

Brig. Gen. Richard M. Hoban, [REDACTED] FR, Regular Air Force.

Brig. Gen. John O. Moench, [REDACTED] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Sanford K. Moats, [REDACTED] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Hails, [REDACTED] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Giraud, [REDACTED] FR, Regular Air Force.

Brig. Gen. Jimmy J. Jumper, [REDACTED] FR (colonel, Regular Air Force).

Brig. Gen. Robert W. Maloy, [REDACTED] FR (colonel, Regular Air Force).

U.S. NAVY

Vice Adm. Lawson P. Ramage, U.S. Navy, for appointment to the grade of vice admiral, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

Lt. Gen. Herman Nickerson, Jr., U.S. Marine Corps, for appointment to the grade

of lieutenant general on the retired list in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of his retirement.

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

The following U.S. Marine Corps general officers for appointment to the grade of lieutenant general on the retired list, in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of their respective retirements.

Lt. Gen. Henry W. Buse, Jr.

Lt. Gen. Lewis J. Fields.

Lt. Gen. Frank C. Tharin.

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant

in the Marine Corps, subject to the qualifications therefor as provided by law:

Beagley, Larry E. Ekle, Thomas L.
Braun, Frank, IV Rickman, Dwight G.

U.S. CIRCUIT JUDGE

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia circuit.

U.S. ATTORNEY

Whitney North Seymour, Jr., of New York, to be a U.S. attorney for the southern district of New York for a term of 4 years.

U.S. MARSHAL

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years.

U.S. FOREIGN CLAIMS SETTLEMENT COMMISSION

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1969.

HOUSE OF REPRESENTATIVES—Tuesday, February 24, 1970

The House met at 12 o'clock noon.

Rev. Andres Taul, Estonian Evangelical Lutheran Church, New York City, N.Y., offered the following prayer:

Almighty God, Holy Spirit, come now and gather together our wandering thoughts. Envelop with Thy power our restless minds.

You know that the world in which we are called to serve is exceedingly complex. It is a world where truth so easily fades into half-truth, where compromise so often is called a just solution, where love is dispensed according to expediency. In this world of conflicting issues, O God, grant us the judgment of a righteous mind.

Let not, our Father, diplomacy blind us to suffering nor complacency lead us to indifference.

Grant us a vision of the day.

When truth shall conquer falsehood.
When justice shall be triumphant.

When all nations, great and small, may live out their own destinies.

Armed with the vision and the power of Thy Spirit let us strive mightily to achieve the same. Amen.

THE JOURNAL

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

REV. ANDRES TAUL

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

Mr. KOCH. Mr. Speaker, I would like to extend my appreciation to Rev. Andres Taul, a constituent of mine, for coming to this House today and sharing his devotions with us. I know that my colleagues join with me in appreciation for his most eloquent and moving prayer.

Reverend Taul is pastor of the Estonian Evangelical Lutheran Church in New York. He ministers to a community of 10,000 and a congregation of 3,500. His congregants are very fortunate to have such an outstanding pastor.

THURSDAY, A DAY OF PRAYER IN SUMTER COUNTY AND THE CITY OF AMERICUS, GA.

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

Mr. BRINKLEY. Mr. Speaker, the Book of Proverbs teaches that we should seek wisdom.

Thus, great personal sacrifices have been made to sustain the little red schoolhouse in critical times; trustees come from among the most enlightened and concerned citizens of the area; people will rake and scrape and finance to the hilt in order to move into a neighborhood served by a good school.

The schoolhouse itself is especially dear to the hearts of parents. Here is where their most valued possessions live and learn, grow and make lifelong friends. Neighborhood schools are community centers, recreational centers, places of friendly competition, and sources of local pride.

The crucial concern of Sumter County and the city of Americus for its schools, and their good example in seeking guidance through a day of prayer on Thursday, is a distinct credit to the civic character of one of the Nation's finest areas.

SECRETARY ROMNEY IS WRONG ABOUT RENT CONTROL

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

Mr. RYAN. Mr. Speaker, it is a sad day when a Cabinet member, the Secretary of Housing and Urban Development, chooses to side with New York City's landlord lobby against tenants who are struggling for decent housing. I refer to the recent assault on New York City's rent control law by Secretary Romney. Last Thursday the Secretary said it is "absolutely ridiculous" to expect landlords to properly maintain their buildings while under rent control. This statement, for all its validity, might as

well have come from a real estate lobbyist.

Following the news conference at which the Secretary took this position, his press secretary added that Secretary Romney "is not for rent control in any form." Does not the Secretary realize that there are thousands of landlords in New York City who are properly maintaining their buildings while their tenants enjoy the protection of rent control? Does he not realize that local law guarantees a fair return. The law defines a reasonable rate of return as income equal to 6 percent of the building's valuation, or the sales price, plus 2 percent depreciation. Taking into account the fact that the typical landlord has not completed payment, but has a large mortgage, he may be earning 20 percent or more on his actual cash investment.

Any landlord who is not making a fair return may apply to the local rent administrator for rent increases.

Secretary Romney's statement is a disservice to the hundreds of thousands of New York City tenants caught in a market with a near zero vacancy rate. Without rent control New York City would indeed be a city of the rich and the poor and would lose its middle-income groups.

The Secretary has injected the pressures of the Federal Government into a matter of peculiarly local concern. In doing so, he has placed his prestige along with the real estate lobby in the effort to scuttle rent control. His remarks show an insensitivity to urban affairs.

I would hope that the Secretary of Housing and Urban Development hereafter would ascertain all the facts before speaking, and I urge him to recognize the desperate plight of New York City residents.

DEFAMING THE CHARACTER OF A DEAD MAN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HECHLER of West Virginia. Mr.

Speaker, 2 months have passed since the brutal murder of Joseph Yablonski, his wife, and his daughter, Charlotte. On Thursday, February 19, there was printed in the Charleston, W. Va., Gazette, an interview quoting the second highest ranking official of the United Mine Workers of America, George Titler, in which the vice president was directly quoted as making a number of despicable slurs against the character of a dead man. The headline of the article is "Titler Brands Yablonski a Thief."

The second highest ranking officer of the UMW also has cast slurs on the great Commonwealth of Pennsylvania, and the people of the Keystone State.

When the interviewer very properly asked Mr. Titler how he could now call Mr. Yablonski all these names, then how he could have condoned having Mr. Yablonski serve as a high-ranking official in the union for so many years, here is the response of Mr. Titler:

You don't know that foreign element of coal miners from Russia and Yugoslavia and the like up there in Pennsylvania. . . .

It's not like down in the Kentucky fields or someplace where everybody's an Anglo-Saxon.

Mr. Speaker, I am a West Virginian, and Mr. Titler is a West Virginian, and I would like to apologize to the people of Pennsylvania for these slanderous slurs. I hope that as much effort will be expended by the United Mine Workers top officials in seeking out those who put up the money for the Yablonski murders as is now being spent in impugning the character of a man who cannot respond.

I would also like to refer to page 4457 of the February 23 RECORD, in which I have placed the entire text of Mr. Titler's interview. It is significant to note that Mr. Titler's language has made the Government Printing Office blush, and there are several deletions from Mr. Titler's profanity because of course such profanity in the RECORD would not be in conformity with the rules of the House.

