed in office only one term, Mrs. Honeyman led successful legislation for several Oregon projects including Bonneville Dam. Being a friend of FDR, she was a strong supporter of the New Deal.

Although she had the backing of many labor groups, Mrs. Honeyman was defeated for re-election in 1938. In 1940 the Democrats asked her to run for Congress again. She said then, "I have been accused of being a rubber stamp for President Roosevelt because I voted for many measures beneficial to the public when I was in Congress. If voting for bills that help better our social standards make one a rubber stamp, then I plead guilty."

Despite her eloquence she was defeated for another term but in 1941 she was sworn in to fill a State Senate seat made vacant by a death. She resigned four months later to take the post of Pacific Coast representative for U.S. Office of Price Administration.

She stayed in this job until December when President Roosevelt nominated her for District 29 customs collector with an office in Portland. She held the post 12 years, the last term following her nomination by President Truman.

During her career Mrs. Honeyman attended three national conventions of the Democratic party as a member of the Oregon delegation and at the one in 1936 she seconded the nomination of President Roosevelt to serve a second term.

Survivors include a son, David of Portland; a daughter, Mrs. Kent (Nancy) Robinson of Honolulu; a brother, Erskine Wood of Portland; five grandchildren and eight great-grandchildren.

Cremation will be at Riverview Cemetery. The family suggests flowers or memorial contributions to Doernbecher Children's Hospital.

GENERAL LEAVE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have until the end of the session to extend their remarks on the subject of my 1-minute speech.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

A TRIBUTE TO THE HONORABLE WILLIAM C. CRAMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE), is recognized for 30 minutes.

Mr. BURKE of Florida. Mr. Speaker, when this 91st Congress adjourns, not only will many of us in the House of Representatives lose a good friend but the people of our Nation will lose one of its most outstanding legislators.

I refer to my personal friend, the honorable WILLIAM C. CRAMER, the distinguished Congressman and statesman of Florida's 8th Congressional District.

Ever since BILL CRAMER was first elected by his constituents in 1954, he has served not only the people of his congressional district but his Nation also, with honor, distinction, and with dignity.

Congressman CRAMER was the first Republican elected in the South since reconstruction days, and although he is truly a partisan Republican—he is a strong advocate of a strong two-party system as distinguished from multiparty politics. But BILL CRAMER also believes in fair play and he recognizes the need for service has been outstanding and gives accurate testimony to his dedicated hard work.

The people of his district also gave testimony to his outstanding service and returned him to Washington as their Congressman in 1956, 1958, 1960, 1962, 1964, 1966, and 1968. There is little question that they would have done so once again in 1970, had Congressman CRAMER chose to run for reelection instead of deciding to run for election to the U.S. Senate. Unfortunately he did not succeed and despite a difficult successful primary, he lost in the general election to his Democrat opponent but when the fight for the Senate seat was over Congressman CRAMER emerged with his head high—a gentleman—confident of his own future and confident in the future of our country.

I am proud to let BILL CRAMER know how I feel about him. He is my friend—he is a great Floridian and an outstanding American. Change when changes becomes necessary for the well being of our Nation and its people.

There is no question that BILL CRAMER fathered and nourished the Republican Party in the State of Florida. He served in the Republican Party not only as a Congressman but as a State committeeman and national committeeman as well. He served also as a member of the executive committee of the Republican Congressional Committee—as vice chairman of the Republican Conference and as a member of the Republican Policy Committee.

But as I stated, despite his partisan loyalty—he is fair and he is an outstanding legislator. His outstanding service and capability while a Member of the U.S. Congress, is a matter of public record. His accomplishments in the legislative field are many. His work and accomplishments for people of his district, not only in public work programs but in personal and today as the sun begins to set on this 91st Congress—and its achievements, for better or for worse, are about to become history. I am sure most of my colleagues here in the House whether they agree with BILL CRAMER'S politics or not, will concur in my conclusion, that he rates an outstanding legislator award and has been one during his time of service one of this body's most outstanding and hard working Members.

In closing, Mrs. Burke and I would like to wish BILL CRAMER and his wife, Alice, and his family good luck, good health, and a happy and prosperous future.

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

Mr. BURKE of Florida. I yield to my friend, the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, I want to associate myself in paying tribute to Congressman CRAMER for the many fine things he did here during his membership in the House of Representatives and his position of leadership in the activities of the House.

When Congressman CRAMER came here he was the only Republican in the delegation, and naturally the delegation felt a little bit ill at ease temporarily. But we found we could work very cooperatively with him and we have watched his contributions to our country and to his district and to our state. I know I speak for all the members of the delegation and for their wives and families in expressing to Congressman CRAMER affectionate regards and our desire that he may find in his retirement or in whatever he goes into fulfillment for himself and for his family. We wish them well in all things in the future.

Mr. BURKE of Florida. I thank my colleague.

Mr. FINDLEY. Mr. Speaker, Mr. CRAMER was an outstanding Member of this body whose talents will be sorely missed in the 92d Congress.

I first became well acquainted with him when we were together as Members of the House Republican task force on NATO. He was a diligent member and helped to advance several imaginative, constructive programs for free-world unity.

He was effective in every endeavor he undertook on the House. I regret very much his retirement from this body.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BURKE of Florida. Mr. Speaker, I ask unanimous consent that all Members may insert their remarks in the RECORD.

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

There was no objection.

ATTEMPTED EMIGRATION OF RUSSIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the story of the attempted emigration of a group of Russian Jews brings into acute focus a situation that has existed in the Soviet Union for many years.

We can no longer doubt that for Jews living in Communist Europe, there truly exists an Iron Curtain, closing off for them any hope of leaving a country that treats them with calculated contempt.

In Leningrad, 11 Jews have just been declared guilty of attempting to hijack an airplane, and have been sentenced to severe prison terms. This is the ultimate injustice, for anyone with any sensitivity to human suffering recognizes that these people were not planning an act of air piracy in the criminal sense, but were merely trying to escape the suffocating persecution in the Soviet Union. Theirs was an act of survival, and if a crime has been committed, the fault lies with the Soviet State.

The only victory for humanity to be found in this whole matter is that the original death sentences have been commuted. This was accomplished only through the untiring efforts of Jewish leaders such as Prime Minister Golda Meir of Israel, who brought worldwide pressure to bear on the Soviet Government.

In view of the tremendous problems that remain for Jews in Russia, this is but a small victory. Nevertheless, the struggle against injustice goes on. I am enclosing today two items that show that worldwide concern for Jews in Russia will not cease until they are free:

DECLARATION: EMERGENCY CONFERENCE ON SOVIET JEWRY, DECEMBER 30, 1970

We, representatives of American Jewry, have assembled with our fellow citizens of all faiths to declare our solidarity with our courageous brothers in the USSR and to protest the brutal injustice being perpetrated against them.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

Barbaric sentences have been handed down for crimes that were never committed. There was no hijacking, not even an attempted hijacking. There was no seizure of a plane nor any flight abroad.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exercise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

We call upon the civilized world to join us in this, our appeal: Let Justice Prevail!

(Sponsored by American Jewish Conference on Soviet Jewry and Conference of Presidents of Major American Jewish Organizations.)

THE PULPIT

The Soviet plot to annihilate Russian Jewry has come into focus with the Leningrad "trial" where two Jews were sentenced to death and seven others, with two non-Jewish "accomplices", sentenced to prison terms. Kremlinologists fear that this is the beginning of a wider conspiracy to entrap all Jews who are seeking to emigrate to Israel.

The macabre plots and counter-plots revealed in "Khrushchev Remembers" further raise the curtain on the ominous fate of Russian Jewry. Tied to Stalin's paranoic hatred of Jews, his exhumation by the present Soviet rulers portends lethal consequences.

Khrushchev even updates Soviet anti-semitism with quotes from the men assigned to guard him in his retirement, which leave little doubt about Russian intentions to Sovietize or liquidate the Jews in their midst.

"Brezhnev Remembers" and "Kosygin Remembers" when they are deposed are likely to reveal the machinations of their predecessor, and how he sought to solve the "Jewish problem." So it remains for the Soviet succession to indict its predecessors in a never-ending chain of persecution, bloodshed and judicial murder.

The drunken, carnivorous, brawling orgies of the vodka-crazed Bolsheviks must be exposed to the extent that every decent human being will come to recognize the Kremlin for what it is—a death laboratory for human extinction, rivaling Auschwitz, Dachau and Treblinka.

Even the Czarist pogroms were not government-sponsored, and Jews were free to escape their tormentors. Not so under the Communist regime. The Jew cannot escape, and if he dares express a desire to emigrate and join his kith and kin in Israel, he is entrapped by provocateurs in a bizarre hijacking that never took place.

I wrote the first draft of this Pulpit on Friday, December 25, a day "when everybody loves everybody else," but my rage was not eased by the environment around me. To the contrary, I lashed out in fury. The humiliation, pain and agony that we have been called upon to endure for nearly two millennia suddenly burst with the turn of events in Leningrad, so that I could no longer contain myself.

What you read, therefore, is a revision of my first draft. Still, I hope that there is enough rage stored in the veins of my fellow Jews to lash out at these criminals unrestrained by any restrictions imposed by a decadent society and an impotent free world.

"Thou shalt teach them diligently unto thy children:" teach them that their grandmothers and grandfathers or other kin died in the incinerators of Nazi Germany; tell them of the staggering toll in death; tell them, too, of the attempted genocide. If you don't, you will have stripped them of all defenses; and they might even join your executioners, as some have already done, laying bare your infidelity to your G-d and people.

Shouldn't you and I ask ourselves whether by doing little, we do nothing, and even aid and abet the conspiracy of silence? Should you and I restrict ourselves to lip-service and protests? Are you and I going to enlist the help of our neighbors to put out the fire in our hearts?

I would not be content, nor would I relax my vigil until Jewry, men, women and children of all ages throughout the world take such steps as would establish their solidarity with every Jew persecuted anywhere in the world.

The Soviet plot to annihilate Jewry and Israel must be met in a manner that would leave no doubt in the minds of our executioners that their crimes will not go unpunished.

I propose the following steps:

1. A night and day vigil of thousands of souls in and around the United Nations, with additional hundreds of thousands of souls covering the entire area upon which stands the United Nations, an impenetrable human wall that would spell out in unmistakable terms that the Soviet Union is an outlaw, and any concubinage with her by any nation or people is no less barbarous than the perpetration of the crimes being committed against Jewry.

2. Every seat of government in every capital from Washington to London to Paris, etc., should be encircled by hundreds of thousands of souls, and not just for an hour or a day, but until the hands of injustice are stayed.

3. An international mass closing of stores and businesses owned by Jews and their

Christian sympathizers for one or more days, which days should be spent in the synagogues and churches to focus on the bestiality of the Kremlin.

4. Demand, not negotiate, severance of all diplomatic ties by so-called civilized nations with the Soviet murderers and persist in these demands.

5. A massive campaign must be inaugurated for the expatriation of all of Russia's Jews to Israel, and this be non-negotiable and the only valid terms to satisfy our fury.

6. This state of exigency must be relentless, and the momentum must increase to the extent of the brutalization endured by our people.

7. Should the above steps prove inadequate, I propose the creation of a vast intelligence network, stretching from Washington to London to Paris to Moscow for the sole purpose of avenging tenfold every Jew murdered by the Communists.

The hour is late and the distance between survival and extinction narrows. The seconds that pass swell the tolls of our martyrs. Don't let it happen again. Resolve: Never again!

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Every year more and more books and publications are made available to the American people. Since 1950 the number of new books and new editions published in the United States has increased 2½ times; 11,022 were published in 1950 compared to 29,579 in 1969.

PLIGHT OF JEWISH PEOPLE IN U.S.S.R.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, like the hundreds of thousands of other Americans concerned with the plight of the Jewish people in the U.S.S.R., a committee of prominent Jewish residents in Wilkes-Barre, Pa., which I have been privileged to represent in the Congress for the past 24 years, have joined with other concerned civic leaders, students, religious and lay officials, to sponsor a program at the courthouse in Wilkes-Barre tomorrow, in sympathy with the plight of the oppressed Jewish peoples in Soviet Russia.

There is a real sense in which all Americans are with you in this national—and international—protest in behalf of the rights and liberties of the Jewish community in Russia. Wrote John Donne centuries ago:

Ask not for whom the bell tolls: it tolls for thee.

Whenever and wherever the rights of and human beings are violated, the rights of all human beings are involved. As Jews you will naturally feel a special kinship with fellow-Jews who are the victims of cruel oppression. As Americans all of us share this deep concern. As human beings, we find it an inescapable obligation imposed by conscience.

We who are Americans are uniquely favored among the nations in that we enjoy the blessings of a government which gives, in the classic words of George Washington, "to bigotry no sanction." We know that these blessings are tragically rare in our troubled world today, and that untold millions do not share them. Foremost among these natural rights and liberties are freedom of worship and freedom of movement, the right of peoples freely to migrate from one nation to another. These are the issues which bring us together at this time to manifest our solidarity with those who are denied such basic freedoms.

The Jewish and the Russian peoples have been thrown together in a remarkable way by the course of history. Not since the days of the Roman Empire had any single power controlled the destinies of so many Jews as did Tsarist Russia. Well into this century over half the Jewish population of the world lived under Imperial Russian rule. The unhappy fate of that great community is all too well known. While the Russian people as a whole have never been predisposed to to anti-Semitism, it has always been an instrument of policy by Russian Governments from the Czars to Stalin—and now, alas, reappears today. Those of you who have read Joel Cang's "The Silent Millions" or similar studies will be familiar with the ways in which Russian Jewry is discriminated against by the Soviet State.

At the beginning of this century over 6 million Jews were living in Russian and Russian-occupied lands. Today, 50 years later, in the wake of two terrible wars and the dreadful Nazi massacres, there are only about 3 million Jews remaining in the Soviet Union. It is their sad plight to which we address ourselves; it is their survival which motivates our heartfelt concern.

Our immediate attention is centered in the fate of those who have been sentenced to death or to long prison terms at hard labor. America has always interceded in the past for oppressed groups in every land. Thankfully, the conscience of the world was aroused. It is interesting to note that voices are raised even in Russia: The physicist, Sakharov, the father of the Soviet hydrogen bomb, has had the courage openly to denounce the proposed executions as unjust brutality. Such a statement could never have been made were it not for the scope of worldwide demonstrations, such as your gathering here today. It is good to know today that the death sentences were commuted by the Soviet Government.

Our larger concern is the legal and moral right of Russian Jews—as of all men—freely to emigrate. A much-loved American spiritual portrays the cry of the Jews of old through the words of Moses to Pharoah: "Let my people go." This same cry rises today from the hearts and souls of the "silent millions" as from all men and women everywhere who believe in human dignity and freedom. May the common God and Father of us all bless your resolve in the days to come, sustained by the faith of the psalmist of old:

O pray for the peace of Jerusalem: they that love thee shall prosper.

ACTIVITY AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY DURING THE SECOND SESSION OF THE 91ST CONGRESS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at the request of Congressman CHET HOLIFIELD, chairman of the Joint Committee on Atomic Energy, I would like to present a report on the activities and accomplishments of the joint committee during the second session of the 91st Congress.

The joint committee has had almost a quarter of a century of legislative and "watchdog" responsibilities over the U.S. atomic energy program. It is with pride and a sense of accomplishment that I look back on these years of the development of this new source of energy for our Nation. The joint committee has been in the forefront of the struggle to strengthen the defenses of our Nation and develop peaceful uses for atomic energy. I believe that the Congress and the joint committee can take justifiable pride in having significantly contributed to the leadership of the United States in this vitally important field.

I believe that every member of the joint committee in the House, in the other body, and on both sides of the aisle would join me in expressing to CHET HOLIFIELD, chairman and charter member of the joint committee, our heartfelt appreciation for a job well done.

At this point in the RECORD, I submit a report summarizing the activities and accomplishments of the Joint Committee on Atomic Energy:

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 91ST CONGRESS, SECOND SESSION, 1970

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy at the close of each session of the Congress to submit for the information of the Congress, the Executive Branch, and the public a report of its activities. (The report for the first session of the 91st Congress was printed in the Congressional Record of December 19, 1969, H–12826).

The Joint Committee on Atomic Energy was organized on August 2, 1946. It consists of nine Members from the Senate and nine Members from the House of Representatives. No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the Houes of Representatives with each Congress.

Present membership is:

Chet Holifield, California, Chairman.
John O. Pastore, Rhode Island, Vice Chairman.
Melvin Price, Illinois.
Wayne N. Aspinall, Colorado.
John Young, Texas.
Ed Edmondson, Oklahoma.
Craig Hosmer, California.
John B. Anderson, Illinois.
William M. McCulloch, Ohio.
Catherine May, Washington.
Richard B. Russell, Georgia.
Clinton P. Anderson, New Mexico.
Albert Gore, Tennessee.
Henry M. Jackson, Washington.
George D. Aiken, Vermont.
Wallace F. Bennett, Utah.
Carl T. Curtis, Nebraska.
Norris Cotton, New Hampshire.

The Joint Committee is one of the few committees established by statute rather than by rule of each House and is unique in several respects. For example, it is the only joint committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The committee is also charged by law with legislative responsibility as "watchdog" of the U.S. atomic energy program. As part of its responsibilities, the committee follows closely the activities of the executive departments and agencies, including the Atomic Energy Commission and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The classified as well as unclassified activities are closely reviewed.

In all these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

During the 91st Congress, second session, the Joint Committee met on a total of 48 different occasions, 31 of which were public and 17 of which were executive meetings.

A total of 14 publications consisting of hearings, reports, and committee prints were published by the Joint Committee in its second session of the 91st Congress. These publications include testimony taken in executive session with classified material deleted before printing.

A list of the publications follows:

The 1970 (91st Cong., 2d Sess.) AEC Authorizing Legislation, Fiscal Year 1971:

Part 1, Hearings Feb. 3, 18, and 19.

Part 2, Hearings Mar. 3 and 5.

Part 3, Hearings Mar. 11.

Part 4, Hearings March 19.

Report (H. Rept. 91–1036; S. Rept. 91–852), May 4 and 11.

AEC Supplemental Authorizing Legislation, Fiscal Year 1971: Report (H. Rept. 91–1677; S. Rept. 91–1414), Sept. 7.

Atomic Energy Legislation Through the 91st Cong., 2d Sess., Committee Print, December. (Available when printed.)

Current Membership of the Joint Committee on Atomic Energy, Committee Print, March.

Environmental Effects of Producing Electric Power (Part 2): (Joint Committee supply exhausted.) Volume I, Hearings Jan. 27–30; Feb. 24–26. Volume II, Appendixes and index.

Naval Nuclear Propulsion Program—1970, Hearings Mar. 19 and 20.

Prelicensing Antitrust Review of Nuclear Powerplants (Part 2), Hearings Apr. 14, 15, and 16. Report (H. Rept. 91–1470; S. Rept. 91–1247), Sept. 24 and 29.

Uranium Enrichment Pricing Criteria, Hearings June 16 and 17. (Report same as Prelicensing Antitrust Review.)

I. LEGISLATIVE ACTIVITIES

A. Atomic Energy Commission fiscal year 1971 authorization act (Public Law 91–273)

The Atomic Energy Commission's request for authorization of appropriations for fiscal year 1971 was submitted to the Congress along with the total Federal budget on February 2, 1970. The Joint Committee on Atomic Energy convened its hearings on the AEC request the following day in order to consider the proposed authorization legislation (H.R. 15782, S. 3409). During the succeeding 14 weeks, the committee held 15 additional sessions, four of which were executive due to consideration of classified information. The record of the public hearings was published in four volumes entitled "AEC Authorizing Legislation, Fiscal Year 1971." A declassified record of the hearing on the naval nuclear propulsion program was published under the title "Naval Nuclear Propulsion Program—1970."

Following its deliberations on the proposed legislation, the Joint Committee voted to adopt certain amendments by way of reporting "clean bills." Representatives Holifield, Price, and Hosmer introduced H.R. 17405 on May 4, 1970, and Senator Pastore introduced S. 3818 on May 11, 1970. These identical measures were favorably reported on May 4 (H. Rept. 91–1036) and May 11 (S. Rept. 91–852) respectively.

The reported authorization bill recommended an increase of $7.707 million over the amount contained in the Administration's request, but more than $150 million less than was authorized for the preceding fiscal year. The bill was passed by the Senate without amendment on May 13, 1970, and the House approved the measure without amendment on May 19. The President signed the Act into law (Public Law 91–273) on June 2, 1970. The law authorizes appropriations to the Atomic Energy Commission for fiscal year 1971 in the amount of $2,290,907,000 as follows:

Operating expenses	$2,013,307,000
Plant and capital equipment	277,600,000
Total authorization	2,290,907,000

Among the highlights of the Joint Committee report, which accompanied the authorization bill, were the following:

The Joint Committee reiterated and emphasized its concern about assuring adequate *uranium enrichment capacity* to meet the anticipated increase in demand, both foreign and domestic, expected to accompany the growing use of nuclear powered electric generating plants. Of prime concern was timely action on the Cascade Improvement Program (CIP) to improve and upgrade the three gaseous diffusion plants owned by the Government which constitute the only domestic facilities for enriching uranium. The Atomic Energy Commission's request for authorization of $170 million had been reduced by the Administration to $5 million for architect-engineering work only. The committee restored $16.1 million to the plant and capital equipment budget, bringing the authorization to a total of $21.1 million, an amount sufficient to perform the A–E work and begin construction and long-lead procurement activities for the support facilities and the diffusion plants.

The Joint Committee also took action to preclude the use of any funds for the establishments, within the AEC, of a separate *uranium enrichment directorate* intended to operate the diffusion plant complex in a manner similar to a commercial enterprise. In so acting, the committee reduced the Administration's request for operating funds by $300,000 for fiscal year 1971 with an anticipated saving of $500,000 per year thereafter.

The Joint Committee reaffirmed its support for the liquid metal fast breeder reactor (LMFBR) as the priority project in the field of *reactor development and technology*. The committee recommended the authorization of $43 million, as requested by the AEC, which, when added to the fiscal year 1970 authorization of $7 million for the project definition phase, brought the total authorization to $50 million. Also approved was AEC assistance to a definitive government-industry cooperative arrangement, in the form of AEC-furnished services, facilities, or equipment, up to $20 million and waiver of fuel use charges not to exceed $10 million.

While the LMFBR remains the principal reactor development program in terms of priorities, the committee continued its support of alternate breeder reactor concepts—the light water breeder reactor (LWBR), the molten salt reactor (MSR), the gas-cooled fast reactor (GCFR)—by approving increased levels of support and restoring some of the moneys cut by the Administration in its budget review process. The committee also continued its endorsement of the high-temperature gas-cooled reactor concept (HTGR), as an alternative to present generation light-water reactors, by approving a modestly increased level of support. The civilian power and cooperative power programs were authorized at $130.6 million and $43 million, respectively, an increase of $3.4 million overall compared to the preceding year.

The Atomic Energy Commission's extensive *environmental program* received the full support of the Joint Committee which recommended the authorization of $71 million for research and development relative to the effects of radiation on man and his environment and related matters. These include, in addition to internal exposure to radiation and the interaction of radiation with biological systems, such areas of interest as land and fresh water environmental sciences, marine sciences, atmospheric sciences, powerplant siting, plant effluent control, and disposal of radioactive wastes. The thermal effects of warm water discharges are included in these studies.

The largest dollar addition by the Joint Committee to the operating budget request of the Administration was in the field of *naval nuclear propulsion systems*. The committee recommended, and the Congress approved, an increase of $4.8 million over the budget request thereby partially restoring the $6.2 million reduction of the Administration in the program for development work on improved nuclear submarine propulsion plants. The effect of the Administration's action had been to stretch out the program. The committee recommended the partial restoration in order to eliminate some of the delay in development programs. The committee's analysis and evaluation of Soviet nuclear submarine advances had led to the conclusion that additional effort is mandatory if the United States is to avoid further erosion of our technological advantage in nuclear propulsion systems. The obvious Soviet commitment to rapid, large-scale construction of nuclear submarines could permit them to numerically exceed our nuclear submarine fleet by the end of 1970. Under such circumstances maximum technological advancement is imperative to national defense.