HEARINGS ON BILL TO INCORPORATE COLLEGE BENEFIT SYSTEM OF AMERICA

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

Mr. ROGERS of Colorado, Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 9010, and related measures, to incorporate College Benefit System of America. These hearings will be held on March 18 and 19, 1970, at 10 a.m., room 2226, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

GOOD CITIZENSHIP AWARD IN HIGH SCHOOLS OF NORFOLK AND PORTSMOUTH

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

1 minute and to revise and extend his remarks.)

Mr. WHITEHURST, Mr. Speaker, I am currently conducting a Good Citizenship Award in the high schools of Norfolk and Portsmouth, Va., as a means of recognizing high school senior students who have been contributing toward a better community by working with their school, organizations, and civic groups.

The award is given in cooperation with Norfolk School Superintendent E. L. Lamberth, and Portsmouth School Superintendent M. L. Alford, and the mayor's committees of Norfolk Mayor Roy Martin and Portsmouth Mayor Jack Barnes. The award is an all expense paid day in Washington as my guest, and a tour of the Capitol. The two winners will be a "Congressman for a Day."

The selection will be made on the basis of volunteer work, leadership or participation in a community service project such as a church, Scout, civic, or political organizations, and leadership or participation in school activities.

A faculty committee of each school will select the school winner. These nominees will then be forwarded to the mayor's committee in each city. They will select the final winner.

I am sure the selection of a student from each Norfolk and Portsmouth high school will not be an easy task, and the selection of the final winner for each city will be most difficult.

Recognition for students contributing toward a better community and interested in public and civic affairs is something we all recognize as a worthwhile undertaking. An award, such as a Good Citizenship Award, can perhaps bring to the public's attention that the majority of our students have appealing qualities and are interested in the orderly growth of our cities.

DEAR BOB

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

Mr. SCHERLE, Mr. Speaker, the following message is intended for Secretary of Health, Education, and Welfare, Hon. Robert H. Finch:

DEAR BOB: Are you having difficulty locating the mailbox in your palatial 5th floor office suite? Are your aides too busy "looking busy" scurrying up and down the carpeted halls sipping coffee?

If so, I will dispatch a member of my staff to your office for your reply to my "personal and confidential" inquiry of February 11, 1970. Surely there is one professional paper shuffler in your maze of bureaucracy who has time to acknowledge a Congressional inquiry.

I await your reply.

Sincerely,

BILL SCHERLE,
Member of Congress.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT, Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may sit during general debate today.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2, NATIONAL CREDIT UNION ADMINISTRATION

Mr. PATMAN, Mr. Speaker, I call up the conference report on the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS, Mr. Speaker, reserving the right to object, I assume the gentleman from Texas will take a little time to explain this conference report.

Mr. PATMAN, I assure the gentleman I will.

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

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House on February 18, 1970.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the conference report in view of the fact that it is printed in the RECORD.

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

There was no objection.

Mr. PATMAN, Mr. Speaker, on July 28, 1969, the House passed H.R. 2, legislation to create an independent Federal agency for the supervision of federally chartered credit unions, by the overwhelming vote of 356 to 10. Today, the House is in a position to take final action on this worthwhile legislation so that the bill can go to the President for his signature.

Since 1934, the Bureau of Federal Credit Unions has been a "poor relative" in the Federal Government. It has been bounced from agency to agency and only achieved any type of permanency when it was lodged at the third level in the Department of Health, Education, and Welfare. Before the Bureau could take any action, it was necessary to gain clearance from the Social Security Administration and then from the Department of Health, Education, and Welfare. The Bureau was not even given the benefit of full time legal counsel but had to depend on attorneys furnished on a part-time basis from the Children's Service Bureau.

This is the type of treatment that was afforded the agency responsible for the greatest number of federally chartered financial institutions in the country. In fact, there are more federally chartered

credit unions than there are federally chartered banks and savings and loans combined.

Adoption of the conference report today, and it is my firm hope that the action will be unanimous, will put an end to the stepchild treatment given to the Bureau of Federal Credit Unions in the past. It is a distinct tribute to the more than 24 million credit union members throughout the country, more than half of which belong to federally chartered credit unions. Basically, H.R. 2 would remove the Bureau of Federal Credit Unions from under the dominance of HEW and in its place create a National Credit Union Administration which will function independently and will be operated by an Administrator and a Board "working in close and continuous operation."

Not only have the credit unions deserved their own regulatory agency based on their outstanding record of safety and service, but it also must be remembered that for the past 15 years, the operations of the Bureau of Federal Credit Unions have been paid for solely by fees assessed against federally chartered institutions. This means that the taxpayers have not had to pay a penny for Bureau operations. The same financial pattern will be continued under H.R. 2.

When the House and Senate conferees met, there were only three major areas of disagreement. It did not take the conferees long to work out an amicable compromise of the two bills and the compromise version represents in my opinion, an outstanding piece of legislation—one that has been thought through carefully and written so as to provide the greatest benefit for credit unions, their members, and those who in the future will be members of the fast growing credit union movement.

The complete conference report is available to Members so I will very briefly summarize the main points of difference between the two bills and as well as the compromise agreed to by the House and Senate conferees.

The House version called for the Administration to be run by an Administrator and a Board of Governors, while the Senate version included an Administrator but replaced the Board of Governors with a National Credit Union Advisory Board. The conferees agreed to a substitute which called for an Administrator and a National Credit Union Board. The conferees further made it clear that the Administrator "shall seek the advice, counsel, and guidance of the Board with respect to matters of policy relating to the activities and functions of the Administration under this act." In short, the conferees wanted to make certain that the Board and the Administrator would work hand in hand in setting Board policy.

The two versions of the legislation also differed as to the criteria the President must use in appointing members of the Board. The conferees agreed to substitute language that provides "in making appointments to the Board, the President shall appoint persons of tested credit union experience." This is similar to the language contained in the Federal Re-

serve Act which provides that class C directors of the Federal Reserve System shall be persons of tested banking experience. The language of the conference compromise is not intended to limit the President's choice of appointees to only persons who have actively engaged in the operation of a credit union but rather includes people who have been experienced in the credit union movement and those who have shown a consistent dedication to credit union principles and philosophies.

The House version also provided for an annual report to be submitted by the Board to the President, while the Senate version did not contain an annual report provision. The conferees agreed on language directing the Administrator to make an annual report to the President for submission to the Congress and added that the report should be made "after full consultation with the Board and shall contain any recommendations or comments submitted by the Board for inclusion in the report."

And, finally Mr. Speaker, the Senate version called for the appointment of so-called supergrades within the Administration. However, to make it clear that we were not trying to infringe upon the jurisdiction of other committees, the conferees accepted a substitute for the supergrade section which was suggested by the Senate Post Office and Civil Service Committee. The conferees agreed to the suggestion with the distinct understanding that the Civil Service Commission would immediately upon the creation of the Administration, provide the Administration with the seven supergrades called for in the Senate version of H.R. 2.