The Joint Committee also urged the Congress to give serious consideration to a vigorous nuclear surface warship development and construction program. Nuclear-powered attack carriers and frigates were stressed as being vital to our strike forces' mobility and flexibility.

Despite concern over the Administration's reduction in AEC's request for funds in the *weapons program*—nuclear research and development, non-nuclear engineering and development, and on-continent testing—the Joint Committee reduced the authorization for weapons by reprograming $8.5 million to other programs. This action was taken to alleviate an imbalance among the AEC's 14 program areas.

B. Supplemental Authorization Act for fiscal year 1971 (Public Law 91–580)

The Administration requested $25.5 million supplemental funds.

* * * * *

This resulted in the filing of original committee bills by Chairman Holifield and Representatives Price and Hosmer (H.R. 18679) on July 28, 1970, and by Senator Pastore (S. 4141) on July 29, 1970. Thereafter, House and Senate bills were adopted by the committee without dissent and the committee's report accompanying the bills

was filed on September 24 as H. Rept. 91-1470 and on September 29 as S. Rept. 91-1247. This report is the only report which the committee authorized to be issued and filed.

On September 30, the House passed H.R. 18679 by a roll call vote of 345 to 0. On December 2, the Vice Chairman of the Joint Committee, Senator Pastore, presented H.R. 18679 for Senate approval and proposed that section 11 of the bill, which would have amended the provisions of subsection 274 h. of the Atomic Energy Act of 1954, as amended, be deleted. As Senator Pastore stated on the floor of the Senate, the decision to delete section 11 from H.R. 18679 had been made with the acquiescence of Chairman Holifield. H.R. 18679, with section 11 deleted therefrom, was passed by the Senate on December 2. At noon the following day, when H.R. 18679, as passed by the Senate, was placed on the desk of the Speaker of the House, Chairman Holifield recommended that the Senate version be concurred in, and the House approved the amended version. H.R. 18679 as passed by the Congress was signed by the President on December 19, 1970 (P.L. 91-560).

On December 3, when Chairman Holifield asked the House to approve H.R. 18679, as amended, he made several observations about the deleted section 11 and explained that it would not have interfered with the prerogatives of the President or the functions of the Environmental Protection Agency. Among his remarks was the following comment:

"Nevertheless, as a courtesy to the new Environmental Protection Agency, I now urge the House to agree to the deletion of section 11 from H.R. 18679—not because the provisions are not worthwhile or are not fully in the public interest—but simply to give the new Environmental Protection Agency a reasonable period of time in which to become organized and—without the need of explicit statutory directions—to proceed under its present authorities, including the authority in present subsection 274 h. of the Atomic Energy Act, to carry out the objectives of section 11."

Chairman Holifield also referred to a letter he had written earlier that day to William D. Ruckelshaus, the Administrator of the Environmental Protection Agency, a copy of which he inserted in the Congressional Record. The letter included the following paragraphs:

"The deletion of Section 11 is really a courtesy to you and your Agency. I hope the contents of Section 11, the pertinent portion of the Joint Committee's report accompanying H.R. 18679, and my explanation to you of the Committee's underlying purpose will, in practical effect, remain tantamount to a word to the wise. I am also writing to the Director of the Office of Management and Budget to urge that he help assure the budgeting and allocation of sufficient funds to enable the consummation in the near future of the broadly scoped arrangements contemplated by Section 11.

"You are aware that the FRC has existing agreements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The Committee is deeply concerned that expert scientific advice on the problem of radiation tolerance should be secured on a continuing and comprehensive basis, and it knows of no better or more credible expert sources than these two distinguished scientific bodies.

"As soon as reasonably practicable after the Agency is sufficiently organized, please advise this Committee if there appear to be any problems that could interfere with the initiation of such arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. Also, as a general matter and in accordance with the responsibilities provided for in Section 202 of the Atomic Energy Act, I request that the Agency keep the Joint Committee fully informed, on a reasonably current basis, of significant events and activities pertaining to atomic energy.

"This Committee wishes the Agency, under your leadership, great success in its efforts toward fulfillment of its important mission to protect the environment. With respect to atomic energy fields, this Committee stands ready to assist and cooperate in every reasonable way."

D. Legislation affecting the basis for AEC charges for uranium enrichment services (H.R. 18679, S. 4141)—(Public Law 91-560)

As part of the proposed legislation pertaining to "practical value" and prelicensing antitrust review, the Joint Committee included a proposed amendment to subsection 161 v. of the Atomic Energy Act of 1954, as amended, to assure that the basis for AEC's charges for uranium enrichment services would continue to be the recovery of Government costs over a reasonable period of time. This measure was necessitated by an AEC action to change the pricing criteria originally established pursuant to subsection 161 v. (part of the Private Ownership of Special Nuclear Materials Act of 1964, P.L. 88-489) which action the committee deemed incompatible with the intent of Congress underlying this statute.

The Joint Committee received AEC's proposed amendments to the pricing criteria on June 11, 1970, and promptly requested a review thereof by the General Accounting Office. GAO reported that the AEC proposal was of questionable legality and stated its belief that AEC's proposed new criteria should not be adopted without further action by the Congress. Because AEC did not desist with respect to its planned action, the committee proceeded to adopt an appropriate legislative amendment to make even clearer by statutory language what the committee believed was abundantly clear from the legislative history supporting subsection 161 v. The committee's action followed its thorough review of the issue including public hearings on June 16 and 17, 1970. The clarifying amendment to subsection 161 v. of the Atomic Energy Act of 1954, as amended, was included as section 8 of H.R. 18679 (and S. 4141) which bill the President signed into law on December 19, 1970 (Public Law 91-560).

II. AGREEMENTS FOR COOPERATION

A. Civil

Under the provisions of the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation in the peaceful uses of nuclear energy between the United States and other nations, and amendments thereof, must be submitted to the Joint Committee and a period of 30 days must elapse while Congress is in session before such agreements become effective. In accordance with such procedures, five civil agreements were submitted to the committee by the Department of State and the Atomic Energy Commission with the approval of the President.

One of the submitted agreements involved research activities only while the others affected both research and nuclear power programs. The research agreement with Indonesia was amended to extend its term for an additional 10 years. A new agreement for both research and power programs was executed with Finland. The power agreement with Norway was amended to permit that country to receive from Italy reprocessed U-233 derived from fuel elements removed from the now decommissioned Elk River Reactor in Minnesota. The dual research and power agreement with Sweden was amended to more than double the amount of special nuclear material to be made available as a result of Sweden's increase in its power reactor program from 6 to 12 reactors. The research agreement with the United Kingdom was amended so as to link that agreement with the power reactor agreement relative to transfers and uses of special nuclear material. The amended agreement also authorized the conversion and fabrication of nuclear fuel in each country and export to the other in keeping with general tariff agreements and similar understandings with Japan and Canada. All amendments were updated to reflect provisions of the private ownership of special nuclear materials legislation of 1964.

In addition, the Joint Committee consented to the AEC interpretation of the agreement with Italy, in keeping with private ownership, to permit transfer of fuel pins from Italy to the United States for irradiation in the Enrico Fermi fast breeder reactor and return to Italy. This is part of the Italian fast breeder reactor research program.

The so-called "four reactors agreement" between the United States and the International Atomic Energy Agency (IAEA) for application of Agency safeguards procedures to U.S. facilities was extended from January 31 to July 31, 1970, at which time it was allowed to expire. Negotiations are under way contemplating additional measures for improving safeguards techniques and procedures and the training of Agency personnel. The Joint Committee was also advised that trilateral safeguards agreements entered into force relative to agreements for cooperation between the United States and the Governments of Austria and Colombia. Under such trilateral agreements, the IAEA undertakes safeguards responsibilities relieving the United States of that burden.

B. Military

Under the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation with another nation or with a regional defense organization involving development, utilization, and control of atomic energy for military purposes in the interest of mutual defense and security are required to be submitted to the Joint Committee for a period of 60 days while Congress is in session before becoming effective.

On March 6, the Joint Committee held a hearing in executive session on an amendment to the July 3, 1958, agreement between the United States and the United Kingdom for cooperation on the uses of atomic energy for mutual defense purposes. Representatives of the Atomic Energy Commission, Department of Defense, and Department of State presented testimony.

The amendment would provide for transfer of certain materials and equipment for atomic weapons. The amendment became effective on April 8, 1970, to extend until December 31, 1974.

III. INFORMATIONAL HEARINGS

A. Environmental effects of producing electric power

During October and November 1969, the Joint Committee held the first phase of its public hearings on the environmental effects of producing electric power. These hearings were continued in a second phase with public sessions on January 27, 28, 29, 30 and February 24, 25, and 26, 1970.

During phase I, testimony was received from Federal agencies and organizations having responsibility in matters related to the environmental effects of all kinds of electric powerplants. During phase II, testimony was received from representatives of State governments, private industry, environmental groups and the scientific community. These witnesses presented their assessment of the environmental effects resulting from the construction and operation of electric powerplants. They commented upon the criteria and standards developed by the Federal Government and the regulations promulgated and enforced by those Federal agencies hav-

ing regulatory authority over various activities of the electric power industry. The testimony dealt with such subject areas as the problems of obtaining sites for the large powerplants planned by the utility companies, State government cooperation and legislation in this area, matters related to the adequacy of the present radiation protection guidelines, and the controversy, to the extent that one exists, concerning interpretation of the biological data available on possible deleterious effects resulting from exposure of humans to radiation.

The Joint Committee has published and distributed the record resulting from these hearings. Together with the preprint of selected materials issued earlier by the committee, the documents represent a total of over 3,000 pages of material, thoroughly indexed, pertaining to both nuclear and fossil fueled powerplants.

B. Safeguards under Limited Test Ban Treaty

The Joint Committee's continuing interest in the four safeguards established in connection with the Limited Nuclear Test Ban Treaty was manifested by the joint meeting held by the JCAE with the Nuclear Treaty Subcommittee of the Senate Armed Services Committee on February 17, 1970. Representatives from the Department of Defense, the Department of State, and the Atomic Energy Commission as well as AEC contractors were present.

In 1963 during the debate on the Limited Nuclear Test Ban Treaty, the Senate was assured by the Executive Branch that our national security would not be jeopardized if the treaty were signed because four "safeguards" were being instituted to insure that the United States would not be taken by surprise if the terms of the treaty were violated. These safeguards are—

(1) The conduct of a comprehensive, aggressive underground nuclear weapons testing program;

(2) The maintenance of modern nuclear weapons laboratories;

(3) The maintenance of the necessary personnel and facilities to resume atmospheric testing on short notice in the event of an abrogation of the treaty by the Soviet Union; and

(4) The improvement of our capability to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet activities.

In the AEC fiscal year 1971 authorization hearings on February 3, the Chairman of the Joint Committee stated:

"Johnson Island has been deactivated and that is one of the things that has us worried somewhat. Both on the Senate floor and the House floor presentations were made at the time of the nuclear test ban treaty that we would keep these facilities in a readiness condition such that if there were a surprise resumption of atmospheric testing by another nation we would be in a position to protect ourselves by being able to conduct significant tests in as short a time as possible."

The Chairman's remark was prompted by the fact that the off-continent test readiness program budget was reduced from $16.5 million in FY 1970 to $7 million for FY 1971. This directly affected Safeguard 3.

The only bright spot in the readiness to test the program was the successful launch on September 21 of a Thor-High Altitude Test Vehicle (HATV). The HATV followed the programmed trajectory and provided much useful information.

The Joint Committee expressed concern that at least three of the four Safeguards adopted in 1963 are being eroded. In addition to Safeguard 3, it now appears that Safeguards 1 and 2 may be facing trouble because of the general reduction in funding for the weapons laboratories and because of the aging of many facilities with the attendant decline in efficiency.

Until such time as the Strategic Arms Limitation Talks produce concrete results, the Joint Committee is of the view that the United States would be ill-advised to unilaterally allow the Safeguards necessary to assure that our nuclear deterrent remains effective, to deteriorate.

C. Naval nuclear propulsion program

The Joint Committee, in executive hearings on March 19 and 20, 1970, made another thorough review of developments in the naval nuclear propulsion field. The classified material was subsequently removed from the hearing record and a committee print entitled, "Naval Nuclear Propulsion Program—1970" was published.

As indicated in the public record of this review, the Joint Committee obtained information on our own nuclear propulsion program and also reviewed all the information which could be obtained on the Soviets' program.

The Joint Committee found a number of disturbing factors concerning our Nation's position in this critical field. These concerns and recommendations for rectifying these unsatisfactory conditions were stated in a Foreword to the hearing record. Some of the principal areas covered in the Foreword were:

The rate of development of new nuclear submarines by the Soviets far surpasses the efforts of the United States.

The rate of production of nuclear submarines by the Soviets far surpasses the United States.

The lack of action in replacing our present conventional firstline surface warships with nuclear propelled warships.

D. Foreign enrichment cooperation

On September 16, 1970, the Joint Committee met in executive session to receive testimony from Atomic Energy Commission witnesses concerning the question of whether this Nation should cooperate with foreign nations in the field of gaseous diffusion technology by selling highly classified United States advanced technological information and equipment to foreign entities. During this hearing, concern was expressed that the Executive Branch did not have specific and detailed plans to propose to the Joint Committee on this subject.

The Joint Committee considers this possible course of action a very significant and fundamental change in the United States international atomic energy policy.

United States scientists have worked for more than a quarter of a century developing this highly sophisticated and highly classified technology. The Joint Committee plans to take a very hard look at any proposal that this tremendous technological asset be provided to foreign entities—not only from the "giveaway" aspects, but also from the point of view of its possible effects on our national security and our obligations under the Non-Proliferation Treaty (NPT).

If and when the Administration decides to take such a step, the Joint Committee expects to hold public and executive hearings on this matter because of the major policy implications involved and the need for clarification of the legal authority for such a proposed undertaking.

The Joint Committee has been assured that it and the Congress would be presented with a proposed specific plan prior to any negotiations or commitments by the Executive Branch with foreign entities. Such a plan, it is expected, would clearly spell out why the Administration believes it would be in our national interest to proceed with such an undertaking.

E. Confirmation hearings

The Senate section of the Joint Committee met in public session on June 23 to consider the nomination of T. Keith Glennan to be United States Representative to the International Atomic Energy Agency (IAEA). The Senate confirmed the nomination on June 25.

On July 16, the Senate section of the Joint Committee met in public session to consider the reappointment of Glenn T. Seaborg to the Atomic Energy Commission for the term of five years, expiring June 30, 1975. The Senate confirmed the nomination on July 20.

On September 11, 1970, the Joint Committee received the nomination of Dwight J. Porter to be Deputy United States Representative to the IAEA. Mr. Porter transferred from Lebanon, where he was United States Ambassador, directly to Vienna. He was not available for the confirmation hearings; however, it is expected that his nomination will be considered at the earliest opportunity at the beginning of the next session of Congress.

IV. CLASSIFIED ACTIVITIES

A. Intelligence briefings

Representatives of the Central Intelligence Agency, the Department of Defense, and the Atomic Energy Commission have presented briefings to the Joint Committee on intelligence matters with particular reference to Communist China and the U.S.S.R.

B. Strategic Arms Limitation Talks—SALT

The Joint Committee continues to follow very closely the SALT Talks between the United States and the Soviet Union. The committee believes that these discussions are having, and will continue to have, a significant impact on United States security.

V. OTHER MATTERS

A. IAEA

The Joint Committee follows very closely activities involving the IAEA in Vienna. Both members and staff of the Joint Committee have visited IAEA in Vienna to discuss developments in IAEA with particular reference to the so-called safeguard inspection procedures under Article III of the NPT. The Joint Committee is mindful of the importance of safeguards but is looking very cautiously at the growing safeguards program and what could develop into a need for increased funding to support the numbers of personnel which may be suggested as necessary to run the IAEA safeguards program.

B. Nuclear electric power in space

The SNAP-27 radioisotope thermoelectric generator, which the Apollo-12 astronauts put into operation on the moon on November 19, 1969, to power the Apollo Lunar Surface Experiments Package (ALSEP), is still functioning normally at above rated power. On December 9, 1970, Chairman Holifield of the Joint Committee participated in the ceremonies in which the engineering prototype of the SNAP-27 generator was presented to the Smithsonian Institution.

The Nimbus-III weather satellite, launched on April 14, 1969, continues to operate in earth orbit with most of the energy for its experiments now being supplied by the SNAP-19 nuclear generator which, like the SNAP-27, is fueled with plutonium-238. Both generators are from the family of radioisotope thermoelectric generators which are derived from the grapefruit-sized navigation satellite SNAP-3, launched in 1961. That navigation satellite has maintained its orbit and transmission of signals back to earth for nine years.

C. General

Due to the press of other business, the Joint Committee was unable to proceed, as it had planned, with the initiation of hearings respecting the granting of authority to States to regulate radiological discharges from nuclear powerplants. A number of bills had been introduced in this session to provide for such authority. The committee had also planned to begin hearings on several other bills relative to AEC's regulatory au-

thority, including proposed legislation to require congressional approval for the licensing of nuclear facilities, and to provide for the transfer of AEC's regulatory regime to another agency. The committee also was unable to institute a complete new look at AEC's procedures for the lincensing of nuclear facilities. In a letter dated September 24, 1970, from Chairman Holifield and Mr. Hosmer to AEC Chairman Seaborg, concern was expressed at what appeared to be indications of serious deficiencies in AEC's procedural and administrative mechanism for the licensing of nuclear powerplants. The letter indicated that a high priority was being assigned to this matter in the scheduling of committee business.

D. Report on nuclear power and related energy problems—1968 Through 1970

At the request of the Joint Committee, Mr. Philip Sporn has from time to time provided the committee with comments on and analyses of the developing nuclear power industry. He prepared a report entitled, "Developments in Nuclear Power Economics, January 1968–December 1969," which was released by the committee to the public on January 20, 1970.

The Chairman of the Joint Committee invited comments on the report from many individuals in various sectors of industry, government, conservation organizations, and research foundations. The responses provide a graphic picture of the dynamic energy and related industries, the problems they are facing, and solutions they are finding and suggesting. These have been assembled by the Joint Committee staff into a report entitled, "Nuclear Power and Related Energy Problems—1968 Through 1970."

JOHN DEMPSEY RETIRES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, in the first week of January an outstanding American public figure will pass from the practice of active politics when Gov. John N. Dempsey of Connecticut retires from the office as chief executive of our State. There has never been a more warmly regarded Governor of Connecticut in all its history nor have we seen one who has been more devoted to the welfare of our people particularly those least fortunately situated in the social pattern.

Governor Dempsey has had a long and productive career in public office and I view his departure with regret both as a friend and a citizen of our State. I also welcome this opportunity to express my gratitude to him for his exertions over the years.

I found it difficult to put my appreciation of Governor Dempsey's contribution into effective words and I was therefore pleased to find that this job had been effectively and eloquently done by one who has known John Dempsey throughout his political career and who is perhaps the outstanding commentator on the political scene in the State of Connecticut.

As an expression of my own feeling and a tribute to the service of this noteworthy Governor and outstanding gentleman I am pleased to include herewith a column by Alan Olmstead concerning Governor Dempsey which appeared in the Waterbury Republican of December 24:

DEMPSEY: A MAN WITH ALL HEART

(By Alan Olmstead)

There isn't much doubt about who gets the Christmas card from those of us who have covered Connecticut politics for the past three decades.

It goes to Gov. John N. Dempsey, who first came upon the Hartford scene as a representative from Putnam in the House of Representatives in 1949, and who, in a few days, will be departing from the state political scene.

In all this 21-year span of service at Hartford, from one capacity to another, John Dempsey never, to our knowledge, committed one act which could possibly make him or his reputation hostage to anybody.

He came in clean and shining.

He goes out that way.

There were, as a matter of fact, only a few extraordinary privileges he claimed for himself or his office while he held the position of head of an administration. These were not the ordinary kind of privileges a successful politician on top might have demanded. He did not demand prestige for himself. Politicians could ignore him, if they wanted to, and his reaction would be mildly regretful rather than punitive.

The few extraordinary privileges he did insist on wringing out of his position as governor of Connecticut were all in the same classification. He never missed an opportunity to use the prestige and name of his office, along with his personal attention and devotion, to make more cheerful the lot of the state's institutionalized unfortunates and to call the attention of the outside world to the fact that they existed and were human beings and brothers and sisters even to the most magnificent figures out in the happier world.

It was when he turned the public eye toward these friends of his that he made his one and only extraordinary claim upon and use of the powerful prerogatives of being governor of Connecticut.

Friend and foe sometimes thought John Dempsey might be vulnerable, politically, because he had a smile. But the people of Connecticut penetrated that smile, to their own satisfaction, and found that there was behind it, a man who was all heart.

Now, in a few days, John Dempsey takes himself and his beautiful, gallant lady out of the tiresome trappings and the mixed rewards of the public life.

Merry Christmas to them both, from a Connecticut which has felt, and which returns their own affection for their state.

JEANNE BUSSARD TRAINING WORKSHOP

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, efforts to assist the handicapped are more and more taking forms which are enabling the handicapped to become employable, self-sufficient members of the community.

I would like to call the attention of the House to the Jeanne Bussard Training Workshop, which was founded in 1965 in Frederick, Md., with the assistance of the Bussard family as a living memorial to their handicapped daughter, Jeanne. I believe it utilizes an approach that is quite unique. While a behavior modification-reinforced operant conditioning approach is used, it is used to build on the inherent strength in each individual. When the workshop receives a contract beyond the physical capacity of the workers, equipment is modified to permit completion of the job. No job is turned away because the handicapped cannot complete it.

I would like to include in my remarks the following information which is pertinent to the Jeanne Bussard Training Workshop whose staff is experienced in: mechanical drawing, tool and die design, blueprint reading, assembly, tool and die making, quality control, fabrication and plant supervision:

THE JEANNE BUSSARD TRAINING WORKSHOP

The Workshop is based on the premise that the abilities of the handicapped can be utilized to meet industry's need for quality craftsmanship in an era of increasingly high cost automation. The services and products The Workshop supplies make it an integral part of the industrial sector of America.

Since its inception The Workshop has established itself as a necessary component of the Metropolitan Washington-Baltimore economy through its ability to provide quality supportive services to its many satisfied customers.

THE AIMS OF THE WORKSHOP

The Workshop aims are twofold. One is to train its workers for competitive employment in the economic sector of American society through actual work experience. To prepare our people to take their place on our production lines we maintain an evaluation and training program. It is during their twenty-two weeks in this program that our employees are prepared to join our production division by performing the simulated task components needed to produce a perfect product for our customers. When a young man or woman has achieved proper work behaviors and productivity, The Workshop places him/her with either government or industry, secure in the knowledge that these young people can compete economically and socially in the larger world of work.

The second aim of The Workshop is to become an indispensable arm of the industrial community by becoming a stable, reliable source of supportive services through its ability to relieve industry of the need to maintain non-technical, high-cost, low productive departments.

THE WORKSHOP AT WORK

In addition to its proven capability as a sub-contractor to industry, The Workshop manufactures a complete line of gift bows, star and pompom, Elegant Notes, Greeting Cards, disposable animal shipping crates and disposable dog kennels.

Industrial departments of The Workshop perform such diverse activities as printing, both letter and offset, personalizing gift and paper party items. Other production departments are geared to the ever changing needs of our customers in packaging, assembling, salvaging, etc.

ORDEAL OF SOVIET JEWS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Leningrad trials have written another grim chapter in the continuing denial of human rights to Soviet Jews. A Soviet court meted out vindictive sentences on 11 Russian citizens, including nine Jews, for allegedly planning to hijack a plane to Finland. Two were given the death sentence, an action that outraged the world.