H.R. 2 is a truly unique piece of legislation. It was cosponsored in the House on a bipartisan group of Banking and Currency members. These members were: Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. GALIFIANAKIS, Mr. BEVILL, Mr. GRIFFIN, Mr. HANLEY, Mr. BRASCO, Mr. CHAPPELL, Mr. WIDNALL, Mrs. DWYER, Mr. HALPERN, and Mr. COWGER.

The bill was reported out of the committee unanimously and was passed by both Houses of Congress by an overwhelming majority. In addition, the conference report was adopted unanimously.

Mr. Speaker, there are credit unions in every congressional district in the United States and roughly one out of every 10 people in the United States belongs to a credit union. As I stated earlier, I hope that this body will adopt the conference report unanimously so that this body can show its support for the little people of America.

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

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

Mr. GROSS. I want to ask the gentleman about the paragraph at the bottom of page 5 of the conference report dealing with the supergrades. How many supergrades were in the bill as it left the House?

Mr. PATMAN. I cover that in my statement. There are seven supergrades, to the best of my recollection.

It is a unique way of handling this, different from others, I will state to the gentleman. The Federal credit unions are paying for everything. They are paying for all these employees. That has never been done before. There is no Government expense at all.

It is worked out between the Senate counsel of the Banking and Currency Committee and the Post Office and Civil Service Committee. They placed it in the bill when it was considered on the Senate floor, and we accepted it in conference. There is no dispute about it, and all the Members signed the report.

There is no Federal money involved.

Mr. GROSS. I know, but after all, as Members of Congress we have to be interested in the welfare of the employees and what they are being called upon to put out by way of salaries for those who administer their affairs.

Mr. PATMAN. That is right.

Mr. GROSS. We cannot just dismiss it lightly.

In other words, this provision was not in the House bill but was put in by the other body and accepted by the House in conference?

Mr. PATMAN. It was contemplated in the House bill that we would have some employees to administer this.

Mr. GROSS. I understand that, but it was not contemplated that they have seven supergrades, so far as I am concerned.

How many employees will the administration of this setup have?

Mr. PATMAN. I do not know exactly, I believe it is 450 but all the expense will be paid by the credit unions themselves. There is no Federal money involved in this at all.

Mr. GROSS. The gentleman has no information on the total number of employees needed to man this new agency?

Mr. PATMAN. They have had 450 a good long time in the agency. No increase is contemplated.

Mr. GROSS. They have 450, the gentleman says?

Mr. PATMAN. Yes, 450 in the agency as it is now.

Mr. GROSS. I thank the gentleman. (Mr. PATMAN asked and was given permission to revise and extend his remarks.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE FEDERAL CREDIT UNION ACT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the House in approving the conference report on H.R. 2 to establish a separate Federal Credit Union Agency has completed congressional action on a major piece of legislation. H.R. 2 is another example of legislative initiative by the 91st Congress. The establishment of a long-needed separate Federal credit union agency is

solely a congressional product. Its passage is due to the long and untiring efforts of the gentleman from Texas, the distinguished chairman of the Banking and Currency Committee (Mr. PATMAN). He introduced H.R. 2 on January 3, 1969. Despite repeated requests from the Banking and Currency Committee, departmental reports were not rendered by the administration. He received absolutely no cooperation from the executive branch. In the face of this intransigence, Mr. PATMAN announced hearings which were held on June 17 and 18. The Treasury Department then appeared in opposition to the bill. Despite this, the committee reported the bill on June 27 and on July 23 the measure passed the House by a vote of 356 to 10.

I repeat what I have said on previous occasions, that far from being a foot-dragging Congress, as has been alleged by certain spokesmen for President Nixon's administration, the 91st Congress has and continues to be the innovative branch of the Federal Government. The executive branch, by way of contrast has been exceedingly slow in forwarding its proposed bills to the Congress and has been most uncooperative at all stages of the legislative process toward congressionally initiated measures of vital concern to the national welfare.

CALL OF THE HOUSE

Mr. GROVER. 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. 28]

Abbutt	Fish	Ottinger
Ashley	Ford, Gerald R.	Pettis
Blatnik	Foreman	Philbin
Boggs	Fulton, Pa.	Poage
Boland	Fulton, Tenn.	Powell
Bolling	Halpern	Price, III
Brown, Calif.	Harrington	Rogers, Fla.
Buchanan	Harvey	Rosenthal
Burleson, Tex.	Hastings	Roybal
Burton, Utah	Howard	St Germain
Bush	Hull	Sandman
Carey	Jarman	Schadeberg
Carter	Jones, Ala.	Scheuer
Celler	Jones, Tenn.	Sikes
Clark	Kirwan	Taft
Clay	Lennon	Talcott
Corbett	Lukens	Teague, Calif.
Cramer	McEwen	Teague, Tex.
Crane	Malliard	Thomson, Wis.
Dawson	Monagan	Tunney
Dent	Moorhead	Weicker
Donohue	Morse	Widnall
Dorn	Morton	Zablocki
Edwards, Calif.	Moss	
Edwards, La.	Nix	

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

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

PARLIAMENTARY INQUIRIES CONCERNING RULES FOR THE JOINT MEETING TOMORROW

Mr. PODELL. Mr. Speaker, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PODELL. I should like to know whether or not on tomorrow, at 12:30, during the address by President Pompidou to the joint meeting of the House of Representatives and the Senate, whether rule 32 of the Rules of the House of Representatives relating to admissions to the floor will be recognized, or whether those rules will be suspended?

The SPEAKER. The answer to that is that the rule will be recognized, but the purpose of the joint meeting is to receive the visitor who will come to the House Chamber. The Chair will follow the rules of the House.

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

The SPEAKER. The gentleman will state it.

Mr. PODELL. I should like to know whether or not rule 32, which relates to the restriction of those people to be admitted to the floor, will be observed tomorrow, or whether it will be suspended because it is a joint meeting or because the House is in recess?

The SPEAKER. The Chair will state that one of the purposes of a joint meeting is to permit people who do not have the privilege of the floor to come upon the floor.

Will the gentleman expose himself and be specific as to what he has in mind?

Mr. PODELL. I shall not expose myself, but I shall read to you section 32 of the Rules of the House of Representatives relating to admission to the floor.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of departments, foreign ministers, governors of States . . .

It continues on with a few more categories, and it says that no other person shall be admitted to the floor and the Speaker may not request such permission under the appropriate provisions.

The SPEAKER. In further response to the gentleman's inquiry, the Chair will follow the customs and the practices of the House when there is a joint meeting taking place.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day.

ADOPTION PROCEEDINGS

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13307) to amend chapter 3 of title 16 of the District of Columbia Code to authorize the domestic relations branch of the District of Columbia court of general sessions to remove a child from a proposed adoptive home if a petition for adoption is revoked, withdrawn, or denied, and for other purposes, and ask unanimous consent that the bill be con-

sidered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 13307

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

SECTION 1. Section 16-309 of the District of Columbia Code is amended by adding at the end thereof the following new subsection:

"(g) In any case in which the petition is revoked, withdrawn, or denied the court may order removal of the child from the proposed adoptive home if the court finds that such removal is in the child's best interest. If such removal is ordered, the court shall vest parental rights in a licensed child-placing agency or the Commissioner with power to remove the child and to plan for the child's welfare."