I am profoundly relieved that the Supreme Court of the Soviet Union has commuted the death sentences, and reduced several of the prison terms of the

other defendants. Public and private expressions of shock and concern have undoubtedly had an impact on Soviet authorities.

The injustice of the Leningrad verdict is only the latest evidence of the worsening condition of 3 million Jews in the Soviet Union. More and more synagogues have been closed, and there is not a single school in the Soviet Union that teaches Hebrew, despite the fact that the Soviet Constitution purports to guarantee human rights to all ethnic groups and provides special language schools for even tiny minorities.

The Soviet policy of fanning the flames in the Middle East through support of Arab hostility to Israel has added another dangerous dimension to Soviet anti-Semitism. Soviet Jews are accused of disloyalty, and vicious caricatures and books have been published to popularize anti-Semitic propaganda. It is miraculous that the faith has survived this suppression, and no surprise that an increasing number of Soviet Jews wish, with little success, to emigrate to Israel.

Mr. Speaker, last October I delivered to the Soviet Embassy a letter signed by 48 House Members expressing our concern over the denial of religious and cultural rights to Soviet Jews. Although I was received with courtesy by Minister Counselor Yuly Vorontzov, acting head of the embassy, he refused to accept the petition on the ground that there was no ground for our concern about the plight of Soviet Jews. His words were empty then. Today they are emptier still. I am including a copy of the letter in these remarks as a renewal of our plea for assurance of religious and cultural rights to Jewish citizens of the Soviet Union.

The full text of the letter and a list of those who signed is as follows:

MY DEAR MR. AMBASSADOR: On Sunday, October 11th, some 1,500 Americans of the Jewish faith gathered near the Soviet Embassy to dramatize their concern over the treatment of Jews in the U.S.S.R. The demonstrators were peaceful and orderly. This demonstration was the latest in a widespread number of indications of concern by Americans of all faiths over reports that Jews are denied religious and cultural rights accorded other minority groups in the Soviet Union.

As members of the U.S. House of Representatives, and as citizens of the United States, we, too, are deeply concerned regarding these reports. This concern is in keeping with a long-standing and historic American tradition. We ask that you relay to your Government and to its leaders this expression of our concern.

Although our two nations do have political and social differences, we are not altogether dissimilar. Both were born in a revolutionary struggle to achieve freedom for their people. And, within our own memories and experience, we were wartime allies in a long and bloody struggle against Fascism. The American people retain true ties of sympathy and friendship with the people of the Soviet Union, and these ties motivate our plea.

It is our sincere hope that the Soviet Government will assure to its Jewish citizens a full enjoyment of the religious and cultural rights which, we are sure you will agree, are their due. Such an assurance would serve to strengthen the ties between our peoples which have brought us together in the past.

Sincerely,

SIGNERS

Gilbert Gude (R-Md.); Hamilton Fish (R-NY); Sam Steiger (R-Ariz.); Tim Lee Carter (R-Ky.); Donald W. Riegle, Jr. (R-Mich.); Edward S. Koch (D-NY.); and Frank Horton (R-NJ).

Ogden R. Reid (R-NY); Richardson Preyer (D-NC); Samuel N. Friedel (D-Md.); Silvio O. Conte (R-Mass.); Brad Morse (R-Mass); Richard D. McCarthy (D-NY); and Paul N. McCloskey, Jr. R- Calif.).

Edward R. Roybal (D-Calif.); Peter H. B. Frelinghuysen (R-NJ); Henry Helstoski (D-NJ); Richard L. Ottinger (D-NY); Daniel J. Flood (D-Pa.); Charles H. Wilson (D-Calif.); and Edward G. Biester, Jr. (R_ Pa.).

Mario Biaggi (D-NY); Frank Annunzio (D-Ill.); Margaret M. Heckler (R-Mass.); Brock Adams (D-Wash.); Abner J. Mikva (D-Ill.); William V. Roth, Jr. (R-Del.); and Florence P. Dwyer (R-NJ).

Tom S. Gettys (D-SC); Charlotte T. Reid (R-Ill.); Lawrence G. Williams (R-Pa.); Thomas M. Pelly (R-Wash.); John M. Murphy (D-NY); Ken Hechler (D-W. Va.); and John J. Rhodes (R-Ariz.).

Howard W. Robison (R-NY); Joseph E. Karth (D-Minn.); Donald M. Fraser (D-Minn.); Richard C. White (D-Texas); George E. Brown, Jr. (D-Calif.); Fred Schwengel (R-Iowa); and Dan Kuykendall (R-Tenn.).

William S. Broomfield (R-Mich.); William C. Wampler (R-Va.); Thomas M. Rees (D-Calif.); Robert Taft, Jr. (R-Ohio); Charles A. Vanik (D-Ohio); and Martin B. McKneally (R-NY).

THE F–14

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, this morning's papers convey the sad news that the first test model of this country's new, multipurpose jet fighter—the F–14—crashed on its second test flight.

About the only thing we can be thankful for is that both test pilots escaped unharmed. In every other regard this development is most disturbing, particularly in view of the fact that we have already committed ourselves to purchase 26 of these planes at a cost of $658 million, over and beyond the 12 best models already purchased.

I have consistently argued that we should adopt and adhere religiously to a fly before you buy policy on complicated new aircraft like the F–14—that we should not commit millions of dollars to buy any sophisticated plane—other than test models—before we have flight tested it to see that it can perform its mission. We paid a very high price to learn that lesson in the development of the ill-fated FTX—a plane on which we spent hundreds of millions of dollars only to find it too heavy to be lifted by the elevators on most aircraft carriers, let alone meet combat flight requirements. We are now scrapping the FTX—F–111B—for the F–14 and other replacements.

The House Appropriations Committee in its report on the 1971 defense procurement bill strongly endorsed the "fly before you buy" concept. But it insisted, despite an amendment I offered, to exempt the F–14 from that policy and to appropriate funds, not only for test purposes, but for procurement. As a result, we now find ourselves facing a situation that looks frighteningly similar to the early days of the FTX—our funds committed and our plane faltering.

The full implications of this test failure of the aircraft are, of course, not yet certain. The problem may be a very minor one which has nothing to do with the total performance capability of this airplane. I certainly hope that is the case. I hope this airplane will prove to be all that its proponents in the Defense Department and elsewhere have promised it will be. I agree with the experts who say we need a new fighter for deployment in the very near future. But the crash of the F–14 in its second test flight dramatized once again that buying planes before they are flown is, at best, an extremely risky and potentially disastrous way to go about developing sophisticated new aircraft.

Mr. Speaker, today's New York Times report of the crash of the F–14 aircraft, which I think will be of interest to many Members and readers of the RECORD, follows:

NAVY'S NEW FIGHTER CRASHES IN L.I. TEST

(By Richard Witkin)

CALVERTON, L.I.—The Navy's new F–14 fighter plane, trying to land on its second test flight, crashed less than a mile short of the runway today after a series of troubles with the control system.

Both pilots made an escape, ejecting themselves from the craft about 300 feet up and landing safely by parachute.

"Oops, flight control, loss of flight control system," the pilot, William H. Miller, radioed as the swing-wing jet glided over the trees. "Just a second. No. I can't hold it. Eject! Eject it!"

The twin-tail jet, built by the Grumman Corporation and designed to be the backbone of the Navy's carrier-based fighter force starting in 1973, crashed into woods, sending up flame and black smoke.

The crash has set back for two or three months the testing of the supersonic plane, which is eventually to be able to fly at 1,650 miles an hour.

The craft is intended to replace the aging F–4 Phantom as a fighter plane to assure superiority in the air, and in its mission of defending the fleet it is to replace the cancelled F-111B, the Navy version of a craft originally intended to serve the Air Force and the Navy.

Grumman expressed confidence that the cause of the crash could be quickly determined and corrected.

So low above the ground was the plunging plane that observers watching from the runway edge at Grumman's test facility here were at first uncertain whether the pilots had survived.

KNUCKLES ARE INJURED

Then, about 15 minutes after the crash, word was radioed from a helicopter, leading crash equipment to the scene, that Mr. Miller and his rear-seat colleague, Robert K. Smyth, were safe and virtually unscratched. Mr. Miller had a slightly cut knuckle or two that required bandages.

Word of their safety produced applause, as well as tears from several observers, including the company's president, Llewellyn J. Evans.

The mishap was the kind of setback that has hit many new warplanes since test pilots began winging out in the bi-wing, open-cockpit craft of World War I. And officials today voiced several variations of the old saw: "Well, that's why you have test programs."

But there was no hiding the shock of the loss of the first F–14, a plane that made its initial 10-minute flight Dec. 21, a month ahead of schedule. And there was no hiding the worry over how serious the problem might be.

HYDRAULIC SYSTEMS FAIL

The big concern, and mystery, was what kind of longshot malfunction might have led to crippling both the primary hydraulic sys-

tems, which operate the plane's maneuvering surfaces and are almost totally independent of each other. Another question was whether the trouble might have been an associated difficulty that prevented the pilots from bringing the plane on a third emergency hydraulic system.

The flight had been programed as the first really extensive test of the plane's performance, a 90-minute excursion in which the movable wings were to have been moved for the first time and the plane was to have made its first faster-than-sound flight.

But less than half an hour after the 10:08 A.M. takeoff, the air-to-ground radio crackled:

"Seem to have got a power transient. Will go off the combined system, and are coming back to the field immediately."

This did not sound like anything to worry much about. It was known there were back-up systems. It sounded like merely just a disappointment.

EVIDENCE OF DANGER

The sleek craft was at 13,000 feet, about 30 miles to the southeast of this North Shore facility, over the ocean. The radio messages from then on came in tones of total calm. But, when looked at later with the knowledge of what finally happened, they contained evidence that the plane might be in more trouble than it seemed to be.

Among the messages, radioed at considerable intervals, were:

"It's fluctuating, Bob, it's getting touchy here."

"Something buffeting, I think, we probably broke something."

"O.K., the oscillation has built up again. I can feel it somewhat in the airframe."

About three minutes before the plane should have glided onto the runway, the landing gear was lowered by use of a reserve nitrogen-gas pressure system. The pilots had known from the moment they headed back to the field that the conventional hydraulic system could not be used because of the initial hydraulic trouble.

PILOTS WERE CONFIDENT

"Beautiful" was the word from the cockpit as the wheels locked into place. The pilots appeared so confident they would make it in safely that they could engage in a little banter about the control stick.

"The geometry of this stick is miserable," one said.

"I wonder who designed it," the other said.

Moments later, the plane began to porpoise—climb and then dive lightly—and the vertical oscillations increased. This was evidence that the other primary hydraulic system had failed.

Mr. Miller, an Annapolis graduate, switched to the third emergency system, a limited-capacity innovation on Grumman planes. It is designed mainly to allow pilots of planes crippled in combat to retain stability long enough to fly to friendly territory. But it also is supposed to make it possible to land safely if this does not require excessively large maneuvers.

THIRD SYSTEM FAILS

The third system could not hold the plane on its guide path.

Mr. Miller then pulled the ejection mechanism down over his helmet, and within nine-tenths of a second both men had been rocketed upward, free of the plane, and their parachutes had opened automatically.

Mr. Smith, also a former Navy flyer, had a few more anxious moments. In an interview later, he said:

"I started coming down in the fireball. But I got some thermal lift. And I came down in the scrub oak. The chute was singed a bit."

"The ejection system worked as advertised," Mr. Miller said.

Mr. Evans, the Grumman president, expressed confidence that the Navy-Grumman investigating team would be able to pinpoint the trouble, that it could be readily corrected, and that the twin-jet fighter would live up to its promise.

The craft's projected speed is considerably below that of some of the Soviet Union's newer fighters. But the later versions, the Navy promises, will have "much higher air-to-air combat performance than any present or projected Soviet fighters." Much of this capability will be imparted by the wide variety of missiles it will carry.

Production planes will cost an estimated $9-million to $11-million each, depending on how big the total orders eventually are.

WARSAW WEEKLY BLAMES PARTY FOR PRICE RIOTING

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, the dramatic developments which have occurred in Poland this month serve to remind us of the hardships which have been endured by the Polish people. While we in this country cannot judge the causes and details of such an outburst, we certainly can bring to the attention of the world our deep sympathy for the just aspirations of the heroic Polish people.

Few nations have suffered throughout modern history as have the Poles. And few peoples are more deserving of peace and freedom.

We in the United States have strong historic ties with Poland. Our own revolution was greatly aided by the Polish leader Kosciuszko. Today there is hardly a city in the United States which does not have hundreds or thousands of citizens whose family roots are found in Poland.

As we enter 1970, it is my wish that life will be brighter for the people of Poland and that the ties between our two peoples will be allowed to flourish without impediment. Today's New York Times contains an article which provides some basis for hope that progress and improvements will be forthcoming for the peoples of that nation, and I include it here for the attention of my colleagues:

WARSAW WEEKLY BLAMES PARTY FOR PRICE RIOTING

WARSAW. A leading Polish magazine deplored "double-thinking" in Communist society today and blamed the ruling party for the pre-Christmas food riots.

A new wave of frankness about Poland's troubles began to spread through the press, with the outspoken weekly Polityka leading the way.

"Although there are various degrees of responsibility," it said, "the party is responsible for the causes that gave rise to the tragic events. Elements of stagnation were growing in the economy. The picture presented by propaganda was far from reality."

It then went on to admit the gap between propaganda and what people really thought.

"Such practices sanctioned the very dangerous social phenomenon of double-thinking—having one standard for show and another for private use and for close friends, uttered at the snack bar during breaks in public meetings and conferences and at the family table in a group of close friends, Polityka said.

The daily newspaper Zycie Warszawy said the riots happened because of a communications gap between the party and the people. It called for "an atmosphere of truth and of presenting all matters in a clearcut manner."

The party newspaper Trybuna Ludu said there was a need for "informing and holding a frank discussion with the industrial staffs."

Polityka all but justified the workers' protests in Gdansk, Gdynia, Szczecin, Slupsk and Elblag, which turned into clashes with the police and army after the Government had raised food prices by 20 per cent.

"Of course, the street demcnstrations were not the correct forum to present political postulates, but we have to admit that conscious activity by the workers did not leave wide room for maneuvering by hostile and anti-social elements," the paper said.

Polityka said the riots were "an alarm signal indicating that illness still exists in the organism—all the more disconcerting since it has been heard for a second time in Poland's quarter century of socialism."

Similar riots occurred in Poznan in 1956.

"The impulse of anger was directed against the price regulation lacking in compensation but the motive behind it was against the causes that led to the regulations and failed to prevent them," the magazine said.

NEW PROBLEMS OF SOCIAL DEVELOPMENT

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, there are few men who have as great a knowledge of inter-American affairs and as deep an understanding of the problems of developing countries as does my good friend, Covey T. Oliver, presently serving on the faculty of the University of Pennsylvania Law School.

Having served as the U.S. Ambassador to Colombia, from 1964 to 1966, as Assistant Secretary for Inter-American Affairs from 1967 until his appointment as U.S. Executive Director of the World Bank group in 1969, Covey Oliver has contributed greatly to our understanding of the problems and to our perspective on development assistance.

He has recently written an outstanding article on new problems of social development for the November 1970 issue of the Foreign Service Journal, and I am pleased to bring it to the attention of my colleagues:

NEW PROBLEMS OF SOCIAL DEVELOPMENT

(By Covey T. Oliver)

The older problems of social development I came to know all too well while I was involved in inter-American affairs in the 1960s. They include:

Confusion about the meaning of social development.

Lack of usable doctrine (contrasted to economic development).

Rejection of modernity by vested interest groups in developing countries including cultural and educational vested interests.

The Marshall Plan's dead hand on US development operations (it was exclusively economic).

The unfortunate legacy of Bretton Woods as to national backstopping of international development activities by non-development institutions such as finance ministries.

The reluctance of foreign offices in developed and developing countries to accept development as a new type of international relationship.

These problems, all of which have links to the two new problems of social development that I shall attempt to analyze have so far always forced the center of gravity of external assistance toward the purely economic: infrastructure, productivity, import substitution, export intensification, for-

eign exchange policy and national accounts management. This is particularly noticeable in the Alliance for Progress. Social and civic development objectives are set out in the Charter of Punta del Este, but in Alianza assistance practice, institutional development related to the above economic goals is about as far as social development ever got. And even this degree of institutional development gets only secondary treatment in the Secretary-Priorities Game that foreign assistance so far has had to be.

What is social development? As I use the term it is not necessarily the same as institutional development (a fairly neutral term—even a fascist or mercantilistic institution can be developed). And it is not exactly that rhetorical favorite, especially of some of the military, "nation building." Social development refers to modernization of the norms and processes for sharing benefits and burdens in societies. It is fairer sharing, especially on the benefits side: education, health, job opportunities (including job training), tax equity, effective administration (including honesty in government). Think of total development as light coming through a prism. Social development is a discernible area in the whole spectrum of development, and there are shadings from the equally discernible purely economic end all the way to the purely political end.

Some new lines of activity are still to be classified. Just recently we have all become conscious of ecological problems, and I think these challenges in developing countries should be included within social development.

Population control is harder to classify. It certainly is not yet purely economic; operationally it is still left to that portion of the political spectrum which in the game of nations as I know it might be called "Inviolable National Privacy."

Economic development, of course, has social effects; and some of these, undoubtedly, have been seen by ultra-nationalists and vested interests groups as impinging on "Inviolable National Privacy." To a considerable degree, the chant of "Trade, Not Aid" is the ploy of traditional export oligarchs, who find the so-called "foreign conditioning" of external assistance a threat to their internal advantages. Traditionalists, everywhere I suppose, incline to the "trickle-down" theory of human betterment. But the traditional export oligarchs that I have in mind are not even much for "trickle down," as may be seen by their strong and usually effective objections to greater taxation of them for the common good. Some exporters of traditional commodities are, of course, not oligarchs but little people. Export oligarchies vary as to countries and commodities. Sugar, for example, is hardly ever a mass man export interest.

On the whole, economic development practices and doctrines no longer fall within the taboo of "Inviolable National Privacy." One reason for this is the spread of economic development theories through graduate education of developing country nationals in developed country universities. Also, the feed-in of professional development economists into all development agencies has given the world a remarkably wide consensus of professionalism as to those items that above I listed as purely economic. How often is the cry of interventionism raised as to issues of monetary economics today? Not often, even as against the International Monetary Fund.

Purely political development is hardly ever attempted through foreign assistance, since political considerations are excluded by the articles of the multinational development institutions. Moreover, since much of the economic development is no longer controversial, it seems largely in the field of social development that resistance to change occurs. That it occurs results in part from the fact that the doctrines and the men needed for social development are themselves far below the present stage of growth of economic development technology. Further, some social development schemes tend to be vague and half-baked. Too often they reflect the drives and pressures of faddists and of well-intentioned determinists in the developed world.

Also, there are some fundamental doctrinal disputes, such as the very important one whether developed-country concepts of basic education are relevant to the needs of the poor countries as to the conditioning of their peoples for as happy and effective lives as reasonable projections of national and regional improvement show may be possible. Nonetheless, there is a solid core of social development doctrine and experience available. Basically, the expectations in the field of social development draw upon, not the national idiosyncracies of a single developed country, but upon the modern—if always challenged—way of life generally common in the free, Western, developed world.

Does this concept present problems? Of an ideological nature in terms of 18th and 19th century notions, from the Physiocrats through Marx, yes. In terms of the actual administration of modern societies, hardly. Thus it seems to me a mistake to give great weight to oligarchistically-sourced yells of "gringo intrusion" when what the shouters are really attacking under nationalistic cover is something that is not gringo but modern social practice, whether in the German Federal Republic, Sweden, Idaho, or Australia.

We USA-Americans are remarkably masochistic, and too often we swallow the bait I call "Inviolable National Privacy" when it should be left dangling.

On the other hand, there are areas where the United States' way of doing things socially is not the way that all developed countries do them. In such areas, whether the United States is using its leverage through bilateral or multilateral assistance, it should "knowledgeably eschew ethnocentric predilection." I know of no better examples of our failure to do so than in the administration of criminal justice. While I was Ambassador to Colombia, every time an American was held in detentive custody pending investigation by the examining magistrate, I got the same type of "make protest" instruction from Washington: demand arraignment, bail, and so on. Had no one in the Department ever heard of the continental penal law system, without grand juries, bail bondsmen and the Mallory Rule? I often wondered, as I would again repeat my little essay on very simple comparative law, assuring the Department that we were receiving all the cooperation possible from the Colombians, within the maximum that their system would tolerate without discrediting it.

Another instance in the same area: Why did AID persist in sending non-Spanish speaking, common law lawyers to Latin America to advise on the modernization of the criminal process? Why not some aid-financed Swiss, Italian, German, or French experts, considering that, on the whole Latin America deals with criminal charges in ways still essentially Napoleonic?

Social development, bedeviled as it long has been in the various ways sketched previously, must now contend with new difficulties. These new problems are very serious: First, attitudes underlying them tend to put social development beyond the sphere of external assistance, thus throwing such development as remains back to an exclusively economic base and leaving the listed problems of social development free of operating pressures that they be solved. Second, as the Installation Address on August 7 of the new President of Columbia suggests, the regressive austerity of economic development on the very poor masses must be leavened with "people programs."

Although I have attempted without much result to get analytical appraisal as to whether the recent "near thing" in Colombia might have a causal relation to imbalance between economic and social development, the words of President Misael Pastrana Borrero tend to suggest there was one. In any event, economic development with only incidental social betterment components is no more than "trickle down," a philosophy of peaceful revolution that has never worked anywhere in the developed world. All the more reason why it should not be expected to work in the far weaker distributive structures of the developing countries.

The Low Profile Doctrine is neither objectionable nor new insofar as United States development concepts are concerned. Certain implications to the contrary are offensively unfair to Kennedy-Johnson diplomacy. True, there has always been considerable insensitivity in the execution of various aspects of foreign assistance; and it is only for understanding that I note the corrosive effects of similar insensitivities in the actual operation of internal anti-poverty programs. The cure for insensitivity and ineptness in either case is better training or better people, not in prejudicing or ending the effort. The development-related aspect of the Low Profile Doctrine that concerns me here is whether social development may drop out of operations, leading to the counter-productive disequilibrium that the recent Colombian election case possibly may present. The "drop out" dangers that I see as potential, but avoidable, are lack of development-related dialogue on social development issues and enlargement of the taboo area.

"No dialogue" might result if the United States responds only to developing country initiatives that do not contain significant social development elements. Every experienced assistance man knows how difficult it is to get specific development initiatives from the government of a developing country.

There has been great shrinkage in the area of "Inviolable National Privacy" in the past few decades. Most would agree that this has been good. Nonetheless, it is possible that unless encouraged otherwise, United States spokesmen vis-à-vis developing countries today may take the Low Profile Doctrine as a broad hint to widen the taboo area. This is a danger, not only in bilateral diplomacy, but in multipartite-universal and multipartite-regional diplomacy. The area of development most vulnerable to widening of the taboo area is social development, considering that most political development is already within it. On a small planet, ever more widely divided between the very rich and the very poor, the nation state already stands all too frequently as a barrier between the grossly deprived within its territory and the possibilities of betterment that, not one developed country, but all planetary civilization, could provide.

What do we have, what can we reasonably expect, as to international development institutions and how can they do the things that cannot be done bilaterally as well as some would like? Thus we have the setting for the second of the new problems, "bankability" and social development.

With the exception of the United Nations Development Programme (UNDP) and a small Organization of American States development fund, the existing multilateral development assistance institutions are banks. These banks have soft loan appendages, such as the World Bank's International Development Association, or they administer funds earmarked for varying degrees of concessionality in lending. There is not, so far, a worldwide or regional *full range* development *agency* with an array of authorizations in the development field comparable to that of the United States Agency for International Development. It is most important, it seems to me, that the present lack of multilateral institutions to do the whole job of development assistance ought to be kept seriously and constantly in mind as the merits of shifting emphasis from bi-

lateral to multilateral assistance are appraised.

There is nothing wrong with the multilateral approach to development assistance except that the existing, well-financed (UNDP is not) multilateral institutions are not structured to go much beyond development lending plus some free technical assistance (almost always loan related) paid for out of the international institution's earnings and profits. The development loan approach to development assistance, even in the economic assistance field, has been found to be inadequate without large grant assistance for both capital transfer and technical assistance. The existing relationship of loans to grants in the totals of assistance supplied to developing countries has already created a serious repayment problem, as the Pearson Report shows. But here I wish to stress that social development—the absolutely essential structural and distributive modernizations that will make the trauma of development tolerable to present generations—is particularly vulnerable should foreign assistance become mainly multilateral, without there being changes in the international development institutions. Why?

One reason is that the development banks cannot use their capital raised by public financing in ways that would undermine the financial soundness of the bank's bonds. This means that every "hard" development loan proposal must, in a convincing and credible way, be quantifiable and, as so quantified, meet cost-benefit and related tests of bankability. President McNamara deserves great credit for taking managerial initiatives in the World Bank toward enlarging the scope of lending from the Bank's traditional field of essential national physical infrastructure into virtually the whole array of development needs, including education and population. Nonetheless, a loan is a loan, and in the social development field the big basic limitations are those related to "credible quantification"—credible, that is, to the more traditional executive directors and to the world's "money community."

The Inter-American Development Bank is farther along with "social lending" than is the World Bank for the poor nations of the world, and at its soft window it has been more relaxed about pay out analyses. Nonetheless, even as to it, there are outer limits, not the least of which is the tendency of Congress to wish to ensure North American-type substantive audit oversight of lending operations.

Another reason changes are essential in international development institutions is that many social development projects are still highly controversial as to whether they are credibly quantifiable. It is not likely, for example, that national health, primary education, secondary education (other than vocational), and population limitation will in the near future be so measured.

As this is being written, the United States is putting into operation a new institution specifically directed toward social development in the Western Hemisphere. This institution, resulting from a laudable initiative in the House Foreign Affairs Committee, will attempt to insulate social development support from the United States Government, as well as to raise funds from various nongovernmental and multigovernmental sources. Its future is still before it.

Once established, truly international and universal, sub-institution that could become the world's full-range development agency is the International Development Association (IDA), usually thought of as the "soft lending" window of the World Bank. Inasmuch as IDA does not float bonds for its resources but depends upon periodic contributions from member governments, there is no reason why IDA has to function like a bank. But in practice an IDA loan has been analyzed exactly as a "hard" loan from World Bank bonded capital, except for the hard currency replayment capacity of the assisted country.

Originally, before serious limitations were imposed on IDA during its gestation, it was to be a grant, not a loan, agency. However, as finally constituted, IDA was authorized to give interest-free "credits." Is there a real expectation, deep down in the Jungian subconsciousness of the countries that have funded IDA that IDA "credits" are really payable like World Bank loans? Or, was the shift from grants to loans as IDA evolved a generally accepted sugar-coating of national reluctance to give to the poor countries as the United States had given to the developed but war-damaged Marshall Plan countries? Was the marked shift toward loans in bilateral assistance a similar benign avoidance? My inclination is that the IDA credit could and should be changed to a clear grant basis. But that aside, what is essential is that IDA assistance, even if still called "credits," be freed of the rigors of "bankability" as described above. Only then will we have a multipartite development agency that will have capabilities throughout the social portion of the assistance spectrum.

This shift will require wisdom over the whole spectrum and great objectivity about the institutions of development, whether bilateral or multilateral. Where should this leadership be lodged within the United States Government? It would be extremely difficult to answer this question in terms of what I recall from experience in service about the varying senses of mission of the various Executive Branch subinstitutions that have "interests" in the matter. Suppose USAID is "balkanized" as proposed by the Presidential message version of the Peterson Report and coordination of the "split-up" is transferred to the Executive Office of the President. If this happens, the direction of United States positions in all multinational assistance institutions ought to be there, provided a genuine, driving sense of mission about the validity, urgency, and national interest significance of development assistance exists there. Otherwise, I should be content to see leadership lodged with whatever participating agency gives promise of the most drive. Congressional committee interests must be honored in allocations of authority in the Executive Branch. In the Senate, all foreign assistance is pretty much a Foreign Relations Committee matter, while in the House, the Committee on Banking and Currency has a leadership role so far as multinational banks are concerned.

In this appraisal of what we might call the "institutional development needs of international development institutions," little has been said about the development funds of the United Nations and the OAS. Both have considerable potential for social development, especially in the grant-funded, technical assistance field.

Unfortunately for the UNDP, the widening chasm between the few rich and the many poor nations, each with eventual recourse to "one country, one vote," seems to have damaged seriously the prospects for significant capital transfers related to development in general through the United Nations. The noticeable lowering of Latin-American "drive" toward getting development assistance makes the outlook for expansion of the OAS fund poor.

The biggest danger to social development is that the new problems when added to its unsolved ones will submerge it in favor of strictly economic development "trickle down" and all that. The "trickle down" problem even exists in the field of social development in a rather insidious form. North Americans, especially well-intentioned lawyers, tend to assume that problems are automatically solved by improving institutions, norms and modalities. Social development inputs could easily take the form of tinkering exclusively with an array of institutions in developing countries, from university administration to stock breeders' associations, without coming to grips with the basic and urgent social justice problems that I believe lie at the heart of social development.

In taking this position I do not contest the overwhelming need for more adequate funding of economic development. No "numbers game" should be played with total amounts if foreign assistance goes mainly multilateral. All I seek to do here is to call attention to the most neglected part of an area of too much overall neglect, benign or otherwise.

CHANGE IN LATIN AMERICA AND THE INTERNATIONAL DEVELOPMENT BANK

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, T. Graydon Upton, Executive Vice President of the Inter-American Development Bank recently addressed the 57th National Foreign Trade Convention to give what I believe is one of the most realistic and perceptive assessments of the Latin American situation and its implications for the future, and for the direction of U.S. policy.

It is an outstanding and immensely valuable analysis which merits our close attention, and I include his remarks, entitled "Change in Latin America and the Inter-American Development Bank," at this point in the RECORD for careful reading:

INTER-AMERICAN DEVELOPMENT BANK,
Washington, D.C., November 17, 1970.

CHANGE IN LATIN AMERICA AND THE BANK

(By T. Graydon Ypton)

Over many years a most rewarding intellectual experience has been that of participating in your forums. At different times I have done so as a commercial banker and a member of your Declarations Committee, as discussion leader at your International Finance Sessions in my capacity as President of the Bankers' Association for Foreign Trade, as a member of the U.S. Government Delegation when Assistant Secretary of the Treasury, and most recently as a guest during your annual convention day devoted to the Americas.

INTRODUCTION—THE NATURE OF CHANGE

Your theme this year is the relevant one of "Trade and Investment in a Changing World Economy—The Need for Realistic Policies and Initiatives"—and I welcome the word "realistic." Consistent with your theme, I have entitled my talk "Change in Latin America and the Inter-American Development Bank"—omitting the word "economic" from the title. This is not because I minimize the economic factors, but because the nature of change in Latin America is social, political, and ideological, as well as economic.

Adjustment to change presupposes an understanding of the nature of that change—thus the purpose of my talk is to make a modest contribution to your already existing broad knowledge of that subject. I might add that the first year of a new decade is always a symbolic time, allowing one to review and evaluate the past, as doors to the future are opened.

By definition, development implies change, and, as Lester Pearson said in his report to the World Bank: "Change is, itself, intrinsically disruptive." The same thought was expressed with respect to the ability of the individual to adjust to change in a book by Alvin Toffler entitled "Future Shock," where the statement appears: "The roaring current of change is so powerful today that it over-

turns institutions, shifts our values, and shrivels our roots. Unless man quickly learns to control the rate of change in his personal affairs as well as in society at large, we are doomed to a massive adaptional breakdown."

And Chancellor Heard of Vanderbilt University in his report to the President on student attitudes called attention to a factor of change characteristic of our younger generation, which has particular application to Latin America. It deals with the power of ideas: (I quote) "Power takes many forms in society. We are familiar with military power, financial power, governmental power, political power in organized groups and other effective influences. Intellectual power ought not to be forgotten. Time and again in the world's history, ideas have prevailed over other forms of power, from the teachings of Jesus, through those of Tom Paine and Karl Marx to those of Adolf Hitler. Intellectual power is at work in new ways in the United States." Latin America, I might add, has inherited a culture where intellectual power, and intellectual leaders in all fields, including that of economic development, have a great impact.

With these philosophical concepts in mind . . . let us begin by attempting an overview of the change which has taken place in the decade of the sixties in Latin America, from the economic, social and political angles. Subsequently, I will review the role which the Inter-American Development Bank has played during that decade, which coincides with its first ten years of activities. Finally, let me risk some crystal ball gazing on what the decade of the seventies holds in store.

Incidentally, no one can speak institutionally on the subject I have chosen—there are too many different viewpoints. What follows is a personal synthesis evolved from a constant exchange of views with nationals of different Latin American countries, and of different sectors of those countries, who hold a variety of different opinions.

CHANGE IN LATIN AMERICA IN THE DECADE OF THE SIXTIES

Economic change

The Alliance for Progress brought a new approach and consensus to international cooperation for economic development. For the first time, it was formally and officially recognized that economic development is indivisible from social progress and political development. Thus, the Alliance for Progress set a commitment, with the backing of the United States and Latin American Governments, to support a cooperative program with the following basic characteristics:

a. National effort is an essential prerequisite to development; international cooperation is necessary, but by itself alone is insufficient to support it.

b. The social dimension deserves high priority in the development effort; the people participating in the effort must be convinced by facts that its success will also imply improvement in their standards of living, instead of further concentration of wealth in the hands of the richest groups of the countries.

c. The participation of peoples in the development effort must also be expressed through democratic ways of government in order to ensure that development will serve their interests and aspirations.

On the basis of this philosophy, expressed in the Charter of Punta del Este, the member countries of the Inter-American System have developed a substantial effort during the past decade. The key institutions involved in this effort were the Inter-American Development Bank; the bilateral programs of the United States, coordinated by AID, and the OAS organizations, including CIAP.

A substantial amount of resources, both in the form of loans and technical assistance, were provided to Latin America during this period, and for the first time in history, in fields of social impact like land reform, urban development, education and administrative improvement. An important portion of the financing was made on very soft terms, almost equivalent in some cases to grants; a large part of the technical assistance was also given on a grant basis.

Many critics of the Alliance are of the opinion that this effort was a failure because it did not solve the development problems of Latin America in that decade. Nothing could be more unfair and unrealistic. It is absolutely inadequate to declare that the Alliance has failed because there have been military coups in Latin America, because growth has not been sufficient, because we don't hear a uniform choir praising the United States in the region, or because unemployment figures are still very high.

In fact, no amount of money or cooperative programs could have operated a miracle in the difficult world we actually live in. Let us look at ourselves in the United States and just think of the many acute problems that, in spite of our economic capacity and our technological development, have emerged in our own country.

We should rather credit the Alliance with the considerable improvement in public administration which is evident in many Latin American countries, with the pioneer programs benefiting low-income farmers; with the substantial improvement in the educational institutions, and with the institutional developments and betterment of conditions in the rapidly growing cities of Latin America.

It is true that aspirations and demands for progress and services have grown faster during the decade than the ability to fulfill them. However, it should be pointed out that Latin America is much better equipped today than it was ten years ago to deal with more complex problems, from an institutional point of view, and that a great part of this improvement must be credited to the Alliance.

Let us turn now to some of the indicators of the evolution of Latin America in the decade of the '60's. In 1969, Latin America had 260 million people versus 205 million in the United States. With a population 25 per cent larger, it had a GNP one-seventh that of the U.S. ($125 billion versus $930 billion.) It had an average per capita income of $480 versus $4,800 in the U.S. (The Latin American extremes incidentally were a high of $900 for Venezuela and a low of $70 for Haiti.)

With respect to rates of growth, the average annual Latin American growth rate in the last decade was 5 per cent, a figure which rose to 6.4 per cent in 1969—compared with a 4½ per cent average growth rate in the U.S. during the same period. While Latin America's overall growth rate appears good, once the region's population increase is taken into account, the result is poorer. Per capita growth was 2.2 per cent or only 70 per cent of the U.S. figure. In short, the already broad gap in living standards between the United States and Latin America continued to widen.

Within the manufacturing sector the growth rate was 5.7 per cent versus the world average of 6.8 per cent. But, despite restricted markets, eleven Latin American countries had a manufacturing growth rate of between 7½ per cent and 10 per cent a year versus 5.6 per cent in the United States. In short, Latin American manufacturing growth has been considerable.

As generally happens, agricultural growth was less marked than that of the rest of the economy, but still kept pace with the rate of population growth. It is noteworthy that increased attention was paid during the decade to the necessity of giving agriculture a higher priority in the development process. This compares with previous concepts of almost exclusive concentration of priority on industrial development. Among other indicators, this new attitude has been reflected in the lending operations of the Bank itself, where agriculture has been given first place in the use of our resources.

Foreign trade progress was very poor—Latin American exports growing some 40 per cent below the rate of growth of world exports. For example, U.S. imports from Latin America, though up in volume in 1969 over 1950, were only 12 per cent of its total compared with 28 per cent in 1950. A crucial factor for Latin America has been the limited degree of both commodity and market diversification, and the continued dependence on raw material exports such as petroleum, coffee, copper, cotton, wheat, sugar, beef, bananas, wool, fishmeal, lead, zinc, tin and cocoa—a list of raw materials making up 75 per cent of Latin American export value. These primary commodities had a typically limited growth rate of only 3.6 per cent annually and their prices were subject to rapid cyclical swings. In 1960 when the United States GNP dropped three-tenths of one per cent in six months, imports from Latin America fell by 9 per cent or about 30 times more than the drop in U.S. economic activity. As the saying goes, "When the United States sneezes, Latin America catches pneumonia."

In the meantime the price of manufactured goods imported by Latin America continued to climb substantially above the increase in their export prices. In 1968 the terms of trade were 16 per cent below the peak reached in 1954 (a year in which very high coffee prices existed). President Lleras pointed this out when he said a year and a half ago that a Latin American farmer in 1954 could buy a U.S. jeep by selling 14 sacks of coffee. In 1969, however, he would have to sell 43 sacks of coffee to buy the then current jeep model.

In spite of occasional impressions to the contrary, the domestic sector of Latin America, both public and private, is the engine of its own growth, not foreign loans and investment. For example, between 1960 and 1968 in a period in which gross investment increased from $12.1 billion to $20.5 billion, only 7 per cent was net external financing; 93 per cent came from within.

Latin America is still very much a private sector economy. It has generally been estimated that about two-thirds of the domestic investment in the region is undertaken by the private sector, and one-third by the public sector. There are, of course, considerable variations among countries. One should also remember that substantial public sector investments are in infrastructure which result in new investment opportunities for the private entrepreneur. The sensitive fields for private enterprise are mineral and mining, the extension of mineral and mining into related industries such as refining and petrochemicals, public utilities, major industries like steel, and banking. This is the shadow ground of conflicting development philosophies. The domestic private sector in many countries is dynamic, as the statistics on industrial growth show, although efficiency is frequently low because of over-protectionism, limited markets, and inability to achieve the economies of mass production due to a proliferation of small units in the same industry. Examples of this, in car assembly and household consumer goods, have been mentioned in this forum in the past.

The domestic private industrial sector in Latin America, which has shown growing strength and energy, has also been concerned with a number of problems. In the first place, while it has relied heavily on government support in the form of protection, incentives and low-cost financing, it has at the same time tried to avoid encroachments by these governments. In the second place, it is fearful of foreign competition or interference both by other Latin American countries and foreign investors. This fear has slowed the process of integration in the re-

gion. This preoccupation with foreign investors and multinational corporations has derived mainly from their take-over of domestic markets and companies, just as from their fear that foreign companies of more experience and business power could take over control of the Latin American Common Market.

With respect to U.S. private investment in Latin America in the decade just past, it increased in the industrial sector at an annual rate of over 12 per cent, with investment in finance and service industries rising at a rate of about 9 per cent, and in trade at almost 7.5 per cent. The decade showed a noticeable shift of emphasis from mining and petroleum to industry. The total figure at the end of 1969 was $13.8 billion.

One should not forget that in a broader interpretation the private sector also includes labor. The growth and maintenance of independent trade unions are vital to the existence of a healthy private sector and the work of the AIFLD (American Institute for Free Labor Development) in this field deserves the support of all of us here. There are, incidentally, at the present time only two countries in Latin America whose labor unions are heavily Communist dominated. However, the new protectionist attitude of the labor unions in the United States may I fear, diminish the effectiveness of cooperation of these unions with the democratic labor movements in Latin America. Recent public statements and the pressure of these groups to obtain protectionistic legislation in Congress will create resentment in those areas of Latin America that may be excluded from the United States market.

The International Community, for its part, is also paying increased attention to the private sector. There is in process a significant increase in the activities of the International Finance Corporation. The IDB is exploring with its member countries the feasibility of establishing a separate entity (COFIAL) to deal with the private industrial sector. A few years ago, corporations from the United States, Canada, Europe and Japan created ADELA to make equity investments and loans to private sector enterprises in Latin America, and an additional capital increase has just been approved. The Andean countries, including Venezuela, have recently organized the Andean Development Corporation, and there has been an important increase in new private investment companies in Brazil, Colombia, Ecuador, Central America and elsewhere.

Representative private sector groups have also increased their activities, in this country through the Council of the Americas and regionwide through the Inter-American Council of Commerce and Production (CICYP), as well as through a continuing series of special U.N. conferences, and local and national activities in Latin America.

The economic indicators just presented, are cold statistics—helpful to understanding—but difficult to interpret in human terms. Even had they been more satisfactory, it is still not necessarily sufficient for GNP to grow at an adequate statistical rate, or for exports to reach improved price and volume levels, or for investments to have taken place at a previously unrecorded pace. Man, himself, is the reason for, and the cause of, all economic activity. Consequently, we should look at man in Latin America and see how he is faring.

Social change

What you see depends on where you look. There is the world of the frequently prosperous capitals and big provincial cities, modern hotels, industry, and the middle and upper classes, which is what most of us see in our travels. But there is also the world of the slum dwellers, and there is the world of the rural peon and the Indian. Governor Rockefeller said in his "Report on the Americas" to President Nixon, "Everywhere in the hemisphere we see similar problems—problems of population and poverty, urbanization and unemployment, illiteracy and injustice, violence and disorder . . . Men have looked at the relative quality of their lives and found it wanting." Or, as has been said of the youth of Latin America, "Finding that the economic and social system offers no solution for the problems which trouble them, they turn from it in vehement repudiation."

I have mentioned that the average rate of demographic growth for Latin America in the sixties was close to 3 per cent per annum. This already high figure, suggesting a doubling of population in 23 years, obscures a 7 per cent per annum population increase of the urban centers in Latin America, and a 15 per cent annual population increase in the spontaneous settlements taking place all around the large Latin American cities, such as Rio de Janeiro (where they are called "favelas"), Lima ("barriadas"), Santiago ("callampas"), Caracas ("ranchos"), etc.

A crucial question appears therefore to be: Can a continuation of the current rate of development in Latin America—representing the level of efforts of the *Alianza* years—provide employment for all these new additions to the labor force and offer them sufficient income to become significant, rather than purely marginal, consumers? The answer has important political, as well as economic and social connotations. According to Raul Prebisch in the Report he prepared for the IDB, this answer is definitely in the negative. He believes there is insufficient growth of the Latin American economy at the present time, to solve this problem. I quote: "The Latin American rate of development has been too slow to meet the peremptory demands deriving from the population explosion, and a large amount of human potential is wasted in one way or another, to the detriment of economic growth, equitable income distribution and social harmony." He goes on to say that there is no contradiction between economic growth and social development ". . . when growth is sluggish, distribution is almost always unsatisfactory. The practice of social equity calls for a vigorous rate of development, as well as for the political art of distribution, a delicate business in itself."

The statistics he presents show that between 1950 and 1965 the labor force in the agricultural sector dropped from 50 per cent of the total labor force to 43 per cent. What is noteworthy is that there was no corresponding percentage growth of employment in the sectors of industry, construction and mining. Just the opposite occurred. Here the percentage also dropped; from 35 per cent to 31.8 per cent. It was the services sector, which statistically includes much open unemployment and underemployment which grew from 65 per cent to 68.2 per cent. Outright unemployment in Latin America has been, for example, estimated at 17 per cent in industry and around 36 per cent in agriculture, making an average of about 26 per cent for the region. This figure, incidentally, is particularly startling in light of the discussion in the U.S. about what is a maximum "acceptable" rate of unemployment in the fight against inflation.

Other indices, however, reveal that for many Latin Americans the quality of life has improved during the decade of the sixties. The advances made by the region in the social field are impressive; it is the magnitude of future needs which render them insufficient.

Infant mortality, for instance, dropped 12 per cent in four years. However, 44 per cent of all deaths are still of children under five years of age compared with 8 per cent in North America.

Water and sewage services in Latin America were significantly expanded during the last decade in spite of the population explosion. Whereas only 60 per cent of the urban population of Latin America in 1961 had access to water connections, by 1969 this figure had increased to 67 per cent; in the same period access to pure water in the rural sector went from 7 per cent to 18 per cent of the population. There has been a similar improvement in sewage services in urban areas. Housing, however, has lagged seriously behind population increases. Production of durable consumer goods has of course increased substantially. In short, one might conclude that there has been an improvement in living standards for the upper the middle classes, that there has been some improvement for many others—but that many millions more have been bypassed by the economic improvement.

Political change

Let us now turn to the political sector, where the aspirations and promise for future change are more important than what has been already achieved. The problem has been posed in the following way:

"The broad masses of the people, whom development has conspicuously failed to reach, have likewise been left behind in the political evolution of the Latin American countries. Their social and political integration is an imperative necessity, and for that very reason, greater vitality must be imparted to the economic system. Can this objective be attained without a lasting setback in the long and vicissitudinous process of Latin America's political development?" One might parenthetically observe that social change with political stability is much more likely in an expanding economy than in a stagnant one.

Seen in these terms, Latin America's quest for its own identity becomes more understandable. The search has proceeded along a dual course: on the one hand, increasing nationalistic attitudes are emerging in more and more Latin American countries; at the same time, there is a greater awareness among the same countries of their common interest, and a marked desire to identify and protect these common interests. This effort may, however, be impeded by conflicts of national interests and different philosophies of government.

Latin American integration is no longer in the rhetorical realm. The economic advances of the Central American Common Market, the painfully slow but constant bargaining taking place within LAFTA, the hurried aggressiveness of the recently constituted Andean Group, and the genuinely Latin Americanistic Declaration of Vina del Mar by CECLA (Spanish initials of the Special Committee on Latin American Coordination) are all aspects of this search for a total Latin American personality. These efforts represent a basic attempt in Latin America to enlarge the microscosm of each country's individual national life. Intra-Latin American cooperation is not only a requirement of modern economic development to achieve expanding markets and efficient production, but also a mature recognition that individually the Latin American countries cannot exercise much political weight in the world, but that together they can.

Unconventional economic experimentation and leaders dedicated to new nationalistic paths have come to the fore. No longer can we speak in simplistic terms of right and left nor group certain factions under traditional labels. Classical position of power groups are shifting so rapidly as to impede any attempt at rational forecasting. The military and the church are no longer "right," nor even "middle of the road," or "left of center"; in some countries indeed they are considered by the landed aristocracy as the extreme left. In one country democratic procedures have been followed to approve a Marxist approach which traditionally had been considered incompatible with the freely expressed will of the people. And despite the short time which has passed since that event, several other liberal Latin

American leaders seem to be moving further towards the left. Once again, a quotation from Lester Pearson's Report is pertinent: "Development involves a profound change in national behavior and often creates threats to national unity and cohesion which may require strong appeals to each nation's unique historical experience. Economic organization, social policy, and the mobilization of the will to break with the past, will often require pragmatic policies appropriate to local circumstances. It has been amply demonstrated that the political evolution of developing nations follows no single path, nor seeks any other country's image."