Sec. 2. Subparagraph (C) of subsection (b) (2) of section 16-304 (of title 16) of the District of Columbia Code is amended by striking out "according to the laws of any jurisdiction" and inserting in lieu thereof "according to the laws of the District of Columbia".

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That subparagraph (C) of subsection (b) (2) of section 16-304 of title 16 of the District of Columbia Code is amended by striking out 'according to the laws of any jurisdiction' and inserting in lieu thereof 'according to the laws of the District of Columbia'."

The committee amendment was agreed to.

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

Mr. Speaker, I would simply ask the gentleman handling the bill how many days of hearings were held on the bill. I believe it was 1 day. Is that correct?

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

Mr. ADAMS. I yield to the gentleman.

Mr. ABERNETHY. That is correct. There were two witnesses. The one who testified for the District of Columbia government and an attorney in the District who was associated with the numerous child placement agencies.

Mr. ADAMS. Mr. Speaker, I have no further questions.

PURPOSE OF THE BILL

Mr. ABERNETHY. Mr. Speaker, the purpose of H.R. 13307, as amended, is to amend section 16-304(b)(2)(C) of the District of Columbia Code so as to eliminate the requirements of consent to a proposed adoption from the father of a prospective adoptee born out of wedlock whose birth is subsequently legitimized according to the laws of the District of Columbia.

EFFECTS OF THE BILL

The adoption of this bill will provide that the consent of the natural father to an adoption bill will be required only if the prospective adoptee has been legitimized according to the laws of the District of Columbia.

The legitimization of a child born out of wedlock may occur under the laws of

the District of Columbia—section 19-318 of the District of Columbia Code—only by the subsequent marriage of the putative father to the mother of such child and his acknowledgment that the child is his.

HEARING

A public hearing was held by Subcommittee No. 1 of the District Committee on this legislation on November 3, 1969, and witnesses on behalf of the Corporation Counsel's Office of the District of Columbia, the Licensing and Consultant Services Office, Department of Public Welfare, District of Columbia, and the Supervisory Rules and Regulations Committee—to formulate rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies—of the District of Columbia testified in favor of H.R. 13307, as amended. No testimony or statements were filed in opposition to the bill, as amended.

HISTORY OF THE BILL

H.R. 13307, as introduced, contained two sections. The language of the bill as reported retains only section 2 of the bill.

Section 1 of the bill, as introduced, would have added a subsection (g) to section 16-309 of the District of Columbia Code, to authorize the Domestic Relations Branch of the District of Columbia Court of General Sessions to order the removal of a child from the home of prospective adoptors, if such action was in the best interest of the child, whenever the petition for adoption of such child was revoked, withdrawn, or denied. Section 1 would have further provided that upon such removal, the court shall vest parental rights in a licensed child-placing agency or in the Commissioner of the District of Columbia, and such agency or the Commissioner are empowered to effect the removal of the child from the adoptive home and to plan for his future welfare.

The District of Columbia Assistant Corporation Counsel, testifying on behalf of the Commissioner, opposed section 1 as introduced as being too broad and sweeping and questioned whether the authority granted therein should reside in the Domestic Relations Division of the Court of General Sessions rather than in the Juvenile Court of the District of Columbia.

Since the committee was considering other legislation which would merge the Domestic Relations Branch of the Court of General Sessions and the Juvenile Court of the District of Columbia into a Family Division of a new court to be known as the Superior Court of the District of Columbia, the committee amended H.R. 13307, as introduced, striking out section 1 and retaining section 2, so as to provide only for the change in the consent requirements for the adoption of children under 21.

CONCLUSION

Since there was general agreement on behalf of all those agencies of the District of Columbia government testifying on behalf of the bill as to the provisions of H.R. 13307, as amended, and an apparent irreconcilable conflict as to section

1 of H.R. 13307, as introduced, the controversial provision was deleted from the bill without prejudice to further consideration at some further date.

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

The title was amended so as to read: "A bill to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age."

A motion to reconsider was laid on the table.

TAX EXEMPTION FOR INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14982) to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 14982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall apply to the International Telecommunications Satellite Consortium, and any successor organization thereto, in which the United States through its designated entity participates pursuant to the Communications Satellite Act of 1962 (47 U.S.C. 701 and following).

SEC. 2. The International Telecommunications Satellite Consortium, and any successor organization thereto, its property, income, operations and other transactions, and the participants therein other than the designated United States entity, shall be exempt from all taxes imposed by the District of Columbia and shall not be required to obtain any license required by the District of Columbia Income and Franchise Tax Act of 1947, as the same hereafter may be amended: *Provided, however, That this exemption shall not apply to any property which shall not be used for the purposes of said Consortium or successor organization, or to any income, operations, or other transactions which shall not be related to the purposes of said Consortium or successor organization.*

SEC. 3. The District of Columbia Council is authorized to promulgate regulations to carry out the purpose of this Act.

SEC. 4. This Act shall be effective with respect to taxable years beginning after December 31, 1969.

With the following committee amendment:

Page 2, line 14, strike out "1969" and insert in lieu thereof "1964".

The committee amendment was agreed to.

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

Mr. Speaker, I would ask the gentleman handling the bill how many days of hearings were held on this bill. Was it 1 day?

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

Mr. ADAMS. I yield to the gentleman.

Mr. FUQUA. We had 1 day of hearings on the bill.

Mr. ADAMS. I have no further questions.

PURPOSE OF THE BILL

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 14982 is to provide complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium—Intelsat—its foreign participants, and any successor organization to Intelsat.

The membership of Intelsat is made up of foreign governments, foreign government ministries, and private corporations and wholly owned government entities serving as the government's representatives in Intelsat. This legislation would guarantee that all participants are treated equally as foreign governments and, as such, would be exempt from local District taxation, insofar as their participation in Intelsat is concerned.

The proposed legislation will not affect in any way the tax liability of the United States participant in Intelsat, the Communications Satellite Corporation. This Corporation—Comsat—which was incorporated under the laws of the District on February 1, 1963, receives and is liable in the District for taxes on approximately 53 percent of Intelsat's net income today. The present bill expressly excludes Comsat from applicability of the exemptions being sought.

The committee amendment makes the tax exemption effective retroactively to taxable years beginning after December 31, 1964.

THE EFFECTS OF THE BILL

The adoption and promulgation of this bill will clarify the tax situation in several areas. The proposed legislation is directed primarily at the District of Columbia franchise tax—District of Columbia Code, title 47, section 1580. This law imposes a franchise tax on every corporation and unincorporated business which carries on or engages in trade or business in the District. The measure of the tax is "that portion of the net income of the corporation and unincorporated business as is fairly attributable to any trade or business carried on or engaged in within the District and such other net income as is derived from sources within the District."

Intelsat is managed by a corporation located in the District, but its primary business—and consequent source of revenues—is operating satellites in outer space to work with earth stations around the world. Since little, if any, business revenue is generated in the District, and that portion of it which accrues to foreign government members of Intelsat is exempt from taxation, the tax loss in this particular case would be de minimis from the viewpoint of District government revenues. As a matter of fact, the District of Columbia government has advised your committee that the enactment of H.R. 14982 would not result in any significant revenue loss to the District.

In addition to the franchise tax, the proposed legislation is also directed at

real property tax, license tax, sales tax, and other similar taxes which might be enacted.

Our committee was advised that Intelsat does not presently own any property in the District, and does not contemplate acquiring any in the future. Hence no potential real property taxes would be lost by the District by this exemption. Likewise, the revenue loss from the exemption from personal property tax, sale and use tax, and the unincorporated business license tax, would apparently be insignificant.

Further, the proviso in section 2 makes it clear that the exemption from taxes shall not apply to any property which shall not be used for the purposes of Intelsat and any successor organization, not to any income, operations or other transactions which shall not be related to the purpose of said consortium or successor organization. The purpose of this proviso is to establish that the ownership or operation of such a communication satellite system is exempt from District of Columbia taxation, regardless of whether Intelsat or its successor, or any foreign participants therein, are "carrying on or engaging in any trade or business within the District" or receiving income "from sources within the District," within the meaning of section 47-1580 of the District of Columbia Code, and regardless of whether such system would otherwise be subject to tax.

PRECEDENT—FEDERAL EXEMPTION ALREADY GRANTED

During the 90th Congress a companion bill to H.R. 14982 reported herewith by this committee was introduced to establish exemptions for the Intelsat members from Federal taxation. That bill, H.R. 18486—was passed and was signed into law on October 22, 1968 as Public Law 90-622—82 Stat. 1311.

Passage of the present bill, H.R. 14982, will bring the District of Columbia law into agreement with the above—referred—to Federal law on this subject.

NEGOTIATIONS FOR PERMANENT HEADQUARTERS

Comsat, the American Corporation which manages Intelsat, as stated, is already located in and taxable in the District of Columbia. It has between 100 and 200 employees here. The Intelsat organization headquarters are also located in the District, and it would appear to be in the national interest to continue to have the Intelsat management entity located in the United States and in the District of Columbia.

The Department of State, working with other agencies of Government and ComSat, is involved currently in a negotiation among all 73 Intelsat member countries concerning the future permanent nature of the Intelsat organization. Both these negotiations and the operations of the global satellite system could be adversely affected by tax inequities affecting certain member countries in the District of Columbia.

Other countries which grant tax exemption in such cases are desirous of having the headquarters of Intelsat within their borders, and the State Department has advised your committee that it would be in much stronger posi-

tion of assuring the maintenance of the organization in Washington if this legislation is enacted.

HEARING

A public hearing was held by Subcommittee No. 4 of the District Committee on this legislation on February 17, 1970, and witnesses on behalf of the State Department and of the District of Columbia government testified in complete support of H.R. 11482. No testimony or statements were filed in opposition to the bill.

CONCLUSION

Since the possible loss of revenue effect on the District of Columbia would be so slight, and since specific policy considerations of facilitating our international negotiations and assuring the uninterrupted, efficient operation of the global satellite system would seem to be best served by this legislation, our committee recommends the enactment of H.R. 14982, as amended.

The State Department transmitted the proposed legislation to the Congress in the previous administration urging its enactment, and the District of Columbia government support, H.R. 14982:

Mr. NELSEN. Mr. Speaker and fellow Members of the House, on November 25, 1969, I introduced on behalf of myself, Mr. THOMSON of Wisconsin, Mr. FURQUA of Florida, and Mr. BROYHILL of Virginia, H.R. 14982, a bill to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto.

This bill comes before the House for consideration at a particularly critical time for the International Telecommunications Satellite Consortium—Intelsat—for at this very moment, representatives from other 72 nations that form the membership of Intelsat are in Washington, D.C., negotiating new arrangements for global commercial communications.

The legislation which is the subject of discussion today would exempt from taxation in the District of Columbia Intelsat, foreign participants therein, and any successor organization thereto together with its foreign participants. The former Assistant Secretary of State for Congressional Relations has informed me that the legislation was prepared by the Department of State, the Corporation Counsel of the District of Columbia, and the Communications Satellite Corporation—Comsat. It received the assent of the Board of Commissioners of the District of Columbia by letter dated October 13, 1967. The Department of State also informs me that H.R. 14982 will not effect in any way the tax liability of the U.S. participant in Intelsat, the Communications Satellite Corporation.

Intelsat, as I understand it, is a joint venture of entities now representing 73 nations, formed to establish a global commercial satellite system. It was created by the Intergovernmental Agreement establishing interim arrangements for a global commercial communications satellite system. The Communications Satellite Corporation has been designated

by the President, pursuant to the Communications Satellite Act of 1962, as the U.S. representative to and member of Intelsat.

The participants in Intelsat vary from country to country. As we all know, our representative, Comsat, is a jointly Government-private-owned corporation. Most of the foreign participants in Intelsat are either foreign governments or foreign government ministries. Other foreign partners, however, are either private corporations or entities wholly owned by foreign governments but separate in form therefrom. Foreign governments or ministries would not be subject to applicable District of Columbia taxes, but foreign private or governmentally owned corporations might well, under existing legislation and regulations, be subject to the District of Columbia franchise tax. Taxation of such private or quasi-governmental entities in the District of Columbia could, therefore, create inequities among the various foreign partners. From the point of view of the effective operation of the joint venture, it is clearly inequitable for the majority of signatories to be exempt from District of Columbia tax while other partners in the joint venture, in precisely the same position except with regard to their governmental affiliation, may not be similarly exempt. From the point of view of our foreign policy interests, this possible discrimination must be eliminated.

The State Department informs me that if the taxability of a foreign partner in the joint venture depends upon whether such partner is a government or government ministry, then the freedom of that government to select the appropriate form of entity to represent it in Intelsat would be unduly affected by operation of United States and District of Columbia tax laws. It is clearly desirable to allow each government the freedom to choose the form of entity which it believes can most effectively contribute to its participation in the global system.

Imposition of the District of Columbia unincorporated business franchise tax upon certain of our foreign partners in the international joint venture would be based necessarily, it appears, on a determination that Intelsat is either first engaged in a trade or business within the District, or second, that it derives any other net income from "sources within the District." Either such determination would rest in part on the activity of the Comsat Corporation as manager for Intelsat. It is my opinion that it is in our interest that these managerial activities continue to be performed in the United States and not transferred abroad because of possible United States or District of Columbia tax consequences. It is, accordingly, in our national interest to insure that our local tax laws, in this respect, are consistent with our overall policy.

The State Department claims that the interim nature of the present arrangements provides an additional reason for legislation at this time. Article IX of the agreement contemplates agreement

on definitive arrangements for an international global system at this time. The draft legislation is designed to exempt foreign signatories to the special agreement—or to a successor agreement—from District of Columbia taxation, irrespective of the form of the definitive arrangements. The enactment of such legislation at this time would thus insure that the choice of an appropriate structure and form for the permanent organization would not be influenced by United States or District of Columbia tax laws.

The foregoing discussion demonstrates the necessity as seen by the State Department to establish with certainty that the income to the foreign participants derived from Intelsat operations is not taxable by the District of Columbia. Since it is not possible to achieve this certainty within the existing framework of statutory law and administrative interpretation, legislation is necessary to set forth clearly that, as a matter of national policy, all foreign participants in Intelsat are exempt from District of Columbia taxation on their income derived from the ownership or operation of the global system.