In the past we have spoken of the future and what will happen *unless* economic development succeeds. But all of this is taking place *now*. Biological evolution might have taken millions of years, but social evolution is accelerating at a breakneck tempo. The great questions to be answered are: Can we be sufficiently patient in relationship with our impetuous sister nations in their headlong drive for development? Can we show enough flexibility and understanding? Will the U.S. be prepared to avoid hurting Latin America with unjustified protectionist measures? Will the U.S. be prepared to accept the recommendations of the Peterson Committee in order to increase the level of its development cooperation? Is the U.S. business community prepared to understand the need for a realistic approach in order to change conditions in Latin America, at the same time that it is faced with its own problems of change?

The decade of the sixties was characterized by the revolution of rising expectations. Now as we start the decade of the seventies, we must deal, at least in certain countries, with what Ambassador McComie of Barbados recently characterized as "the rising expectation of revolutions."

It is a confusing picture that Latin America presents at the end of the decade of the sixties, but it is not as pessimistic as is sometimes characterized.

THE INTER-AMERICAN DEVELOPMENT BANK

Let me now devote a few paragraphs to the IDB and its particular role in development in a changing Latin America. (An illustrated booklet, "Ten Years of York in Latin America," is available on the hall table, and additional copies will be mailed on request.) The Bank is a hemispheric development institution whose 23 members are independent countries of the hemisphere, belonging to the OAS, and including not only the 20 traditional countries (Cuba is not a member of the Bank) but more recently some of the newly independent countries of the Caribbean, Trinidad and Tobago, Barbados, and Jamaica. Its Governors are the finance ministers, or ministers of economy of its respective member countries, who meet annually in a different country. Its daily activities are guided by the President and a seven-man Board of Directors, six from Latin America, and one from the United States, (with Alternate Directors). The United States votes some 42 per cent of the stock, and has a veto power by the terms of the Charter of the Bank over the use of the Fund for Special Operations (the soft resources of the Bank, corresponding, in certain respects, to IDA of the World Bank Group) and has a strong voice in the use of the ordinary capital resources. (As a practical matter, with very rare exceptions, all decisions of the Bank represent the unanimous opinion of the Board of Directors). The Bank's headquarters are in Washington, and it has representatives in charge of project-control offices in most of its member countries. It has a staff of some 1,200 people, 80 per cent of whom are from Latin American member countries and 20 per cent from the United States.

The Bank, an aspiration of the Americas since 1898 when the first proposal went to the U.S. Congress, was founded in 1960, in large part due to the initiative and guidance of the Bank's first Governor, Robert B. Anderson, then U.S. Secretary of the Treasury, whom together with Douglas Dillon, we consider the U.S. fathers of the Bank. I had the privilege of signing the Bank's first loan in June 1961, for $3.9 million for a water and sewage system in Arequipa, Peru.

At the present time we have committed some $3.8 billion in loans, both hard and soft, for some 600 development projects in Latin America. This volume represents some 30 per cent of the total development assistance provided to Latin America by Washington-based multilateral and bilateral agencies in the last decade.

The 600 development projects are being carried out at a total cost of more than $10 billion, a figure which includes the substantial local contribution of some two dollars for every Bank dollar, made by the Latin American countries themselves. The loans have been made predominantly in the fields of agriculture, industry and mining, infrastructure, water and sewage, roads and ports, electric power, urban development, and education. The Bank has fostered the private sector in Latin America through direct loans and, more importantly, through loans to governmental and private development banks, which, in turn, relend, under terms and conditions specified by the IDB, to small- and medium-sized borrowers in the private agricultural and industrial sector. As I stated earlier, our Governors are going to examine the feasibility of expanding our activities in the private sector through the establishment of some type of corporate vehicle—the final form has not yet been determined—which will be able to take equity participation, and perhaps, participate in underwritings. In addition through studies, technical assistance, and training courses, as well as through policies laid down in our loans, we have been one of the foremost promoters of modern management and auditing standards in Latin America. These have been essential to business, to governments, and to our own loan protection. We are also active in studies and technical assistance in promoting capital markets—a subject which will be the theme of our next round table discussion at the time of our 1971 annual meeting.

In addition to the resources arising through our paid-in capital and the guarantee capital of the United States, we have had important resources entrusted to us by non-member countries, particularly Canada. Beyond this, not only have many traditional lenders of capital such as Germany, Switzerland, Italy, the Netherlands, Belgium and the United Kingdom assisted us through opening their capital markets and in some cases through special financial arrangements, but such non-traditional capital providers as Austria, Japan, Finland, South Africa, Spain, Israel and the Vatican have provided funds to the Bank—the latter being the first time in history that the Vatican has made funds available to a multilateral financial institution. Although the amount is modest, it is of considerable symbolic significance.

At the moment the Bank's Governors are studying ways to incorporate more closely in the activities of the Bank those industrial countries which have aided the Bank but are presently not eligible for membership.

The strength of the Bank has been demonstrated in two areas. First, in its capacity to combine traditional banking practices with an entry into fields formerly not considered bankable for Latin America—such as water supply, low-cost housing, and reform and colonization, and education. This capacity was sparked by the Social Progress Trust Fund supplied by the United States under the Act of Bogota in 1960, and was subsequently expanded and further diversified by the Bank's own capital (generally its soft loan fund) with new emphasis on financing pre-investment studies and integration through loans to develop regional projects in electricity, transportation and communications, and through studies and research through the Bank's subsidiary for integration studies in Buenos Aires—INTAL.

The second demonstration of strength of the Bank has come from its unusual inter-American character—a tribute to the foresightedness of its founders. Other multilateral institutions are administered essentially by creditor countries, or in one case a purely debtor country organization exists. The structure of the IDB is essentially inter-American. Its President is and will be a Latin American and a considerable majority of its staff are and will be Latin American. On the other hand, a significant number of key positions are held by U.S. citizens and the United States retains important decision making powers. Its principal language is Spanish. But in its loan and technical assistance projects, Latin American borrowers find themselves negotiating with both Latin Americans and North Americans. The Bank's field staff and its project control staff are also largely Latin American.

This predominance of Latin American language and culture gives the Bank an unusual ability to adapt to the national sensitivities of its borrowers and to solve inevitable conflicts of attitude and opinion within an inter-American group. It also means, as "Vision" pointed out in a letter early this year, that the administrative reforms borrowers must carry out and the sometimes onerous loan control procedures can be negotiated and carried out with greater success and less friction.

Finally, I would like to mention the least known aspect of the IDB's activities—the training of Latin Americans in modern techniques of development banking and related subjects. Some 6,000 Latin Americans have passed through our training courses in Washington or Latin America. These courses follow the whole cycle of development problems beginning with pre-investment activities and ending with post-investment follow-up and include such subjects as project formulation and evaluation, project management, mobilization of internal and external sources of financing, financial analysis and auditing, agricultural credit, etc.

In addition, a recent survey showed that a considerable number of former staff members and former Directors are now (or recently have been) in such key positions in our Latin American member countries as Ministers of Economy, of Finance, of Commerce, or of Justice; Presidents of Central Banks and public development banks; Directors of technological institutes and land reform; Directors and Deputy Directors of Planning Ministries and Offices; Ambassadors to the White House; General Managers of Private Banks and *Financieras*, Vice Presidents in ADELA and DELTEC, and last, but not least, the recently elected Mayor of Quito. Indeed in a recent presidential campaign in Ecuador, three present or past members of the IDB, all former cabinet officers, were publicly mentioned as Presidential candidates.

The formation of policies of the Bank during this difficult transitional period in Latin America will be, as in the past, primarily the responsibility of its Governors, the President and its Board of Directors. What is of particular importance is the fact that there is at hand an extraordinarily able and well trained inter-American group, and an effective institutional mechanism to put such policies into effect.

Before leaving the subject of the IDB and passing to my concluding remarks, I wish to pay tribute to our retiring President, Felipe Herrera, who originally hoped to be able to address you here today. His imagination, his energy and forethought, his knowledge of Latin America, and his unique ability to reach a compromise between Latin American and North American views, so that decisions acceptable to both could be

achieved, has been outstanding. To have been President of the IDB during this period of growing polarization of philosophies, and inevitable inter-American frictions, and at the same time to fashion from the beginning a great institution, has been an extraordinarily complex task. He well deserves the thanks of the inter-American Community.

THE DECADE OF THE SEVENTIES

Let us now have a look ahead.

It is clear that in the sixties, economic and social progress, in a number of countries of the hemisphere has been insufficient to meet basic needs and aspirations. The Charter of Punta del Este in 1961 established both absolute and per capita income goals. The quantitative goals were met from abroad and exceeded by Latin America. The per capita goals were not met—primarily due to the population increase.

Lincoln Gordon, when he was Assistant Secretary of State of Inter-American Affairs, one of Charlie Meyer's distinguished predecessors, said in 1967 that unless there were substantial increases in growth rates in the next five years he foresaw severe crisis in Latin America. Five years is almost here and the crises are already here. However, Latin America is and has been a continent of crises but always with a great capacity for compromise and adaptation. I might also say, parenthetically, that I have noticed little direct correlation between per capita income and political structures—although obviously there is an indirect one. Latin America still represents a culture where the leadership of personalities with their varying political philosophies is of great importance, as contrasted with established political parties and programs of the right, center, and left.

There is still no agreed-on pattern for Latin American development objectives of the seventies, as was established in 1961 at Punta del Este, although the inter-American economic machinery has been substantially strengthened. The Rockefeller and Peterson Reports to the White House, the Jackson and Tinbergen Reports to the U.N., the Pearson Report to the World Bank, and the recently published Prebisch Report to the IDB have clarified the nature of the development problem, and contain a wide assortment of ideas and recommendations. The Alliance for Progress goals included a 5 per cent growth rate, Pearson has suggested the need for a 6 per cent growth for Latin America, Tinbergen from 6 to 7 per cent, and Prebisch 8 per cent, in order to create the type of dynamic development in which, it is implied, social adjustment can take place without fundamental political change.

Such a goal, or even a lower one, although hopefully to be stimulated by trade and development assistance from abroad, would largely have to be achieved by internal savings and investment. This would imply almost a trebling of the present 4 per cent annual investment growth rate by 1980.

The real question this raises is whether a "development discipline" can be created in Latin America through which it will be feasible to keep consumption from increasing as rapidly as production. You cannot have it both ways. Yet within a democratic society it is extremely difficult to shrink consumption—particularly when that of the masses of people is so low. The political aspects of this were recognized some years ago by Huxley, when he said in a seminar on demography, that rapidly increasing population pressures in the less developed countries, and the resulting increasing inability to meet the needs of the people for housing, public services, and employment would inevitably lead to authoritarian governments of the right and the left. This is happening to some degree in Latin America. Increasing numbers of countries are becoming polarized and authoritarian in their political processes.

This polarization may well continue, and left-of-center politicians may be forced further to the left. We may see increasing statism and government control in order to try and achieve a faster rate of internal savings and thus more rapid development. Action may go all the way from forced savings through taxes and monetary policies to more direct government intervention in productive activities. Social and political struggle will continue to be a fact of life (as it is increasingly becoming in our country) but a significant rate of economic development will be maintained.

We may also see a clearer emergence of a total Latin American personality—impeded as this is at the present time by different philosophies of government and national jealousies. Despite this, I believe a new Latin American regional cohesion will evolve.

Trade with the Soviet Bloc and China may expand during this decade, and more Latin American countries may be encouraged to establish diplomatic relations with them, as several have done during the last decade. This trend will be stimulated by the United States if it adopts protectionist measures that hurt its trade with Latin America and thus force Latin American countries to seek alternative outlets for their exports. In general, Latin America does not expect much in terms of competitive financial or technical assistance from the Soviet Bloc, and it is also aware that Communist countries make tough negotiators in commercial matters. However, the pressure for trade expansion will force the Latin American countries to keep on trying to increase their access to the markets of these countries. It is interesting to note that this development has no relationship with the ideology of Latin American Governments—among the countries most actively seeking commerce with Communist nations, we must mention President Carlos Lleras, one of the outstanding democratic leaders of Latin America, as well as the strongly anti-Communist military governments of Brazil and Argentina, and more recently another democratic leader, President Figueres of Costa Rica.

Latin America will speak in an increasingly independent voice to the world. We will understand better than in the past the reason for this, but it will not be easy to maintain mutual understanding and tolerance.

Now how will this possible scenario affect the private sector? At this time there are several countries where private investment is coming under increasing attack and restriction. There is no need to name them. However, as is usual in the short run, we read more about the problems and crisis, than we do about the solid achievements and successes.

If one looks at those countries which are receiving the bulk of foreign manufacturing investment funds in Latin America and which account for some 78 per cent of U.S. investment in industry in the region—Brazil, Argentina, Mexico, Venezuela—one finds very dynamic private sectors quite aware of the broader social picture and their obligation to work towards social improvement. In Latin America, too, the younger generations—who are graduating in increasing numbers from such business schools as INCAE, the Harvard Business School-sponsored project in Central America; ESAN, the Stanford-sponsored project in Peru; EAESP, the Getulio Vargas Foundation in Brazil; IDEA in Argentina, and others (many of them assisted by the IDB)—are moving into the business picture.

I suggest the dialogue between the private sector of the industrial countries—particularly the United States and Latin America—will become more intensive and more effective, and will result in attitudes increasingly more willing to seek compromise solutions—on both sides.

I suggest the multilateral institutions will begin a search to find greater security for the validity of contracts entered into freely and without reserve by both sides. I suggest U.S. and European development efforts, directed specifically towards the private sector, will increase.

Finally, I suggest that a sharp contrast will be shown in the rate of economic development between those countries which encourage a dynamic private sector in comparison with those which discourage it and that the lessons of this contrast will be of increasing influence in the development philosophy of many Latin American countries.

For all of us, North Americans and Latin Americans alike who share a profound conviction of the vital role of private capital in Latin American development, the realization of these expectations is the challenge of the decade of the seventies.

OPEN ADMISSIONS

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, for the consideration of my colleagues, I submit three thoughtful and provocative articles which may be classified under the general heading of "Open Admissions." In a recent issue of the Sunday New York Times, Mr. Thomas Sowell, associate professor of economics at UCLA, discusses the development of curious admissions policies for black Americans. Messrs. Rowland Evans and Robert Novak report on the implications of an "open door policy" to the future of City College of New York. And, finally, William Raspberry probes into the now threatened future of the "cherished" sheepskin.

A BLACK PROFESSOR SAYS COLLEGES ARE SKIPPING OVER COMPETENT BLACKS TO ADMIT "AUTHENTIC" GHETTO TYPES

(By Thomas Sowell)

Campuses across the country are full of optimistic official reports and demoralizing private discussions about programs for black students. As a black faculty member, I encounter more than my share of both. The private discussions revolve around underprepared black students who are in over their heads academically and those white faculty members who fudge their grades out of guilt, compassion or a desire to avoid trouble. Few faculty members are as blunt as the Cornell professor who said, "I give them all A's and B's, to hell with 'em." At least he understood the consequences of what he was doing. Others think they are doing a favor to the students, or to black people in general.

While it is uncertain what proportion of black students need, want or get special consideration of this sort, it happens often enough to throw a cloud of doubt over the performances of able black students and to risk the devaluation of their degrees and respect. The effect may be even more disastrous for those black students who are neither fully prepared nor incompetent, but who could make the painful transition to demanding educational standards if they had to, in an environment without easy or "understanding" professors.

The basic myths underlying current policies and practices regarding black college students have been elaborated into a whole system of social theology, interpreted by the anointed and defended against heretics and skeptics. These basic beliefs include the following:

(1) Inadequately prepared black students must be recruited, even for the most demanding colleges and universities, because those are essentially the only kind of black students available in substantial numbers.

(2) The major efforts in admissions, financial aid and counseling must be concentrated

on the academically deprived, because the good black students "will make it anyway."

(3) Standardized tests contain too much white, middle-class material to be used in predicting the academic success of black students, relative either to white students or to each other.

(4) Black college students require very special handling, including an education centering on black studies and courses taught by black faculty members.

(5) Flunking black students in a course or putting them out of college for academic deficiencies deprives black people of potential leadership.

(6) There can be no honest or substantial reason for criticizing these ideas: whites who criticize them are insensitive or racist and blacks who criticize them must be middle-class snobs and certainly not "really" black. (This leaves a loophole for Orientals, but no theology is perfect.)

The consistency of these ideas with each other and with a certain vision of the social process is striking. What is even more striking is how little evidence can be produced to support them and how much evidence there is against them.

It is a fact—the basic, overwhelming fact—that the public-school education offered in Negro neighborhoods, or in low-income neighborhoods generally, is inferior to that offered in middle-class or upper income neighborhoods. This is true with the rarest exceptions, in all parts of the country and in communities of all sorts, including communities popualted by liberal faculty members. Only a pathetically small percentage of the students from sub-inferior schools score well on standardized tests or otherwise show strong academic capability. However, colleges do not admit percentages, they admit absolute numbers. And in absolute numbers, there are tens of thousands of black students in this country who score above the national average on standardized tests—far too many for the leading colleges and universities to be forced to have as many unqualified black students as they do. The real reason for their current mix of black students is in the institutions themselves, their philosophy and approach, and in the kind of people who tend to predominate in the running of programs involving black students.

One of the few real studies done in this area, where assertions abound, indicates that there are more than 50,000 black students who score above the national average on various standardized tests. A team of Columbia University researchers found that, among Southern Negro high school seniors planning on college, 38 per cent of those who intended to go to integrated colleges scored above the national average, as did 21 per cent of those who intended to go to predominantly black colleges.[1] At the time of the study, there were about 200,000 black students in college, split about equally between the two kinds of colleges. If the percentages among Southern Negro students also applied to their Northern counterparts, this would mean a total of 59,000 black students who scored above the national average.

But the real total of qualified black students is likely to be still higher than this for a number of reasons. Northern black students may have somewhat better academic performances than Southern Negroes, as some other studies indicate. There are also black students who have abilities not shown by standardized tests, and who simply do not take standardized tests, which many black colleges do not require for admission. Moreover, the total number of black students in college has increased enormously since the Columbia study was done in the mid-nineteen-sixties.

While no one knows exactly what happens to Negro students who belong in the top colleges and universities but who do not get there, what is known is disturbing. About 10,000 to 12,000 of the black students who score in the top half on standard tests attend the *lowest level* of Southern Negro colleges—nondescript and often unaccredited institutions—while many other black students without the necessary academic skills are being maneuvered through top-level colleges at a cost to the integrity of the educational process which is exceeded only by the psychic costs borne by the students themselves.

How can such a situation exist?

Judging from all the current sound and fury—always a poor basis for judgment—it may be hard to understand how there can still be untapped reservors of qualified black students when so many good colleges and universities have recruited so many obviously unqualified ones. The answer is that many of the special programs for black students do *not* seek to fill whatever number of places exist for black students with the best black students available. Some officials will openly state this, others will be evasive before admitting it, and still others will continue to deny it after the evidence has piled up.

One argument for taking less qualified black students over more qualified black students is that social conscience requires that help be concentrated on those who need help most. Sometimes this is accompanied by assertions that academically able black students come from "middle-class" backgrounds and "will make it anyway" without special attention—crucial assumptions of the social theology, not subjected to any factual test. Often intellectually oriented black students are *defined* as middle class in outlook, whatever their actual social origins, and may be passed over by programs seeking "authentic" ghetto types.

The comfortable belief that able black students requre no special attention ignores the gaps and weaknesses common in their education (especially in mathematics) and the equally damaging gaps in their knowledge of colleges and universities. Many of those summarily labeled middle class are in fact the first members of ther families to go to college, and have no real basis for or guidance in distinguishing colleges, courses or careers.

The basic goal of helping those who need help most, rather than those who can use it best, is not confined to the campus, but pervades many programs sponsored by Government agencies and private foundations as well. The aim is not to cultivate the most fertile soil but to make the desert bloom. This is a more romantic achievement, but there is a serious question whether (1) black or white society can afford such romanticism at this point, and whether (2) it is not a misappropriation of funds designed to produce concrete results for black people if such funds are used to produce a glow of nobility in whites administering such programs.

Illustrations of these attitudes abound. A young black woman with an I.Q. of 142, and grades and recommendations to match, was told by a national organization which finances black law students that she would be eligible for financial aid in law school if her scores were *low* enough! Her scores were, of course, not low enough, so she is now going $2,000 into debt to finance her first year of law school.

A black young man with a brilliant academic record in difficult college courses was turned down by a leading foundation which provides a well-publicized doctoral fellowship for black students, after an interview centering on his sociopolitical orientation (not militant enough) rather than his intellectual abilities or interests. A black high-school girl with impressive credentials was offered inadequate financial aid by an Ivy League university, which she could have attended with the help of a National Merit award she won—except that the university reduced its offer when she got the additional award (she ended up attending a much lower quality college). The same university pours much larger sums than she needed into many inept black students, and even into bongo drums to celebrate Malcom X's birthday.

Another student with an excellent record (College Board scores in the 700's) was opposed for admission by members of the special black admissions committee because his record looked "middle class" to them. It turned out that his father was an alcoholic and his mother was a maid, but the committee member who brought this out was still unsuccessful in getting the others to vote favorably—and was herself later fired from her post as assistant dean for being out of step with the times.

How do the general attitudes and policies behind these particular cases develop? Probably no one knows fully, not even those who have such attitudes and shape such policies. However, several ingredients are usually present: (1) vague humanitarians who have never thought through whether their purpose is to be charitable directly to those individuals helped or to make such individuals the vehicles of intellectual skills to help the larger black community; (2) sociopolitical doctrinaires, seeking to implement their special vision and/or mitigate their own guilt feelings; (3) practical administrators much more concerned with the immediate problem of appeasing the most vocal blacks (and their white allies) than with any long-run consequences for the black community or the larger society; and (4) ignorance or apathy on the part of those outside the tight circle of decision-makers in such programs.

An additional factor at some institutions is the emergence of opportunists who consciously seek control of the admissions of black students, so as to have the kind of black student body that can be used for personal or political advantage. Here the bias is clearly against the academically able and academically oriented black student, who might not take as many black studies courses, might not need (or want) the special assistant dean for black students, and might be skeptical about the rhetoric designed to make him cannon fodder in various causes and movements.

What is remarkable about the current tragedy is how unchallenged its basic elements are. Most whites simply do not have the knowledge to challenge those individuals (black or white) who step forward boldly as the only true interpreters of black people and their needs. In an era of instant labels, the expression of doubts about or criticism of current policies could bring immediate charges of "racism." Blacks who do not go along with current practices are of course called "Uncle Toms," "Oreos" (black on the outside; white on the inside), and other such terms. But a glance through history shows that telling the truth—in any field—has never been easy or free of cost or dangers. Progress depends on the fact that there have been people who would do it anyway.

The current myths flourish because those who do oppose them are so readily dismissed—the whites for not being black, and the blacks for not being "really" black, in some ideological sense. However, the bulk of black people in this country are not "really" black by such standards. Many black people who are very militant about their rights as human beings do not automatically buy the rhetoric or program of those who claim exclusive rights to the "militant" label. This makes things inconvenient for those white people who think of black people not as individuals but as some amorphous mass represented by "leaders" or "spokesmen."

Inconvenient as the truth may be, it will have to be faced if there is to be any hope

[1] These data are from a study by A. J. Jaffee, Walter Adams and Sandra G. Myers, published in an article in College Board Review, Winter 1967-68, and in a book, "Negro Higher Education in the 1960's," as well as from an explanatory letter from one of the authors.

of rational discussion. Stereotypes will not merely have to be changed but abandoned, for the bulk of the black people do not represent anybody's stereotype. Most Negroes are not on welfare (most people on welfare are white), most black families are not fatherless, most Negroes are not anti-Semites, and most black people are not going to forgive anybody for enslaving their ancestors because of some insulting "reparations" or because guilty whites select some hoodlums or incompetents to be "representatives" of "the black community," in college or elsewhere.