I am informed that this legislation will not result in any significant loss of revenue to the District of Columbia. The greatest share of Intelsat's income—(currently 53.03 percent)—is received by Comsat. The taxability of Comsat is not affected by the proposed legislation. Thus, if Intelsat is exempted by the proposed legislation, such share of Intelsat's income will be included in Comsat's gross income, and hence Comsat will be liable for franchise tax with respect to the portion of such income fairly attributable to the District at the same rate, 5 percent, as Intelsat would have been. Of the balance of the income from Intelsat; that is, the share received by the foreign participants, only that portion which would be considered to be fairly attributable to the District is affected by this legislation. Thus, when the franchise tax rate is applied to the small portion of Intelsat income actually affected by this legislation, it can be seen that the result in terms of loss of revenue is de minimis. Intelsat does not presently own any real property in the District and I am informed does not contemplate acquiring any in the future. Hence, no potential real property taxes would be lost by affording Intelsat the exemption. The revenue loss to the District resulting from the exemption from personal property tax, sales and use taxes, and the unincorporated business license tax would be apparently insignificant.

A companion item of legislation to accomplish similar objectives with respect to U.S. income tax on foreign participants in Intelsat was promulgated on October 22, 1968 as Public Law 90-622.

I believe this legislation should receive favorable action from the House because I believe there is a national and local interest in retaining the location of Intelsat in this country and more particularly in this Nation's Capital.

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

DWIGHT D. EISENHOWER NATIONAL MEMORIAL ARENA AND CONVENTION CENTER STUDY

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10937) to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of the Eisenhower National Memorial Arena in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide the people of the United States with a national memorial to honor Dwight David Eisenhower, thirty-fourth President of the United States and General of the Army of the United States, to preserve for the youth of America the example of his exemplary life, and to also provide the people of the United States with an arena suitable for holding national athletic, political, and social events and other activities and events of a nature requiring such a facility, the Armory Board (hereafter referred to in this Act as the "Board"), created by section 2 of the Act entitled "An Act to establish a District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (D.C. Code, sec. 2 1702), is authorized in accordance with section 2 of this Act, to design, construct, maintain, and operate the Eisenhower National Memorial Arena (hereafter referred to in this Act as the "arena") with a seating capacity of not to exceed twenty thousand and a motor vehicle parking facility (at or below the level of the land on which the arena is constructed) providing space to park not to exceed seven thousand vehicles.

SEC. 2. (a) Not later than one year after the date of the enactment of this Act, the Board shall prepare and submit to the President a detailed plan for the construction of the area which shall include a description of the proposed site (selected in accordance with this section) for the arena and estimates of construction costs. The Board shall make such revisions in the plan as the President may require. There is authorized to be appropriated not to exceed \$500,000 to enable the Board to prepare the plan and make such revisions in it as may be required by the President.

(b) The site for the arena shall be selected by the Board from real property of the United States within the area bounded by Constitution Avenue on the north, Fourteenth Street, Northwest and Southwest, and the Washington Channel on the east, and the Potomac River on the south and west. The Board shall consult with the Secretary of the Interior in selecting a site for the arena.

(c) Upon approval of the plan by the President, the Board may construct the arena in accordance with the plan with funds raised by voluntary contributions, and the Secretary of the Interior shall reserve for the arena the site designated in the plan.

SEC. 3. (a) To finance the cost of the operation of the arena there is authorized to be appropriated, effective on the date of the completion of the construction of the arena, \$500,000 which shall be deposited in a fund to be known as the "arena operating fund" (hereafter referred to in this section as the

"fund"). The fund, including all receipts credited to it, shall be used as a permanent revolving fund for all expenses incurred by the Board in the exercise of the powers granted by section 4 of this Act, including expenses for personal services. The Board is authorized to make such advances from the fund as may be necessary for the operation of the arena, including promotional expenses and operation and maintenance of the motor vehicle parking facilities in connection with the arena, but no such advance may exceed \$25,000 at any one time. The Board shall place into the fund all receipts derived by the Board from the operation of the arena under this Act. All records and accounts relating to the operations, revenues, expenses, and costs of the arena and the lighting, operation, and maintenance of motor vehicle parking facilities in connection with the arena shall be kept separate and distinct from the records and accounts relating to the operations, revenues, expenses, and costs of the District of Columbia National Guard Armory and the stadium constructed under the District of Columbia Stadium Act of 1957.

(c) As soon as practicable after the close of each fiscal year, after provision has been made for payment of all lawful obligations then incurred, all sums in excess of \$500,000 in the fund shall be deposited in the Treasury as miscellaneous receipts. Expenditures from the fund may be made only upon vouchers which have been certified by the Board and which have been approved before payment by the Comptroller General of the United States.

SEC. 4. (a) Notwithstanding any other provision of law, for purposes of this Act, the Board may—

(1) determine all questions concerning the use of the arena;

Subject to the Act of March 4, 1915 (31 U.S.C. 686), enter into contracts and agreements with the District of Columbia and the departments, agencies, and establishments of the Federal Government;

(3) acquire, by purchase or lease, equipment, appliances, facilities, and property of any kind necessary or desirable to carry out the purposes of this Act, and sell or dispose of any such property so acquired when in its judgment it shall be advantageous to do so, except that no contract for more than \$3,000 shall be entered into for the purpose of this paragraph without competitive bidding;

(4) make such structural and other changes in the arena as it may deem necessary or desirable for carrying out the purposes of this Act;

(5) light, operate, and maintain motor vehicle parking facilities;

(6) operate or contract for the operation of such concessions, including the checking of clothing and the sale of beverages and food as it may deem appropriate to the purposes for which the arena may be rented or leased;

(7) furnish such services to renters, lessees, and other occupants of the arena as in its judgment are necessary or suitable for carrying out the purposes of this Act;

(8) rent or lease from time to time for any of the purposes of this Act, all or any part or parts of the arena, including any or all structures, equipment, or facilities of the arena, at such rental values and for such periods of time as it shall determine;

(9) carry public liability insurance protecting the Board, and the members, officers, and employees thereof engaged in operating and maintaining the arena, and in operating and maintaining the motor vehicle parking facilities in connection therewith; and require tenants or lessees of the arena to carry public liability insurance protecting the interests of such tenants or lessees;

(10) accept the gratuitous services of such

persons as may volunteer to aid in the conduct of its activities;

(11) solicit, hold, and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the arena; and

(12) unless otherwise restricted by the terms of the gift, bequest, or devise, sell or exchange and invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the arena, the income from which, as and when collected, to be placed in such depositories as the Board shall determine and to be subject to expenditure by the Board.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) No obligation created or liability incurred under this Act shall be a personal obligation or liability of any member of the Board.

SEC. 5. (a) The Board may employ and fix the compensation and term of a manager, fiscal officer, and such other personnel as may be necessary for the operation and maintenance of the arena. Under the direction of the Board and with written authorization signed by the members thereof, the manager may exercise such of the powers vested in the Board by section 4 of this Act as the Board shall determine.

(b) The Board shall appoint the manager, fiscal officer, and other personnel without regard to the provisions of title 5 of the United States Code relating to appointments in the competitive service and shall fix their compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 6. The Board shall file with the Congress in January of each year a financial statement certified to as to accuracy by the Comptroller General of the United States, a report of the activities and business at the arena during the preceding fiscal year, any recommendations it may have for legislation or administrative action relating to the operation, use, or control of the arena.