There is an undeniable need for more highly educated black professionals and black leaders generally, but this need is not going to be met by handing out more embossed pieces of paper to black students as they leave college. What is needed is precisely what those papers are supposed to represent, together with some measure of confidence that credentials can be used as a rough guide to help sort out the competent from the incompetent. There has never been a shortage of half-baked people, in any race or community. Such people are an additional problem in themselves; partly because they force competent people to take time out from urgent work to oppose them or to undo the damage they cause. White faculty members who pass black students because they are black should at least distinguish generosity from irresponsibility.

Although standardized test results have been used as a handy device for estimating the number of black college students above the national average, such tests are neither perfect in themselves nor the only possible basis for judging ability. Some so-called "intelligence" tests, for example, contain items which really test an individual's knowledge of middle-class culture rather than his reasoning ability. However, such tests are neither valid nor invalid *absolutely*, but only so relative to a particular purpose. For example, if the purpose is to determine whether one class or race is biologically "superior" or "inferior" to another, then clearly this cannot be determined by tests which feature the cultural patterns of one of the two groups being compared.

The invalid uses of standardized tests have enabled some people to claim that those tests are completely invalid, not only for comparing black students with white students but for comparing black students with each other in terms of their relative prospects of doing good academic work. The "irrelevance" of standardized tests (and other academic criteria) for judging the relative academic prospects of black students has become a central article of faith in the current social theology.

What various studies show in fact is that (1) black students in the 600–700 College Board score range do significantly better academic work than black students in the 400–500 range, but (2) that, within the latter group, the rank order of scores has little correlation with the rank order of academic performance *at colleges geared for students with much higher scores.* At other colleges, geared for students in the 400–500 range, test scores for students in that range *do* correlate with performance, for black students as well as for white.[2] What all this means is that students who are in over their heads academically will sink or swim according to motivational factors rather than according to small score differences of only 60 points on a College Board scale that goes up to 800 points.[3] Other studies dealing with much larger ranges have shown the tests to be as predictive for black students as for white students.[4]

The test score "irrelevance" argument is part of a more general attempt to make black students something very mysterious, to be interpreted only by the believers in current social fashions. Such interpreters imagine themselves to be very advanced in their thinking, but they are in fact following a very old tradition, particularly strong in the South, of accepting any degree of incompetence or irresponsibility from the "right" kind of black person. The other side of the coin is suspicion or even hostility toward competent and hard-working blacks who do not exhibit the expected stereotype.

What constitutes the "right" kind of black person has varied greatly with the emotional needs of white people, but the great tragic fact of the black man's history in the United States is that his own ability has always been far less important than his satisfaction of white emotional needs. These emotional needs now include the discharge of guilt feelings, and special care for the incompetent and the abusive black student obviously discharges more guilt than the normal application of academic standards to competent and thoughtful black students.

One of the great untold stories of the academic world concerns the way academically able and intellectually oriented black students are often treated as expendable by "practical" administrators preoccupied with day-to-day problems. Not only do such able black students fail to elicit the zeal that goes into the recruitment and financing of more fashionable types, their interests are often directly sacrificed to appease organized and politicized elements.

Intimidation and physical assaults on nonpoliticized black students by their "brothers" with messianic (or simply hoodlum) instincts are resolutely ignored by college administrators. To white activist faculty members, it is either something to be blotted out of the mind or an incidental unhappy eddy in the backwash of the wave of the future. Compulsory indoctrination programs for entering Negro freshmen have been a demand of black militants on some campuses, and while it has not been formally granted in most cases, arrangements have been made which amount to the same thing *de facto*. Recruitment, prescreening for admission, and even control of financial-aid funds have been put into the hands of the politicized minority on many campuses, including some of the highest prestige institutions in the country—Harvard, Yale, Cornell, etc. Some of these things occur in every major education institution I know of, and in some institutions all of these things occur.

Even where the intellectually oriented black student makes his way into and through college without being directly harmed by all this, he cannot be unaffected by the double standard which makes his degree look cheap in the market and his grades suspect to those concerned with academic standards. Worst of all, he cannot even have the full confidence within himself that he really earned them.

The developing backlash, on college campuses as well as in the larger community, makes it clear that current trends cannot continue indefinitely. The only real question is whether policies and practices can be changed to accomplish the real goal of improving the education of black people, or whether current irrationality and expediency will be allowed to discredit the whole effort. When the failures of many programs become too great to disguise, or to hide under euphemisms and apologetics, the conclusion that will be drawn in many quarters will not be that these were half-baked schemes, but that black people just don't have it. This is what is galling to me as a black man, and what should be disturbing to everyone.

What can be done? Certainly nothing constructive is likely to be initiated by those college administrators who are so preoccupied with their immediate crises that they have no time for wider considerations or for thinking of the long run—the "long run" to them often meaning any time after next week. There are, however, many things that can be done, with the initiative and sustained pressure of the public, the faculty or the trustees. Such interest will undoubtedly be resented by those for whom "academic freedom" includes the right to spend other people's money without being held accountable for the results. But colleges and universities have long since forfeited any claim to a blank check.

Probably the No. 1 priority is to *bring out the facts* as to what is currently happening at each campus, in the recruitment, admission and performance of black students and the standards being applied in programs for them. In some cases, the facts will squelch ugly rumors that are being whispered around campus, and gain additional support for efforts that need and deserve it. In other cases, the facts will show sickening nests of opportunists and bush-league messiahs who are simply using the great educational and social problems of black people for their own ends. In still other cases, the facts will support the efforts of dedicated educators (of both races) who are currently struggling with the charlatans and the doctrinaires (also of both races).

Anyone at all familiar with educational programs—whether for blacks or whites—must know that such programs must be evaluated by someone *not* connected with the programs, if the evaluations are to have any shred of validity or credibility. Most educational programs are in fact, however, evaluated by those who run them, or by other individuals with similarly high stakes in the outcome. Anything as emotionally supercharged as programs for black students can only be evaluated by off-campus investigators, preferably by statisticians chosen for their professional integrity rather than their socio-political views.

Black studies programs are a significant part of the total educational picture for black students on many campuses and also deserve study. Such programs are neither good nor bad *a priori*, but only in terms of what they are actually doing. The field of human knowledge can be entered from any point, including black studies. For those students whose driving interest is in the problems of black people, this can be the best gateway. But whether it is in fact an avenue to wider knowledge or a detour into a blind alley of rhetoric and slogans depends upon the facts of the individual case. Some dedicated people are struggling to make black studies an enrichment of the mind rather than an exercise in glorified parochialism. The facts can only strengthen such people while exposing the frauds.

Black students, by and large, are very pragmatic about black studies programs and stay away from them in droves when they don't measure up, however much the local white faculty members may glorify or apologize

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[2] Journal of Educational Measurement, 1967, 1968, and Harvard Educational Review, 1967.

[3] The evidence is even weaker than this might suggest. One sub-group of black students did better academic work than another sub-group of black students who scored about 60 points higher on *one* portion of the College-Board exam, but this better-performing group scored about 60 points higher than the others on *another* portion of the same exam. Both groups put together added up to less than 300 students and many of them were at colleges whose average student scores were 100 or more points above theirs. This is the straw of inconclusive evidence which is used to support a mountain of social policy. The study in question is by Kenneth B. Clark and Lawrence Plotkin, "The Negro Student at Integrated Colleges," 1963.

[4] Journal of Educational Measurement, 1967, cites numerous other studies indicating this, as well as presenting its own evidence confirming those findings.

for such programs. These students tend also to take or not take courses taught by Negro professors on the same pragmatic basis. Black people in general have had enough experience with inferior education not to want any more of it.

There are many sorts of educational reforms which might be instituted once the facts are known. In some cases, recruitment of black students by a consortium of colleges would avoid the painful human consequences of mismatching students and institutions. In some places, precollege training centers could beef up underprepared students and match them with schools where they could keep up with the pace. (In certain schools the sheer speed with which topics are covered leaves the underprepared student lost, even though he may be perfectly capable of learning the same things at a pace geared to the level of his academic preparation.) In other cases, the crucial changes that need to be made would be personnel rather than institutional changes. But more important than any particular reforms or innovations is the fundamental need to know the facts and to face them without euphemisms, catchwords or apologetics.

Any honest re-evaluation of programs for black students is bound to bring indignant outcries from predictable quarters, and attempts from other quarters to use such evaluations to eliminate or cut back efforts to educate black students. But the number of able black students available and the desperate need for their talents are both too great for us to allow fear of either of these reactions to interfere with doing what must be done and is long overdue.

THE WRECKING OF A COLLEGE

(By Rowland Evans and Robert Novak)

NEW YORK.—Utterly baffled by the profundities of first-year history at City College of New York (CCNY) a newly enrolled freshman this fall told his professor he simply could not make sense out of the textbook "because too many words are just too long."

Such a heart-rending incident could not have occurred in years past. Such a student would have been academically ineligible for CCNY, the tuition-free college ranking among the nation's best liberal arts schools. Under the new open-admissions policy, however, anybody in the city with a high school diploma can enter City University of New York (CUNY), a sprawling educational complex of junior and senior colleges (including CCNY) and graduate schools.

Although CUNY's administrators deny it, faculty members complain the incident of the bewildered freshman is commonplace. Thus, the preliminary estimate of critical faculty members is that the quality of instruction is declining and will continue to decline. "To be perfectly frank," history Professor Howard Adelson told us, "there are indications that this college is finished as a learned institution."

The avowed reason for open admissions is that a tax-supported institution must provide service for all the city's residents, regardless of qualification. The harshly practical reality, however, is that student radicals at CUNY would have blown the lid off the school if the policy had not been adopted. Moreover, some administrators privately praise the policy for an entirely different reason: taking slum youth off the street.

Thus, two grave questions of public policy are raised at CUNY with applications across the country: Is the enormous expense of higher education the best way to care for semi-literate high school graduates who might otherwise drift into crime? And is the high price of drastically lowered academic standards really necessary to achieve this goal?

The financial cost is staggering. The burden of CUNY's 15,000 extra students under open administrations adds another $20 million to the $320 million annual budget without even providing space for the enlarged enrollment. Soon, the annual cost of CUNY will be $1 billion, to be borne by a society reaching the upper limits of its tax burdens.

But the academic cost is even more disturbing. CUNY administrators stress that unqualified freshmen are given remedial courses in reading and arithmetic. The flaw in the program is that the student receiving remedial reading can also take regular courses in history, science, or economics, drastically impairing the level of instruction.

Certainly, the end is near for CCNY as an "elitist" institution where sons and daughters of the poor could obtain a free education of Ivy League caliber. "I think the conception of academic standards is going to change," CUNY Deputy Chancellor Seymour Hyman told us.

Indeed, the concept is changing radically right now. The Negro or Puerto Rican youth, given a diploma in New York City high schools without regard to ability to read or write, will not be flunked out automatically at CUNY. An informal arrangement proposes that new students not be flunked out until after a two-year free ride.

But worried faculty members fear that the two years may stretch to four, and the CUNY degree will become as meaningless as a New York City high school diploma. Hence, the formulation of classics Professor Louis Heller: "Open enrollments—a political device for conferring a college degree without giving a college education."

Just how many faculty members agree with Heller is impossible to determine. Critical professors described for us a climate of fear, based on actual death threats to faculty members, professors beaten up in their classrooms in the violent spring of 1969, and a rising tide of student power giving students influence over the professional futures of the faculty. Thus, silence is understandable.

But such absence of criticism cannot deflect national academic attention from what is happening at CUNY and particularly at CCNY. In the months and years ahead the cost to higher education of egalitarianism run wild may be incalculable.

ARE DIPLOMAS FOR EVERYONE

(By William Raspberry)

Somehow we have persuaded ourselves that it is the essence of American democracy to believe—or at any rate to keep saying—that everybody can make it.

On the other hand, it seems to be getting harder all the time for anybody to make it without a college degree.

And so it follows that, if American democracy is to be a fact, then every American must have a college degree.

And that's pretty much where we are now.

A part of what has brought us here is, as I have suggested, our strange view of what democracy is all about. But that isn't the only factor. There is also guilt over discrimination against minority members and a certain philosophical revulsion to elitism in any form.

And college is—or at least was—an elitist enterprise. The whole notion was to train not the workers, who needed to know only how to do their work, but the leaders and "professionals," who needed to know something of history and culture and philosophy: an elite corps.

Now what makes elitism repugnant is not so much that it is exclusive but that it excludes *us;* and the more automatic our exclusion, the more repugnant.

You don't have to have a genius IQ to discern that young persons whose parents have money have found themselves automatically members of the college elite. And the poorer the child, the less likely he is to be "college material."

That is, the college elite is based more on means than on native ability. The resultant perpetuation of class and caste distinctions does not square with the standard view of Americanism.

Early efforts to reach an accommodation between elitist practice and democratic theory were based on native intelligence as reflected on IQ tests.

College should be a possibility for anyone, no matter how poor, if he tested out as "college material." And so we built colleges for poor people. (They mostly turned out to be poor colleges.)

More recently, there has been pressure on the elitist universities of the Ivy League sort to admit disadvantaged blacks and other minorities. And the pressure has been to admit not just the super blacks, the untapped geniuses, but black high school graduates of fairly ordinary intelligence. (If they had been white and rich, they wouldn't have had any trouble getting into the good schools, would they?)

You begin by admitting freshmen as a matter of right, and it is safe to predict that pretty soon someone will be demanding that the freshmen be granted diplomas four years later, also as a matter of right.

The predictable, in fact, already is happening.

There is plenty of rationalization, of course. Since college courses are mostly irrelevant, college diplomas are useless except as job tickets. And that being the case, it is fair to demand that the black and the poor have their fair share of job tickets.

But even if the theory is correct—that college diplomas are simply privilege cards, like low tag numbers—it does not follow that anything is accomplished by giving everyone low tag numbers. With diplomas as with special license plates, they matter only to the degree that they set the possessor apart from most other people.

It should be possible to guarantee that any youngster of proven academic ability who wants to go to college should have the opportunity to do so.

But that means only the opportunity to enter college, not a guarantee of graduation.

But we must also recognize that any broad scale democratizing of college will mean automatic deflation of college degrees.

And the final insane result will be that college diplomas will be both perfectly useless and absolutely necessary.

BOB R. DORSEY OF GULF OIL

(Mr. FULTON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Pennsylvania. Mr. Speaker, I wish to point out to the Congress an excellent article in the Finance magazine issue of November 1970, showing civic-minded and progressive action by a fine Pittsburgh-based company active in U.S. domestic markets and world trade:

BOB R. DORSEY OF GULF OIL

(By James P. Roscow)

To call Bob Dorsey a corporately responsible executive is to say a number of things simultaneously about the state of American management thinking in today's awakening world of social awareness.

It recognizes, first, that an important new sense of responsibility is appearing in executive suites across the landscape of U.S. business. It suggests, second, that corporate responsibility is being defined far more broadly today than it ever has been during this country's development into the world's most mature industrial society. And it says that Dorsey himself is representative of an expanded executive view of matters that will be of concern to corporate managers during the next decades.

Dorsey, at 58, has been president of Gulf Oil Corp. for five years. In tandem with E. D.

Brockett, Gulf's board chairman and chief executive officer, Dorsey presides over a corporate energy complex whose $4.9 billion in 1969 revenues ranked it thirteenth in size among U.S. companies and fourth among the U.S. oil majors. Gulf's $8.1 billion in assets, its operations in 60 countries, and its 60,000 employees place the Pittsburgh-based company among the leading industrial enterprises in the world—by any yardstick. Its $610 million in 1969 profits, while off 2.6 per cent from 1968, still gave the company a 12.1 per cent return on invested capital—nicely above industry average.

Oil is a massive business made up of many proportionately massive companies as well as hosts of smaller ones. It is also a business that stands at the heart of some of the most central ecological questions of the day. It is a mammoth producer, refiner, and marketer of fuel products that are essential to meeting the presently-structured energy needs of the world. But these products are also charged with contributing—through either their manufacture or their use, or both—a large share of the world's environmental pollutants: automotive exhaust fumes and plant stack emissions into the air, plant effluents into the waterways. As the industry has expanded into petrochemicals, non-petroleum chemicals, and coal, its environmental vulnerability has grown apace.

The oil industry's financial immensity is matched by its geographic scope. It was virtually the first U.S.-based industry to move abroad in a significant way. Today it is inextricably involved in the worldwide business system wherever that system is active. This involvement has made the industry grow—and it also has brought problems.

Gulf itself is somewhat of a late-comer to the international development carried out by the original Seven Sisters among U.S., British, and Dutch oil companies (Jersey Standard, Standard of Indiana, Standard of California, Mobil, Texaco, Royal Dutch Shell and British Petroleum). But Gulf's international development has progressed rapidly in recent decades. Still, it has also suffered its proportionate share of grief with overseas host governments over the division of wealth brought up from foreign ground by the technical expertise of the oil internationals. Even today, Gulf is waiting to resolve an expensive difference of opinion with Bolivia, which, a year ago, expropriated the company's entire production and processing complex in the Santa Cruz, Rio Grande, and Caranda areas of the country.

At home and abroad, the oil industry also has been vulnerable to another social trust: pressure for equal employment opportunities for minority citizens in the U.S., and for foreign nationals abroad. As employers of huge numbers of people, oil companies are being asked to provide proportionate numbers of jobs to persons who have not in the past been meaningfully employed in the industry's activities.

Bigness always carries high exposure with it, and today it is difficult if not impossible for large companies to maintain low profiles. Gulf, however, has risen to the onslaught of this multiplicity of challenges. Rather than taking cover, the company has initiated some unusual programs that stand out—not only in its own cautious, confused, and profit-troubled industry—but in the business community in general.

Bob Dorsey is specifically credited by his associates, as well as by outside observers, with sparking these initiatives, and with causing Gulf, as a corporation, to begin moving rapidly in some startling directions. He has pressed innovative social programs on the management ranks below him and, through them, out across the corporate structure. He has sought opportunities to speak out on the social, economic, and industrial matters that concern him, and he has made it known that he expects the rest of Gulf's top management to do this too. In all of these actions, he has come to typify the executive who is aware of his corporation's and his own responsibilities in a newly-acknowledged world of needs and problems beyond the traditional boundaries of corporate interest.

Two events that occurred within weeks of each other last April are indicative of the climate in which Gulf—as well as a great many other large corporations—finds itself. They also show the way that Gulf, in the persons of Dorsey, Brockett, and other members of management, is responding.

On April 15, Dorsey spoke to the Pittsburgh chapter of the National Association of Accountants. His title was "Business Responsibility to Society." The speech (excerpted on pages 17–18) has been widely quoted and has enjoyed a flourishing reprint distribution.

Dorsey chose to express a number of thoughts, in direct language, that are infrequently encountered in public pronouncements of industrial executives, even as the process of business enlightenment, accelerates today. He stated, for example, that "maximum financial gain, the historical number one objective, is forced into second place whenever it conflicts with the well-being of society." He said that businessmen "must examine the proposition that the *first* responsibility of business is to operate for the well-being of society." He said that the potential profit of new actions can be "whittled downward by the cost of meeting the company's obligations to the public." In a usage still reserved mainly to academics and others outside the walls of the business community, he discussed "social costs, often made apparent by public pressure," as an eliminator of potential profit. He stated that "oil and its by-products are real and potential polluters of our air and water." And he talked in specific terms about the role that the oil industry and the business community in general must take in overcoming problems not only of pollution but of world poverty and the bringing about of world peace.

The speech was a comprehensive one, and Dorsey took an active role in its composition. The speaking date had been on Gulf's calendar for almost a year, with no topic assigned to it either by the sponsor or Gulf itself. In early March, Dorsey began to spell out to his staff what he wanted to say: that business has certain broader responsibilities to the society, that it had in fact been exercising them to one degree or another for some time—but that it had done a rotten job of telling anyone about it. He then stated his premise that the profit motive takes second place when it comes in conflict with the public interest.

The speech coincided with another development that Gulf shared last spring with many companies: a radical protest movement aimed specifically at the corporation.

The Gulf Action Project was formed early this year as a coalition of protest organizations ranging from moderate church groups to radical student groups. GAP appeared at the William Penn Hotel in an unsuccessful attempt to disrupt Dorsey's speech. Two weeks later, Gulf's annual shareholders' meeting at Carnegie Music Hall in Pittsburgh was the target of a more pointed invasion by highly vocal demonstrators and questioners.

Gulf had expected this. Chairman Del Brockett devoted a substantial portion of his remarks, not to the usual detailed summary of the past year's financial achievements and corporate developments, but to a point-by-point recitation of the social grievances being launched against Gulf and the company's response to each charge. Brockett cited figures where appropriate, corrected misinformation on both overseas and domestic activities, and dealt with an hour of questions.

Gulf's rising vocalism on the subject of corporate responsibility—30 speeches are on the calendar during the next two months—raises questions about how a major corporation in a controversial industry arrives at a corporate state of mind that fosters this degree of executive candor.

Sitting in his rather modest Pittsburgh office, Dorsey himself puzzles over this. "It's hard to go back and put your finger on just where this began to evolve," he told a FINANCE editor. "It was something that had been on our corporate mind for a long time; it didn't just come to our attention in 1969 or 1970."

Pursuing the question Dorsey finds a portion of the answer in two parts of his industry's own business environment.

Because of its extremely broad domestic marketplace, Dorsey believes that the oil industry was exposed early and plentifully to a broad range of information on what people in general worry about.

"Our industry interfaces with the entire society," he says. "Gulf deals with a million and a half customers a day—we do business with everybody, with all kinds of people."

Interestingly, Dorsey also feels that the industry's extensive involvement in dozens of countries abroad has been a source of social inputs. "A lot of us have spent a lot of our lives not working in head offices but out among working people around the world, doing their jobs, right down to the most basic jobs," he says. "Gulf people, a great many Gulf people, have worked in foreign countries around the world. Having done this, we've seen their problems, and we've perhaps become more aware of our problems at home."

Dorsey also acknowledges that some of Gulf's motivation can be traced to pressures that began to build up beyond the industry's direct interests. "We became aware of some of this about the time the Government itself did and part of that was through the National Alliance of Businessmen—the JOBS program," he says. "We were in it very truly not only because it was worthwhile, but because we employ such a high proportion of people. Was there ability that wasn't being utilized?"

Dorsey makes it clear that developing a sense of social responsibility can be an intricate process for a company. After the fact, its managers may never be certain of exactly how it came about. But some aspects of the situation that companies are facing today are quite specific. And it happens that some of them live very close to the oil industry.

"The matter of pollution was a strange thing," Dorsey says. "It came up overnight. It literally happened that we got right up to the point where we couldn't stand another drop of it."

Dorsey feels nonetheless that the problem was not totally unanticipated, even by the two industries that are being badgered today to solve it. "Both the oil companies and the automobile companies realized two years ago that automotive pollution wasn't going to go away—that something had to be done about it," he says. "Here, it is a situation of letting Government and the public know that you are doing something about it—and then doing it."

The problem, he feels, is a time problem. Even when action began to take place in Detroit and in oil company policy meetings, it was a case of five years of leadtime to a solution. "Probably the solution is a catalytic system, but there are 80 million cars on the road, and it will take three or four years to develop a plant to make the necessary number of mufflers and to make them so that they won't shake to pieces. And even then, you are talking about the new car market—you still aren't doing anything about older cars," Dorsey says.

If the auto industry's contribution to cleaner air awaits the mid-seventies the oil industry is making its play sooner. Taking the lead out of gasoline is not universally acknowledged as the ultimate solution, but Gulf, like other companies, is giving it a try. Dorsey calls Gulf's version "not a no-

lead, but a minimum-lead fuel" and says it will reach the market in 1971, using the company's economy grade of gasoline, Gulftane, as its vehicle. In this there is some insight into how a company can be buffeted by conditions in a huge and competitive marketplace. Gulf introduced Gulftane in the early sixties as a low-octane fuel for compact cars. The market career of the cars was short-lived—but now Gulf enters the anti-lead era not only with a gasoline that lends itself to this market thrust but also with an existing third pump in every station to dispense it.

The de-leading of gasoline is a product problem. So is the desulphurization of fuel oil, another environmental sensitive area for the oil industry. And before products go to market, they must be manufactured, which raises yet the further issue of plant pollution.

EXISTING TECHNOLOGY

Lead in gasoline, sulphur in residual fuel oil, pollutants in plant effluents—all of these are problem areas, Dorsey agrees. But he feels that all are open to solution within the scope of present technology. "The technology exists," he states flatly. "It is a question of making the capital investment to use it, and this means exteremly high expenditures. But we started earlier than most—and what's more, we do not feel we are being pressured to spend more rapidly than we can stand."

For Gulf, this is important. Says Dorsey: "For us simply to stay in business, it will take reinvestment of approximately $600 million a year. And we must make a certain minimum return on this investment, which, for the oil industry, means earning back somewhere between 10 and 11 percent."

Gulf, again, does slightly better than this, and slightly better than almost every other major oil company. Perhaps because Gulf's balance sheet has held up in difficult business times, Dorsey as a businessman takes an atypical view on another corporate responsibility question: the rather advanced matter of "social cost" and where the money to meet it is to be found. Dorsey not only has firm thoughts about this; he documents them, as always, with data from his own industry.

In his speech to the NAA last April, he expressed his view of social cost not once but twice. "Society today is determined to solve the pollution problem. And I believe society is willing to pay the price for this solution—all members of society—you, me, shareholders, consumers, citizens . . . we've paid a high price to get where we are . . . we're ready to pay the even higher price to put us back into harmony with our environment," Dorsey said at one point in the talk. Later, he added: ". . . the people in this nation are ready to pay the price for clean air. We're trading up on our quality of life."

How does Dorsey know this is so? His answer is disarmingly simple. "Because the cost isn't that high."

Then, all but calling into play the slide rule that helped him to a chemical engineering degree at the University of Texas in 1940, he costs it out.

"Take oil-burning power plants. Coal is also used, but let's talk oil. If all the power for the New York metropolitan area were generated by plants using oil fuel, and if all that oil were desulphurized, the cost per barrel of oil would go up about 60 cents a barrel. Prorate that across the average family's fuel bill, and you add about 50 cents per month per family, or six dollars per year."

Now Dorsey turns to gasoline. "To get the lead out—to build gasoline another way—adds between two cents and three cents a gallon to its cost. The average motorist uses between 1,200 and 1,500 gallons of gas a year, so his gasoline bill goes up a maximum of $45 a year."

Add the two together, Dorsey concludes, and the family is paying "between four and five dollars a month at most to really overcome the two biggest problems in our environment."

In Dorsey's view whether you view this as "social cost" or simply the price a citizen must pay to live in an advanced industrial society that includes gasoline and fuel oil among its advancements, five dollars a month is not an excessive demand. If, on the other hand—he quickly points out—Gulf as a gasoline manufacturer were asked to absorb that three cents per gallon, "it would come very close to wiping out our entire domestic net income."

ART AND THOUGHT

Speaking to a hotel ballroom full of accountants, taking part in his company's stormy annual meeting, or talking to a reporter in his office, Dorsey seems to take an unusually thoughtful approach to everything he does. As he hears out questions, and sometimes as he answers them, he is apt to doodle abstractly on a pad of paper. His range of nonbusiness interests includes art: while his own office does not reflect it, the decor of his small adjoining conference room includes a multi-paneled antique Korean screen, his anteroom is hung with a pastoral and a still life by Claude Malherbe, a Dorsey-commissioned industrial sculpture by Virgil Cantini glistens in the executive floor elevator lobby, his collection at home includes two Salvador Dalis.

Dorsey also ranges broadly in his outside reading. Asked about recent enthusiasms, he mentions *The Martyred* by Richard Kim, E. B. White's *Trumpet of the Swan,* and part of an evening spent probing through a John Donne collection in search of a reference for his daughter Ellen. He is a regular reader of the *Atlantic* and the *Saturday Review.*

Possibly these personal notes explain a good deal more about why Bob Dorsey has chosen to speak out as an executive in a troubled society than anything that is happening within his industry—or even at the interface between the oil business and society. In any case, Dorsey is convinced that business in general must speak out more actively.

"A solid dialogue between the public and business is long overdue," he told the NAA audience. "It's a reversal of that tree falling without any sound because no one heard it. Too often the actions business takes for society don't exist because we failed to utter a sound." Elaborating on this for Finance, Dorsey says: "Communications is not going to solve the problem, but it is going to make your internal life easier while you do work out the actual solutions."

Once a company's management has decided to "utter a sound"—to articulate and to deal with new responsibilities—Dorsey feels the response down the line can be gratifying. "You can't do this alone, from the top," he says. "But often, after you've started your people going, you find that they themselves are more enthusiastic than you thought they might be."

At least one of Dorsey's associates at Gulf is enthusiastic for a different reason. Speaking of Gulf's new social thrust and where it has originated, he says: "You can't be with a company, even today, and just expect this new awareness of responsibility to happen to your management. But when it does happen, it is very gratifying—and very exciting."

AN EXECUTIVE SPEAKS OUT

(Mr. FULTON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a real pleasure to include in my remarks the excellent address by B. R. Dorsey, president, Gulf Oil Corp., to the Pittsburgh Chapter, National Association of Accountants, April 15, 1970:

AN EXECUTIVE SPEAKS OUT

The times demand that businessmen present their views—not only about how we see our responsibility to society, but most importantly—how we are fulfilling that responsibility.

Not that businessmen have not spoken on this subject before. But our views of society have changed over the years—as society has changed. Today, society is a world concept. Today, we see the entirety of our world. We see the extremes within our global society: the beauty of the natural environment scarred by the ugly residue of productive nations; personal wealth of some and the poverty of many, one nation reaching the moon while another remains in the stone age, all of mankind seeking peace yet many trapped in war.

BASIC RESPONSIBILITIES

The traditional responsibilities business has to society have been long established by the nature of our free enterprise system: the responsibility to provide profits to our shareholder investors; to produce quality products desirable to customers, fairly priced and honestly advertised; to provide employment and to reward employees for their contribution to the success of the enterprise; to contribute a percentage of our income directly to the communities in which we operate; and to otherwise retain the goodwill of the local and national publics that permit us to conduct our business.

Essentially, these have been the full scope of our responsibility—until now.

Today, maximum financial gain, the historical number one objective, is forced into second place whenever it conflicts with the well-being of society. We now must examine the proposition that the first responsibility of business is to operate for the well-being of society.

As financial managers, you are the best witnesses of this shift in priorities. Your companies' obligations to society are a growing cost of doing business—not only by taxes and cash contributions, but also by capital and people invested in meetitng public needs—or meeting the more costly reactions to adverse public opinion. Take any new profit-expanding action proposed by your company. The potential profit of that action invariably is whittled downward by the cost of meeting the company's obligations to the public. I'm sure you've seen many profit proposals defeated in recent years because the social costs, often made apparent by public pressure, eliminated the potential profit. This is the major shift of responsibility that has occurred for business and it is the challenge that we face.

How do we meet this challenge? Our first step, of course, is to understand—and help the rest of society to understand—that business not only is a part of society but that it can and does play a leading role in improving it. Now that we're placed deep inside our society, let's look around to see what today's society is all about. At first glance, the picture appears chaotic. To understand it, we must unravel the chaotic condition.

Chaos comes when the world changes faster than its people do. And that is our present condition. We're living in an environment of change. Many forces are at work, making society more dynamic and complex than at any time in our history—unsurpassed wealth and education, *mobility* reaching the speed of sound, everybody watching—the instant mass transmission of events, of reactions to those events, of reactions to the reactions.

All news is now. Any event, good or bad, is witnessed by all, judged by all, and too often, judged incorrectly. Today's paradox is, that while mankind can transmit its ideas worldwide, it seems to misunderstand everything it receives. While emotion must be raised before society's mistakes can become public discussions, the same emotion scrambles our ability to communicate.

Public issues shift in priority. Today it's ecology. Yesterday it was poverty. Last week it was war. Yet, all must be dealt with today and tomorrow, because they are far from being resolved. These are the key issues against which business is being judged today.

Business has always recognized the power of the public—especially in the marketplace. But now the *public* is recognizing its power. Motivated by a long-standing feeling that it had lost control, stimulated by its recent successes at speeding changes toward peace and racial equality, today's public—society—you and I—now have a new sense of confidence that we really can effect change.

BEGIN DIALOG

I see only one new move businessmen must take to meet the needs of today's society. To paraphrase the current idiom—we must tune in, turn on, and *drop in*, not *out*. Competitive pressures have held too much of our attention to the enterprise. We've seen too little of the world around us. Today, the world *around* us is our job.

A major result of tuning in, turning on, and dropping in will be an increasing awareness by the public of the contributions business *is* making to society. A solid dialogue between the public and business is long overdue. It's a reversal of that tree falling without any sound because no one heard it. Too often the actions business takes for society don't exist because we failed to utter a sound.

Let's limit ourselves for the moment to looking at those priority needs of society today—the most important ones as recognized by society right now. *First* is our obligation to the ecological balance—that mutual relationship between life and our environment; *then* the elimination of poverty—in our own nation's urban centers as well as in developing nations; and *finally*, the attainment of world peace through international understanding.

We know that our spaceship, Earth, has finite resources; that nature can accommodate a certain amount of waste materials and maintain a balanced, restorable environment. But the residue of our productive economy is overloading the system. Determining who is to blame is not only impossible, it offers no solutions. Is it the consumer's demand for more?

Is it industry's technological expansion to supply the demand? Is it the population explosion—the concentration of the populace in our urban centers? Who will stop using detergents, weed killers, convenience packaging? Who will give up his car or stop using trains, buses, planes and trucks? Who will stop heating his home or using electricity from the power plant? Who will shut down his factory—or wants the factory where he works to close down? Who will decide not to have children?

Society today is determined to solve the pollution problem. *And I believe society is willing to pay the price for this solution—all members of society—you, me, shareholders, consumers, citizens—all the labels we call ourselves—all of us are willing to clean up our house. We've paid a high price to get where we are. We're ready to pay the even higher price to put us back into harmony with our environment.*

THREE STEPS TO TAKE

There are three simultaneous actions necessary for us to reach this goal: the *first* is to continue developing a body of inter-disciplinary knowledge about our environment and the technology required to balance the residue of our economy with nature's regenerative powers. *Second*, we must also create or improve *pollution standards* along with the necessary controlling legislation to implement this knowledge as it is increased. The *third* concurrent move is to educate every member of society—each of us—to his individual responsibility to the environment.

I believe business will be the greatest force in the elimination of pollution. Industry has the largest body of knowledge about pollution abatement technology both in its production techniques and in the products it produces. Our first responsibility then, is to continue developing this body of knowledge and apply it to our production techniques and to the products we make.

Poverty, like pollution, is everyone's responsibility. The generation gap closes on these two issues.

But of the two, poverty is the one problem business already has the skill to resolve. The success story behind the National Alliance of Businessmen's JOBS progam is witness to this. Businessmen in 131 cities have placed 338,000 disadvantaged men and women, hired, trained, or in training for pomising careers.

The greatest goal business can work to achieve is world peace. I might add, world peace through international understanding and healthy economic growth—because this is exactly how business can contribute—by increasing the flow of goods, services, and people-to-people communication among the nations of the world.

Enlightened international corporations are the neutral force entwining nations, contributing to the economies of the haves, increasing the productive powers of the have-nots; contributing to housing, schools, dams, roads, and forming commercial sea, air, and land bridges between nations.

As legal corporate entities, international companies remain politically neutral. As human beings, each of us holds a whole range of atttiudes about the governments with which we deal. Within the limitations of being a guest in economically developing nations, we bring benefits directly to the citizens of those nations. We do our best to preserve the natural environment. We provide capital. We provide skills and know-how. We provide jobs and training.

And these benefits are most important to the emerging nations. Invariably, because an American company is doing business with a developing country, its citizens are better off than before. Their earning power is improved. They eat better, live more comfortably, get a better education, become better equipped to contribute toward improving the social well-being of their nation. Experience has shown that improved productivity has a great impact on the political style of a nation. Government is the result of an economic base. Only by improving that economic bases is there any substantial social improvement in government. In our lifetimes we have seen the territories that gained the greatest volume of foreign investments have been among the first to become self-governing.

This style of doing business abroad is being repeated by hundreds of U.S. corporations in virtually every nation in the Free World. The international language of commerce is spoken and heard by all. Emerging nations are acquiring a sense of respect for their advancement and hope for their future, and respect from the nations with which they trade. As their educational levels grow, their governments modernize and mature. World trade becomes a stabilizing force as nations become increasingly interdependent for goods and services.

INVOLVE EVERYONE

The new responsibilities business has for today's global society are much more complex, almost revolutionary when compared to those we faced a few decades ago. They cannot be fulfilled unless everyone is involved. Businessmen must stimulate every employee toward community involvement — whether the community is Pittsburgh or Angola.

And we must increase our dialogue with the public, who knows too little today about our activities, our problems, or our contributions to society. Business must communicate this information to the public with as much effectiveness as those who are now trying to destroy our economic system. Today, the society's majority is hearing only one voice. Tomorrow, there could be only one voice to hear. We must get out of our offices and board rooms and get into our communities. This is the only way we truly can meet society's needs and earn its understanding and support—by recognizing and reacting to changing social needs and by communicating our business goals, problems and actions.

The result will be the happy goal businessmen have always put in first place—a progressively improving society in which we live—and a reasonably profitable growth for our enterprises.

THE KENTUCKY COAL MINE TRAGEDY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, all of us are deeply distressed by the worst coal mine tragedy in Kentucky's history. This deplorable loss of life need not have happened. It is high time that we stop standing around, wringing our hands, for this would not stop the slaughter in the coal mines.

We all know that enforcement of the Federal Coal Mine Health and Safety Act is woefully weak. We all know that in their pellmell haste to increase production, many coal operators are cutting corners and killing men. Elementary rules of safety are not observed. Even the undermanned inspection force of the U.S. Bureau of Mines has found countless, serious violations in the interconnected mines of the Finley Coal Co. where this tragedy occurred.

Last month there was a fatal accident at No. 15 mine at Hyden, Ky.—one of the two interconnected mines which blew up on December 30. Charlie Wagers, a tractor operator, was killed in the Finley Coal Co. mine. Two U.S. Bureau of Mines inspectors investigated the fatality which occurred on November 9. One of their findings was that "the overall safety program at the mine was not effective."

Since it was opened last March, No. 15 mine has been closed three times by the Bureau of Mines because an imminent danger existed. When the mine was closed by the Bureau for 3 days last June, the Bureau found—

Dangerous accumulations of loose coal and coal dust were present along the shuttlecar roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries.

In addition to the closing order, the inspector found 13 other violations of the law. One of these was the failure to have self-rescue masks for all men underground, as required by section 317(n) of the Federal Coal Mine Health and Safety Act of 1969. Each miner is required to have one of these devices to protect him "for 1 hour or longer" from deadly fumes, such as carbon monoxide.

On November 19, 1970, a spot inspection by the Bureau of Mines lists five more violations, including one for failure to have self-rescuers. All of these

were to be abated by December 22, 1970, an order which I am informed was not abated by that date.

The text of these inspection reports is revealing, so I am submitting them for the RECORD:

COAL MINE INSPECTION REPORT NO. 15 MINE (M.I. 7008.7) FINLEY COAL COMPANY, HYDEN, LESLIE COUNTY, KY., JUNE 19 AND 22–23, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 15 Mine is on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80.

Mr. Holt Finley, Sibert, Kentucky, Mr. Stanley Finley, Manchester, Kentucky, and Mr. Charles Finley, Manchester, Kentucky, are co-owners and operators of the mine.

The No. 15 Mine was opened in March, 1970, by five drift entries into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. The high-volatile bituminous coal dust is explosive. Of the 43 men employed, 39 worked underground on two shifts a day, five days a week, and produced a daily average of 600 tons of coal, which was loaded by a mobile loading machine into rubber-tired mine cars. Management estimated the life of the mine to be five years.

Surface structures consisted of a sheet-metal building, located 60 feet from the mine openings, and two mobile trailers used as a mine office and for supplies.

The five mine openings had been advanced about 1,600 feet underground. Entries were 22 feet wide on 60-foot centers. Crosscuts were about 60 feet apart. Rooms had not been turned. Pillars were not recovered.

The immediate roof varied from fragile shale (draw rock) to firm shale. Standards for roof support were adopted, utilizing conventional timbers and roof bolts. The plan was being followed. A new plan for roof control has been submitted.

Explosives and detonators were suitably transported into the mine as needed. Coal was blasted on shift with permissible explosives, fired with electric detonators and a permissible shot-firing unit. Coal was undercut to a depth of about 10 feet before shot holes were drilled. Water-filled plastic bags were used for stemming. The roof was tested before and after blasting, but tests for methane were not made.

The mine is classed nongassy by the State. Ventilation was induced by a properly installed 60-inch propeller-type fan, operating exhausting. The quantity of air reaching the last open entry crosscut was 12,000 cubic feet a minute, and face ventilation was adequate. Suitable preshift and daily examinations were made, but weekly examinations were not made. Daily fan examinations and weekly ventilation examinations were not made. The analytical results of the air sample collected in the immediate return at a point not less than 12 inches from the face, roof, or ribs, and listed in table 1, indicate that the air in the mine was of comparatively good quality. Tests were made with a permissible flame safety lamp and methanometer in all accessible places, and methane or an oxygen deficiency was not detected.

The mine surfaces ranged from damp to wet. A program had not been established for cleanup and rock-dusting in the face regions. Accumulations of loose coal and coal dust were observed during the inspection. Dust-control measures were not employed on the electric face equipment; however, excessive dust did not appear to be in suspension in the face areas. Rock dust was applied during the inspection to within 20 feet of the faces, and the applications appeared to be adequate. Due to moisture, dust samples could not be collected.

Coal was transported in rubber-tired cars by battery-powered shuttle cars from the faces to the dumping point. Adequate clearance was provided and crosscuts used as shelter holes were free of obstructions. Men were transported in solid-bottom rubber-tired mine cars, and a certified official was in charge of mantrips.

Electric power, at 4,160 volts alternating current and 300 volts direct current obtained from a rectifier, was used underground. Cutout switches were provided, but lightning arresters were not installed. An oil switch was provided on the surface for circuit protection. Automatic circuit breakers were provided for the cables on direct current electric face equipment during the inspection. Frame-ground protection was not provided for the direct-current equipment. The trailing cables for the direct-current equipment were of the flame-resistant type.

Tests for methane were made during the inspection before electric face equipment was taken in by the last open crosscut and every 20 minutes thereafter.

Suitable firefighting materials were available.

A map of the mine was available, but did not contain the necessary information.

Adequate escapeways were provided and direction signs were posted. Evidence of smoking was observed underground. Permissible electric cap lamps were used for portable illumination underground. A suitable checking system was in use. Permissible dust collectors were used to control the dust resulting from drilling roof bolt holes. Potable drinking water, sanitary toilet facilities, and a 60-minute self-rescue device were not provided for the miners.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—NOTICES AND ORDER

Violation—Section 303(f). Weekly examinations for hazardous conditions were not made. Notice of Violation No. 1 CH was issued June 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 1 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 303(f). Weekly examinations for hazardous conditions were not made. A Notice of Violation No. 3 CH was issued June 23, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 3 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A Notice of Violation No. 2 CH was issued June 23, 1970, on Form 104b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 2 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(d). The power connection points in the main entry section were in return air. A Notice of Violation No. 5 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(e). A map of the mine electrical system was not provided. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(p). Lightning arresters were not provided for the power circuits leading underground. A Notice of Violation No. 1 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 1 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct current equipment. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 308(b). The high-voltage circuit was not provided with a grounding resistor. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 312(a). The mine map did not show the required information. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(1). Sanitary toilet facilities were not provided on the surface and underground. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(n). Only nine self-rescue devices were provided for the 39 men underground. The foregoing violation exists because the devices needed to abate it were not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(s). Potable water was not provided underground. A Notice of Violation No. 5 CH was issued June 23, 1970, on Form 104(b), requiring that his violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Imminent Danger—Section 104(a). Dan-

gerous accumulations of loose coal and coal dust were present along the shuttle-car roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries. Trailing cables were run over unnecessarily. Evidence of smoking was present underground. Short-circuit protection was not provided on any of the cables for the direct current face equipment. Gas tests were not made before and after blasting. The trailing cable for the mining machine and mobile drill contained three uninsulated splices each. Gas tests were not made before electric face equipment was taken in by the last open crosscut or every 20 minutes thereafter.

Action taken. An Order of Withdrawal No. 1 CH was issued June 19, 1970, on Form 104(a), causing all persons, except persons referred to in Section 104(d), to be withdrawn from and prohibited from entering the main entry section inby the loading point. A Notice of Penalty No. 1 CH pertaining thereto was issued June 19, 1970. This Order was terminated on June 22, 1970.

TABLE I.—ANALYSES OF AIR SAMPLES

[Date collected: June 19, 1970; Mine No. 15; Company: Finley Coal Co.; Collected by: C. E. Hyde]

Bottle No.	Laboratory No.	Location in mine	Percent in volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
K3033	110669	Immediate return No. 2 entry	0.04	20.89	0.00		79.07	12,000	

REPORT OF NONFATAL COAL MINE EXPLOSIVE ACCIDENT NO. 15 MINE (M.I. 7008.7) FINLEY COAL CO., HYDEN, LESLIE COUNTY, KY., AUGUST 12, 1970

(By H. A. Jarvis and Gordon Couch, Federal Coal Mine Inspectors)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

An accident involving a premature detonation of explosives occurred in the 1 left section, No. 15 Mine, Finley Coal Company, about 6 p.m., Wednesday, August 12, 1970, in which two persons were injured. Rufus Whitehead, mobile face drill operator, received serious injuries to both eyes, chest, and right arm. Mack Collins, drill helper and shot firer, sustained a ruptured eardrum.

Gordon Couch, Federal Coal Mine Inspector, was notified of the accident about 6:45 p.m., Wednesday, August 12, 1970, by Charles Finley, operator, and an investigation was started August 14, 1970, and completed August 19, 1970.

Information for this report was obtained from company officials and employees, a visit to the scene of the accident, and from a statement by Mack Collins, drill helper and shot firer, who was an eyewitness to the accident.

GENERAL INFORMATION

The mine was opened by four drifts into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 production shifts a day, 5 days a week, and produced a daily average of 600 tons of coal, all loaded mechanically.

Coal was undercut to a depth of about 9 feet before shot holes were drilled. A Long-Airdox TDF-20 mobile face drill was used to drill the shot holes. The machine was provided with suitable overload protection, and short-circuit protection for the flame-resistant trailing cable was provided by an automatic circuit breaker. Permissible explosives, electric detonators, and a permissible blasting device were used in blasting operations. Water-filled plastic bags were used for stemming. At the time of the last Federal inspection, transportation, storage, and handling of blasting materials were in a satisfactory manner.

The following persons comprised the investigating committee:

Finley Coal Company

Charles Finley, operator.

Mack Collins, drill helper and shot firer.

United States Bureau of Mines

H. A. Jarvis, Federal Coal Mine Inspector.

Gordon Couch, Federal Coal Mine Inspector.

Fred Jones, Federal Coal Mine Inspector.

A PBR inspection of the mine was completed June 23, 1970.