SEC. 7. (a) This Act shall cease to be effective, all appointments made under this Act shall terminate, and the Secretary of the Interior shall no longer reserve a site for the arena if the Board does not find that sufficient funds to construct the arena have been received within three years after the date of the enactment of this Act.

(b) If the Board finds that there are insufficient funds to construct the arena, it shall take such action as may be necessary to return to the donors all funds and property (and any income therefrom) accepted by the Board under section 4 of this Act.

SEC. 8. (a) The first sentence of section 2 of the Act entitled "An Act to establish a District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (D.C. Code, sec. 2-1702), is amended by striking out "and a third person" and inserting in lieu thereof the following: "the Special Consultant to the President on Physical Fitness and Sports, the Secretary of the Interior, and the fifth person not a resident of the District of Columbia, Virginia, or Maryland and".

(b) The amendment made by subsection (a) with respect to the qualification of a member of the Board to be appointed by the chairmen of the District of Columbia Committees of the Senate and the House of Representatives shall apply with respect to members of the Board who are appointed by such chairmen after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That it is the purpose of this Act to provide the people of the United States with a national memorial to honor Dwight D. Eisenhower, thirty-fourth President of the United States and General of the Army of the United States, to preserve for the youth of America the example of his exemplary life, and to provide the people of the United States with an arena and convention center in the District of Columbia suitable for holding national athletic, political, and social events and other activities and events of a nature requiring such an arena and center.

"SEC. 2. The Secretary of the Interior (hereafter in this Act referred to as the 'Secretary') is authorized to study, investigate, and formulate recommendations and a development plan and program for constructing an arena and convention center as a memorial to Dwight D. Eisenhower in the area northerly of the facilities to be constructed in accordance with the National Visitor Center Facilities Act (82 Stat. 43).

"SEC. 3. The Secretary shall include in the study conducted under section 2 an economic analysis of the expense and impact of the arena and convention center. The report and recommendations made as a result of such study shall include the design of the arena and convention center and any other related facilities, recommendations for methods of financing the construction and operation (including types and forms of agreements in relation thereto) of the arena and convention center, and such other matters as the Secretary may deem necessary.

"SEC. 4. (a) In conducting the study under section 2, the Secretary shall cooperate with the National Capital Planning Commission and shall include in his report any specific recommendations of the National Capital Planning Commission in regard to a transportation center in the vicinity of the National Visitor Center and the arena and convention center.

"(b) In conducting such study, the Secretary shall also consult with the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission, created under section 5 of this Act, with interested agencies of the Federal and District of Columbia Governments, and with individuals and organizations having an interest in the construction and operation of the arena and convention center.

"SEC. 5. (a) There is created the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission (hereafter in this section referred to as the 'Commission'). The Commission shall be composed of the Secretary; six Members of the Senate, three from each party, to be appointed by the President of the Senate; six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives; the Chairman of the National Capital Planning Commission; the Chairman of the Commission of the Fine Arts; the Secretary of the Smithsonian Institution; the Special Consultant to the President of Physical Fitness and Sports; the Commissioner of the District of Columbia; and three persons appointed by the President, none of whom shall be officers or employees of the Federal Government. The Secretary shall be the Chairman of the Commission. The Commission shall meet at the call of the Chairman.

"(b) Members of the Commission who are not officers or employees of the Federal Government or the government of the District of Columbia shall be entitled to receive compensation in accordance with section 3109 of title 5, United States Code, and travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"SEC. 6. Not later than 1 year from the date of enactment of this Act, the Secretary shall

submit his report and recommendations to the Congress of the United States.

"SEC. 7. There is authorized to be appropriated to the Secretary the sum of \$350,000 to carry out the purposes of this Act."

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

I do this, Mr. Speaker, for the purpose of asking the gentleman from Florida who is handling the bill how many days of hearings were held on this? Was there 1 day of hearings?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, we had 2 days of open hearings on the bill and 1 day in executive session on it.

Mr. ADAMS. I thank the gentleman.

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

Mr. Speaker, it is my privilege and honor to speak to the House today as the sponsor of H.R. 10937, a bill to authorize a study of the Eisenhower National Memorial Arena and Convention Center.

I should like to first say that in offering my views on a memorial for one of our greatest Americans, Dwight D. Eisenhower, I do so with deep humility. I must confess it is extremely difficult to find words eloquent enough to express my feelings on this occasion. As one who served under him in war, I and millions of other Americans had more than one instant to trust his wisdom and leadership as the commander of all our forces in the war against Nazi Germany. And, as one who came to the Congress when he was first elected President of these United States, I again was privileged to know of his wisdom and leadership. The example of calmness, strength, and trust that always radiated from this great, but modest being should not be lost to this Nation of ours, which is today just beginning to stumble out of a decade of divisiveness.

It was, therefore, an honor for me to sponsor legislation that would erect not just an edifice of stone and steel, but a living, useful, and needed memorial that would be closest to his inclinations.

Mr. Speaker, there is little question in my mind what Dwight D. Eisenhower stood for. Above all it was fair play, the love of the game, the joy of being an American. He loved sports, people, and seeing each and all of us enjoy the fruits of our labor. More than any other modern American leader, he knew that America's future was not tied to technology, but to the physical and moral strength of its people. It was for these reasons that he established a Council on Physical Fitness and Sports for the youth of our Nation.

Look upon the technological advances we have made in the past decade; then cast your eyes aside at the fields of pot, the forests of obscenity, and the streams of polluted ideas that our children face today. Is there one among us who can say that our young people do not require increasing moral and physical strength to meet the trials and tribulations of tomorrow? Dwight D. Eisenhower was of the opinion that the youth of our Nation could meet this challenge better if they were strong of body and clean of mind, and well grounded in the rules

of fair play that participation in sports teaches easiest.

It was for these reasons that I was most agreeable with friends of the sporting world, shortly after ex-President Eisenhower's death, to sponsor this legislation. They were of the opinion that this Nation could best help our youth, young and old, by memorializing our 34th President, Dwight D. Eisenhower by constructing a national arena in our Nation's Capital for their benefit and use. The arena would be dedicated to improving the physical fitness of our citizenry, especially our youth in which former President Eisenhower had an unrivaled faith. It would also serve as a suitable place for holding national athletic, political, and social events.

Shortly after I and 14 of my colleagues, all former athletes, introduced the bill to establish and construct the arena, the businessmen of greater Washington approached me to expand the legislation to include a convention center. This suggestion, which had long been a goal of the business community of greater Washington, proved in my estimation to be the frosting for the cake, the economic catalyst, that makes this project feasible.

It became apparent rather early that the arena alone would not stand on its own feet economically speaking. But, coupled with a multipurpose project consisting of both an arena and a convention center, the economic soundness of the project takes a most encouraging and facination turn.

Visualize, if you will, the following:

First. A facility or industry that would add between \$90 and \$120 million per year to the economy of the Washington area.

Second. The creation of 5,000 new jobs, most of them of the type that would employ persons from the hard-core unemployed of the Nation's Capital.