DESCRIPTION OF ACCIDENT

The second-shift production crew entered the mine at 3:00 p.m., Wednesday, August 12, 1970, under the supervision of the second-shift mine foreman, and performed their normal duties without incident until the time of the accident. Upon completion of blasting operations in the face of No. 1 entry, 1 left section, the drill operator was tramming the drill to the intersection of the No. 1 entry, 1 left, and the No. 1 main entry in preparing to move to No. 6 entry, 1 left. At the intersection, the frame of the drill became lodged on a coal bottom stalling further progress. In the attempt to extricate the drill, the trailing cable was caught between the frame of the machine and mine floor causing a short circuit to occur. The resulting arc ignited coal dust, lubricants, and other combustible materials on the bottom of the mobile face drill. Collins (eyewitness) stated that he and Whitehead went to the No. 3 entry and directed a shuttle-car operator to go to the nip station and remove the power from the drill.

After receiving assurance that the trailing cable had been removed from the power source, Collins and Whitehead returned to the drill and, using rock dust, extinguished the small fire which was mainly confined to a container made from a section of a rubber innertube on the drill. This container was pushed off the left side of the drill and covered with rock dust on the mine floor. After determining that no further danger from fire existed, Whitehead and Collins had decided to eat their lunch while the trailing cable was being spliced, but had not left the area and the repairman had not arrived, when the blast occurred. Collins and Clifford Finley, repairman, stated that they thought the blast resulted from heat-weakened hydraulic hoses rupturing under normal pressure. Of the three hoses that ruptured, two were in the same circuit leading to the drill motor and the third connected to the drill bar swing jack. Metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead. Mack Collins stated that a doctor's examination later revealed that he had sustained a rupture of the eardrum. Help was summoned and Whitehead was transported to a waiting ambulance on the surface and thereby to the Frontier Nursing Service at Hyden, Kentucky. Later, Whitehead was taken to the University of Kentucky Medical Center at Lexington, Kentucky, where an examination revealed severe injury to both eyes (possible total blindness) and a severe compound fracture of the right arm.

An examination of the drill and the ruptured hydraulic hoses revealed no indication of heat damage or charring; however, slight charring was present on the hydraulic hoses on the opposite side of the drill and on a wooden tamping bar carried on the drill. The rubber container that was burning and removed from the drill could not be found, and the employees stated that they had no knowledge of its contents or how it came to be on the drill. Mr. Charles Finley, operator, stated that in the past he had observed detonators in prepared explosive charges being transported on the drill in similar containers and that he had warned the crews of the danger involved and believed this practice had been discontinued.

A Withdrawal Order, Form 104(a) was issued at the time of investigation (spot inspection) for trailing cables being run over by mobile equipment and not being protected to prevent damage. The Order was terminated the same day.

It is the opinion of the investigating committee that the section of the rubber innertube contained one or more electric detonators and/or cartridges of explosives. The container was ignited, pushed off the left side of the drill, and the contents detonated by heat. The resulting blast severed the hydraulic hoses and the flying debris injured Whitehead and the concussion caused Collins' ear injury.

CAUSE OF ACCIDENT

In the opinion of the investigators, the accident was caused by improper handling and transportation of explosives on the mobile face drill and failure to protect the trailing cable from the mechanical damage by mobile equipment. Lack of proper supervision and permitting coal dust and combustible lubricants to accumulate on the mobile face drill were contributing factors.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. Explosives and detonators shall be handled and transported only by approved means.

2. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

3. Coal dust and other combustible materials, including lubricants, shall be cleaned from and not be permitted to accumulate on electric equipment.

4. On each coal-producing shift, the working section shall be examined for hazardous conditions as often as necessary for safety.

ACKNOWLEDGMENT

The cooperation of company officials and employees and others during this investigation is gratefully acknowledged.

Respectfully submitted.

COAL MINE INSPECTION REPORT NO. 16 MINE (M. I. 7008.8) FINLEY COAL COMPANY, HYDEN, LESLIE COUNTY, KY., OCTOBER 19, 20, AND 22, 1970

(By Gordon Couch, Federal coal mine inspector)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 16 Mine is located on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80. The No. 16 Mine is opened by 4 drift entries into the Hazard No. 4 coalbed, which averages 36 inches in thickness locally. Of the 50 men

employed, 48 worked underground on 2 production shifts and 1 maintenance shift a day, 5 days a week, and produced 800 tons of coal daily.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices

Violation—Section 202(a). Samples to determine the amount of respirable dust in the mine atmosphere were not taken. A Notice of Violation was issued October 5, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970.

Violation—Section 302(a). The roof support plan was not being followed in that roof bolts were installed more than 5 feet apart and crosscuts were more than 22 feet wide. A Notice of Violation No. 1 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m., on October 20, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(b). The quantity of air reaching the faces of No. 5 and No. 6 main entries was too low to be measured with an anemometer. A Notice of Violation No. 2 GC was issued October 19, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A Notice of Violation No. 1 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m., on October 26, 1970.

Violation—Section 303(o). A ventilation system, methane and dust control plan has not been submitted by the operator. A Notice of Violation No. 1 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 20, 1970.

Violation—Section 303(t). The operator had not submitted a fan stoppage plan. A Notice of Violation No. 2 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(a). Float coal dust was deposited on the rock-dusted surfaces in all crosscuts along the main conveyor belt haulage entry from the portal to the loading point. A Notice of Violation No. 2 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 304(b). Water or water with a wetting agent was not used to abate the dust created by mining operations. A Notice of Violation No. 3 GC was issued October 20, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(c). Rock dust had not been applied to within 200 feet of the face of No. 1 main entry. A Notice of Violation No. 3 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 305(a)(4). The operator had not submitted a list of all electric equipment in use at the mine. A Notice of Violation No. 3 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 22, 1970.

Violation—Section 305(g). Electric equipment was not examined, tested, and maintained by qualified persons. A Notice of Violation No. 4 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 20, 1970.

Violation—Section 305(m). The mine fan motor was not protected by an automatic circuit breaker. A Notice of Violation No. 4 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 306(d). The trailing cables for the loading machine and coal drill contained several temporary splices. A Notice of Violation No. 5 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970, at the request of the operator.

Violation—Section 307(b). Frame-ground protection was not provided for any of the electric face equipment. A Notice of Violation No. 6 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 19, 1970.

Violation—Section 308(d). The 4,160 volt alternating current circuit leading underground did not contain a ground check monitor to insure continuity of the ground wire and monitor wire. A Notice of Violation No. 5 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 20, 1970.

Violation—Section 308(i). A disconnecting device was not installed at the branch line of the high-voltage circuit for No. 16 Mine. A Notice of Violation No. 6 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 20, 1970.

Violation—Section 313(d). Explosives were carried underground in their original shipping containers. A Notice of Violation No. 7 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 7 GC pertaining thereto was issued October 20, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 317(c). A search program has not been submitted by the operator, to insure that the miners do not carry smoking materials underground. A Notice of Violation No. 4 GC was issued October 22, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 22, 1970.

Violation—Section 317(i). A program for training and retraining of qualified and certified persons had not been established. A Notice of Violation No. 8 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 8 GC pertaining thereto was issued October 20, 1970.

Violation—Section 317(l). Sanitary toilet facilities were not provided. The foregoing violation exists because the facility needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

TABLE 1.—ANALYSES OF AIR SAMPLES

[Date collected: Oct. 20, 1970; Mine No. 16; Company: Finley Coal Co.; Collected by: Gordon Couch]

Bottle No.	Laboratory No.	Location in mine	Percent in volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
K3152	113015	Immediate return No. 1 entry	0.03	20.86	0.00		79.11	14,000	

REPORT OF FATAL COAL MINE HAULAGE (BATTERY-POWERED TRACTOR) ACCIDENT, NO. 15 MINE (M.I. 7008.7) FINLEY COAL COMPANY HYDEN, LESLIE COUNTY, KENTUCKY, NOVEMBER 9, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor, Gordon Couch, Federal Coal Mine Inspector)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742), to determine the cause of the accident, and to propose measures for prevention of similar accidents.

A haulage accident occurred in the subject mine in which Charlie Wagers, (battery-powered) tractor operator, was so severely injured Monday, November 9, 1970, at 6:30 p.m., when his head was caught between the tractor he was operating and a coal rib, that he was pronounced dead upon arrival on the surface by Dwayne Walker, Coroner of Leslie County, Kentucky. The accident occurred at the intersection of No. 2 entry, 3 right, and No. 6 main entry of the No. 15 Mine. Wagers had about 3 years experience in underground mines, and had been employed as a tractor operator for 3 months in this mine. Wagers was 24 years old and is survived by his widow.

The writer was informed of the accident by Charles Finley, operator of the mine, at 8 p.m., November 9, 1970, and an investigation was started the following day and completed November 13, 1970.

GENERAL INFORMATION

The No. 15 Mine is opened by four drift entries into the Hazard No. 4 coalbed, which averages 33 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 shifts a day, 5 days a week, and

produced 600 tons of coal daily, which was loaded by a mobile loading machine into a rubber-tired mine car (trailer).

Information for this report was obtained from employees, officials and a visit to the scene of the accident.

There were no eyewitnesses to the accident. The investigating committee consisted of:

Finley Coal Company

Charles Finley, operator.
Monroe Mitchell, superintendent.
Walter Hibbard, second-shift foreman.
George Gray, timberman.
Ernest Bowling, roof-bolt operator.
Kenneth Ray Morgan, maintenanceman (loading-machine operator at time of accident).
Merle Lipps, loading-machine operator.

Kentucky Department of Mines and Minerals

Everett Bartlett, district supervisor.

United States Bureau of Mines

C. E. Hyde, Federal coal mine inspection supervisor.
W. E. Duke, Federal coal mine inspector (electrical).
Gordon Couch, Federal coal mine inspector.

The preceding Federal inspection (PBR) was completed June 23, 1970, and a spot inspection was made August 14, 1970. An investigation of a non-fatal coal mine explosives accident (two men injured) was completed August 19, 1970.

DESCRIPTION OF ACCIDENT

The second-shift crew entered the mine at the regular time (3:15 p.m.), and work progressed normally until Wagers (victim) began experiencing trouble with his tractor; he summoned Kenneth Ray Morgan, maintenanceman, to repair the tractor. After the tractor was repaired (trouble was with forward and reverse contacts), Wagers continued to haul coal until his tractor was again disabled, and he summoned the maintenanceman to repair the tractor. The maintenanceman, along with the mine foreman, arrived at the tractor, and proceeded with the necessary repairs which were essentially the same as before. When the necessary repairs were completed, the mine foreman instructed Wagers to take the tractor to the surface and exchange it for an extra tractor if he had any more trouble with his tractor. The maintenanceman assumed his other duties until it was time for him to drive tractors while the regular tractor drivers ate lunch.

After completing this usual cycle, he rode to the loading machine with Wagers (victim) in the deck of the tractor and, arriving at the No. 2 entry, 3 left, where the loading machine was waiting, he relieved the loader operator to permit him (loader operator) to eat his lunch. The loader operator went to No. 6 entry, 3 right, where he had left his lunch at the beginning of the shift. The maintenanceman began loading Wagers' trailer, and had almost finished loading the fall of coal when he discovered that Wagers was having trouble with his tractor again, and was not able to place the trailer into a loading position; the maintenanceman decided to finish cleaning up the place by spilling the rest of the fall of coal onto the mine floor; after this was completed and the loader helper was placing the loader cable onto the loader, it was discovered that Wagers' trailer was fouled against the rib out by the loader, after making two attempts forward and reverse the tractor stopped against the rib on the third attempt in reverse. George Gray, timberman, yelled to other workmen that a man was injured. The loader operator (repairman) went to the tractor and saw that Wagers' head was caught between the rib and corner of the tractor, he proceeded to remove the cover from the starting box and free the "stuck" contact (reverse contact); he then proceeded to free the victim by tramming the tractor forward about 2 feet. Help was summoned from other workmen, and the victim was removed from the tractor, placed on a stretcher and transported to the surface. Wagers apparently died instantly from massive head injuries. The equipment involved was a battery-powered tractor, S and S Machinery 160, Serial No. 160–52. The tractor is 7 feet, 3 inches wide and 15 feet, 8 inches long, and the Kersey trailer involved is 16 feet, 6 inches long and 12 feet, 4 inches wide.

SUMMARY OF FINDINGS

1. The battery-powered tractor had a contact stuck in reverse, and any attempt to move forward would move the tractor in reverse; the position of the victim's body indicated that he was attempting to move the tractor forward.

2. The Kersey trailer is 2½ feet wider on each side than the tractor, which caused the trailer to hang against the rib.

3. The maintenance program was not effective, in that the contacts were not kept in good operating condition.

4. The overall safety program at the mine was not effective in that new tractor operators were not informed of the hazards that surround overall maintenance and operation of battery-powered equipment. The employees at this mine have not been trained in coal mine accident prevention and first aid.

CAUSE OF ACCIDENT

Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service was the direct cause of this accident. The excessive width of the mine car (trailer) was a contributing factor.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. A maintenance program shall be established to insure that equipment is free of defects before being placed in service.

2. Trailers (mine cars) used for haulage should not exceed the width of the haulage unit.

3. Mine officials shall use closer and more strict supervision at all times in this mine.

4. A program should be provided to train and instruct employees in the proper and safe operation of equipment.

5. Operators of mining equipment should remain alert and should maintain control of equipment at all times.

ORDER

Imminent Danger—Section 104(a).—Battery powered tractor (Serial No. 160–52) (tractor involved in accident) did not have fuses for control circuit and arc shields were missing. Battery powered tractor (no numbers) did not have fuses in control circuit and three arc shields were missing. Battery powered tractor (unit No. LC) had defective brakes and one defective contact in starting box. Battery powered (Load-A-Tram) (Serial No. 468–1003) had two arc shields missing, defective brakes, and no fuse in power circuit.

The Order affects the equipment listed above.

Action taken—Order No. 1 GC was issued November 13, 1970, requiring that the equipment listed not be used until repaired. The Order was terminated on November 16, 1970.

ACKNOWLEDGMENT

The cooperation of company officials and employees, and State mine representatives during this investigation is gratefully acknowledged.

Respectfully submitted.

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF MINES,
November 23, 1970.

I.D. 15–02593–0.

MEMORANDUM

To: T. R. Mark, Subdistrict Manager, Coal Mine Health and Safety District C, Barbourville, Ky.
From: Gordon Couch, Federal Coal Mine Inspector.
Subject: Spot inspection, No. 15 Mine (001–0 and 002–0 Sections), Finley Coal Company, Hyden Leslie County, Ky., November 19, 1970

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices and order

Violation—Section 202(b)(1). The cumulative concentrations of respirable dust analyzed from four samples collected by the operator during an original sampling cycle conducted in the working environment of the coal cutting machine operator in the 001–0 section amounted to 33.9 milligrams of respirable dust. A Notice of Violation No. 1 GC was issued November 19, 1970 on Form 104(i), requiring that this violation be totally abated by 8 a.m. on December 22, 1970. The operator abandoned the section. An Order No. 1 GC was issued November 19, 1970, and remains in effect.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. A Notice of Violation No. 2 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct-current equipment. A Notice of Violation No. 3 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(1). Sanitary toilet facilities were not provided on the surface and underground. A Notice of Violation No. 4 GC was issued November 19, 1970, on Form No. 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(n). Self-rescue devices were not provided for the miners underground. The devices are on order and have not been received. A Notice of Violation No. 5 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

GORDON COUCH,
Federal Coal Mine Inspector.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I take this opportunity to pay tribute to as fine a man as ever sat in this body, the distinguished Representative from Massachusetts, and the Speaker of this House, the Honorable JOHN W. MCCORMACK.

Very few people in the history of the House of Representatives have exercised a greater influence on the course of the Nation and the administration of its lawmaking function. JOHN MCCORMACK has presided over this body with great dignity and skill. He has successfully guided a vast amount of legislation through the congressional processes. Many of these legislative measures have been of crucial importance in the history of the Nation. Many have had profound impact upon the progress of our society. Yes, history

records that JOHN MCCORMACK possesses the attributes of greatness as a leader.

No one has taken his responsibility to his country more seriously or worked with greater devotion and perseverance to meet his obligations. As a result, JOHN MCCORMACK has had the confidence, respect, and admiration of Members from both sides of the political aisle. He has proven himself capable of handling any complex parliamentary question, and has been firm, but consistently and objectively fair in his rulings from the Chair, regardless of differences of principle or political conviction.

I could dwell at length on his accomplishments and achievements as a leader of one of the greatest deliberative bodies of the world; however, I want to touch briefly on certain personal characteristics which have endeared him to all of us. One of the marks of his greatness, I believe, has been his willingness, in spite of many important projects in which he was engaged and the heavy demands on his time, to counsel new Members of the House in the sometimes difficult problems that they faced. My own personal experience amply demonstrated this facet of his character. It has been this genuine concern for his colleagues that has made JOHN MCCORMACK a beloved leader of the House of Representatives. He has been a leader of courtliness and kindness, of thoughtfulness and consideration, of good will and great strength. As a devout Christian he has based his ideals upon devotion to country and christianity. These qualities, along with his outstanding service in this body, will be a living and everlasting monument to him.

As his term of office draws to a close, I want to extend to him and his family best wishes for happiness and success. JOHN MCCORMACK has been a great leader and helpful friend. We shall miss his guiding hand. I shall miss the sincerity of his human understanding.

HAPPY END OF A BAD AFFAIR

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, last February I called attention to the outrageous decision by the Small Business Administration to make a $27.4 million lease guarantee to a paper company called the Old Dominion Sugar Corp.

This paper corporation, which had neither factory nor employees and whose founders knew no more about refining sugar than I do, had incredibly talked the SBA into committing this fantastic amount of the taxpayers' money by—among other things—using a market study made by a firm which was paid in Old Dominion stock.

Following my criticism of this smelly deal, the House Select Committee on Small Business held hearings on the lease guarantee and, I was pleased to note, also concluded that the whole deal reeked.

I have just been informed, Mr. Speaker, that the Small Business Administration has seen the light and has pulled out of this affair lock, stock, and barrel, and I wish to congratulate the SBA on this decision.

It is to be hoped that the SBA's experience on this ill-advised venture will penetrate to the other lending agencies in this town and that the lesson will be of some benefit to the long-suffering taxpayers all over the country.

Mr. Speaker, I include a letter to me from the Small Business Administration for insertion at this point in the RECORD:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., December 28, 1970.

Hon. H. R. GROSS,
House of Representatives,
Washington, D.C.

DEAR MR. GROSS: This refers to our previous correspondence concerning the lease guarantee insurance application by Old Dominion Sugar Corporation.

We have completed our review of the application and have determined that issuance of a lease guarantee insurance policy to Old Dominion Sugar Corporation would not be in the best interest of the Government. Therefore, we have terminated the conditional commitment of the Small Business Administration dated December 2, 1969.

We thank you for your interest in this matter.

Sincerely,

JACK EACHON, Jr.,
Associate Administrator for Financial Assistance.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on the special order today by the gentleman from New York (Mr. RYAN).

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENT, for 3 days, on account of official business.

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HENDERSON (at the request of Mr. ALBERT), for today and the remainder of the week, on account of illness.

Mr. LENNON (at the request of Mr. ALBERT), for today and the remainder of the week, on account of illness.

Mr. JOHNSON of California, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. RYAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. VANIK, for 10 minutes today, to revise and extend his remarks and include extraneous material.

Mr. MILLS, for 10 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. LANDGREBE) and to revise and extend their remarks and include extraneous matter:)

Mr. BURKE of Florida, for 30 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. MILLER of Ohio, for 1 hour, today.

Mr. FREY, for 30 minutes, today.

Mr. HOSMER, for 30 minutes, on January 2.

(The following Members (at the request of Mr. DANIEL of Virginia) and to revise and extend their remarks and include extraneous matter:

Mr. RYAN, for 30 minutes, today.

Mr. FLOOD, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MILLS, during consideration of the bill H.R. 16199.

Mr. PASSMAN.

Mr. MCMILLAN.

Mr. PELLY, and to include extraneous matter.

All Members to have 5 legislative days in which to extend their remarks on the subject of Mr. RYAN's special order.

(The following Members (at the request of Mr. LANDGREBE) and to include extraneous matter:)

Mr. GUDE.

Mr. BROWN of Michigan in three instances.

Mr. ANDERSON of Illinois in three instances.

Mr. BIESTER.

Mr. BRAY in three instances.

Mr. HOGAN in three instances.

Mr. BURKE of Florida.

Mr. SAYLOR in two instances.

Mr. HUNT.

Mr. SCHMITZ in four instances.

Mr. ZWACH.

Mr. GERALD R. FORD in 21 instances.

Mrs. HECKLER of Massachusetts.

Mr. WIDNALL in two instances.

Mr. PETTIS.

Mr. HOSMER in three instances.

Mr. FINDLEY.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. LOWENSTEIN in 10 instances.

Mr. BIAGGI in eight instances.

Mr. ALBERT.

Mr. DANIELS of New Jersey in 10 instances.

Mr. WALDIE in three instances.

Mr. MARSH in two instances.

Mr. BINGHAM in 10 instances.

Mr. LEGGETT in three instances.

Mr. DINGELL in three instances.

Mr. JOHNSON of California in three instances.

Mr. EILBERG in two instances.

Mr. DONOHUE in six instances.

Mr. DOWNING in two instances.

Mr. HARRINGTON in two instances.

Mr. ASHLEY in three instances.

Mr. MACDONALD of Massachusetts in three instances.
Mr. FEIGHAN in five instances.
Mr. BENNETT in two instances.
Mr. HAGAN in two instances.
Mr. ANDERSON of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4426. An act to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Service Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18515. An act 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;

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended;

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; and

S. 1626. An act to regulate the practice of psychology in the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 30, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception;

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein;

H.R. 16745. An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, United States vessels in foreign countries;

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes;

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

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

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Saturday, January 2, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of XXIV, executive communications were taken from the Speaker's table and referred as follows.

2649. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Secretary of the Treasury on the State of the Finances for the fiscal year ended June 30, 1970, pursuant to 31 U.S.C. 1027 (H. Doc. No. 91–360); to the Committee on Ways and Means and ordered to be printed with illustrations.

2650. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the final report on the operation of section 401, Public Law 91–305, relative to the fiscal year 1970 outlay limitation on the budget (H. Doc. No. 91–436); to the Committee on Appropriations and ordered to be printed.

2651. A letter from the Deputy Secretary of Defense, transmitting the annual report entitled, "Real and Personal Property of the Department of Defense," as of June 30, 1970, pursuant to 10 U.S.C. 2701; to the Committee on Armed Services.

2652. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Statistics of Interstate Natural Gas Pipeline Companies, 1969"; to the Committee on Interstate and Foreign Commerce.

2653. A letter from the Board of Directors of the Tennessee Valley Authority, transmitting the 37th Annual Report covering the activities of the Tennessee Valley Authority during the fiscal year beginning July 1, 1969, and ending June 30, 1970; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2654. A letter from the Comptroller General of the United States, transmitting a report on economies available by reducing preventive maintenance requirements for certain mechanized mail-handling equipment, Post Office Department; to the Committee on Government Operations.

2655. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in processing medicare claims for physicians' services in Texas, Social Security Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2656. A letter from the Comptroller General of the United States, transmitting a report on the adverse effects of producing drone antisubmarine helicopters before completion of development and tests, Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. No. 91–1803). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1337. Resolution providing for the consideration of House Joint Resolution 1421. Joint resolution, making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91–804). Referred to the House Calendar.

Mr. MORGAN: Committee of conference. Conference report on H.R. 15628; with amendment (Rept. No. 91–1805). 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. ANDREWS of Alabama (for himself and Mr. QUIE):

H.R. 20015. A bill to incorporate the Former Members of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

657. By the SPEAKER: Petition of Speaker, Koza City Assembly, Okinawa, Ryukyu Islands, relative to removal of chemical munitions from Ryukyu Islands; to the Committee on Armed Services.

658. Also, petition of Alaska Native Brotherhood, Inc., Petersburg, Alaska, relative to establishing a natural gas supply for Wainwright, Alaska; to the Committee on Interstate and Foreign Commerce.