Third. A \$2.8 to \$3 million increase in District of Columbia tax revenues without an increase in tax rates.

Fourth. An industry that could apply some \$2.3 to \$2.5 million from net operating profit to the retirement of its initial construction costs.

Fifth. 18.5 acres of space that are available for the construction of this facility, within a stone's throw of the Nation's Capitol, the acquisition of which would not displace any existing dwellings or businesses.

Sixth. A facility which will be compatible with and insure the success of the National Visitors Center.

Seventh. A facility which will further the original L'Enfant plan to make Washington, D.C., a truly National Capital. One which already promises to regenerate a large area of what has been an economically depressed area in the Nation's Capital.

Eighth. An indoor arena seating 17,500 spectators, an exhibit hall of approximately 250,000 square feet, approximately 30 convention-type meeting rooms of varying sizes to accommodate upward of 12,800 persons in the aggregate. Adequate off-street parking, immediate Metro, train, local and distant bus service. Shops, offices and the headquarters for the President's Council on Physi-

cal Fitness and Sports and other related national groups and organizations related thereto.

Mr. Speaker, I should have liked for each Member of the Congress to have attended the hearings last November on this legislation. Testimony was unanimous and most enthusiastic for the need for this facility in the Nation's Capital.

Mr. Speaker, I am of the opinion that there will be sufficient net operating profits; offset tax revenue to the District of Columbia government, permitting the Congress to make a parallel reduction in its annual payment in lieu of taxes to the District of Columbia; and long-range community benefits and national benefits to make this project economically feasible. I bow to the wisdom of the chairman and my colleagues on the District of Columbia Committee to obtain from the Secretary of the Interior a complete feasibility study on this project as a prelude to legislation authorizing the actual construction of the Eisenhower National Memorial Arena and Convention Center. I am aware of their concern on the cost of this project. I am also aware of the testimony already heard during the hearings from reliable management consulting firms as to the feasibility of this project.

Mr. Speaker, in closing, I should like to remind my colleagues that this Capitol Building, the Federal office buildings, the White House, the various memorials to other great Americans in this National City produce little or no revenue. This facility, I and my cosponsors propose, will create revenue, will be most appreciated by the visitors to our Nation's Capital, will create jobs at no expense to the Government, and will uplift this decaying city and do much to rekindle the American spirit in our youth. I urge your support to the Eisenhower National Memorial Arena and Convention Center Study.

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

Mr. Speaker, here we go again, with another white elephant that the taxpayers of the country are being asked to finance.

There is still needed information—and a good deal of it—which this report does not provide.

I would like to ask the gentleman from Florida if the cost of the site for this so-called sports arena, for which \$90 million is set up in the report as the total cost, is included?

Mr. FUQUA. I would answer the gentleman by saying, No, it does not include the site. This today is to determine the economic benefits and the impact that this will have on the District of Columbia.

Mr. GROSS. Where and how do you propose to get the site?

Mr. FUQUA. It is proposed to use the air rights over the Washington Railroad Terminal.

Mr. GROSS. And to whom do these air rights now belong?

Mr. FUQUA. They belong to the railroad company. This is something the study commission could develop as to the feasibility—a study of trying to finance this—whether it will be an outright purchase or whether it may be

constructed similar to the Visitors Center, leased back to the District government each year where the revenues accruing from the rental of the facility would pay back the construction costs that would be incurred maybe by the terminal company.

Mr. GROSS. The gentleman from Virginia (Mr. BROYHILL) says that this is the eighth largest metropolitan center—I believe those were his words—that does not have a sports center, and the report says it is the fastest growing metropolitan area in the United States. Then why do you not just build your own sports center? Why come in here with this \$350 million foot-in-the-door raid on the U.S. Treasury? If this is the fastest growing community in the country and the eighth largest center of population without a sports center, why do you in Virginia, Maryland, and Washington, D.C., not get busy and build it and not come to the taxpayers of the country to pay for it?

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

Mr. GROSS. I yield to the gentleman.

Mr. BROYHILL of Virginia. To answer the second part of the gentleman's question first, this bill does not provide for \$350 million—it provides for \$350,000 for this study.

Mr. GROSS. If I said \$350 million, I meant to say \$350,000 is the foot in the door—the entering wedge to gouging the taxpayers of the Nation out of at least \$90 million.

Mr. BROYHILL of Virginia. The purpose of this legislation is to make a determination of the economical feasibility of what would be the most practical method of financing this. The gentleman knows that we cannot propose any facility of this sort here in the Nation's Capital without some cooperation and some sanction on the part of Federal Government. We could not get the zoning for something of this nature without some recognition and some approval by the Congress.

Mr. GROSS. It does not take \$350,000 to be spent over a 1-year period to get the city council, or whatever they call it around here, to rezone or to zone. Let us not joke about this. It does not require \$350,000 for that purpose.

Mr. BROYHILL of Virginia. We hope it will not take \$350,000. I think it would be a very small amount for such a facility such as we propose to create for this type of memorial to the 34th President of the United States. We spent a great deal more than that on dead memorials that do not have any useful benefits or economic benefits to the people other than something to look at.

Mr. GROSS. When a stadium was built here a few years ago at a cost of \$20 million, we were promised repeatedly that it was never going to cost the taxpayers of the Nation a dime. The taxpayers of the entire country are now paying heavily on the interest on the bonds that were issued—paying right through the nose, while the local citizens cannot or will not pay a dollar on the principal of that \$20 million worth of bonds.

Why did you take out the paragraph, if you want to be fair to the taxpayers,

that appears on page 8, line 13? In the original bill you had the following provision:

If the Board finds that there are insufficient funds to construct the arena, it shall take such action as may be necessary to return to the donors all funds and property (and any income therefrom) accepted by the Board under section 4 of this Act.

Why did you take that out? If this project falls by the wayside, why do you not provide that the Federal Government shall be repaid the \$350,000 that you propose to take from them through this bill?

Mr. FUQUA. Let me say to the gentleman, if he will yield, I share his concern that we not create another Kennedy stadium fiasco. But I say the reason for the study is the fact that we can make an accurate determination as to whether in fact this project is a feasible undertaking. It may not be feasible. Therefore, we shall not have constructed some type of facility and then later found out that it is not feasible. We want to get the best information possible to find out if this is going to work, if it is going to bring in revenues to the District of Columbia, and what are the side benefits and tax advantages.

Mr. GROSS. We went all through that with that white elephant stadium. The gentleman knows that. The gentleman knows that we were assured and reassured in the House that it would never cost his taxpayers and mine a single dime. The gentleman well knows what has happened.

The gentleman knows that it is not intended to put up a sports arena in the District and make it pay. The gentleman knows that the next step will be to come in and filch the pockets of the taxpayers of the entire country to build this structure.

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

Mr. GROSS. Yes, I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would say to the gentleman that, with all his perceptive wisdom that he has had, I believe he missed probably the salient point here. It is proposed that we honor the memory of our late president and to provide a "shot in the arm" with the \$350,000. I am not sure it is so much the memory of a president as it is a "shot in the arm" for the District of Columbia. That might be a little closer to what we are getting at.

Mr. GROSS. Why do we have to rush to allegedly honor former presidents? It was years and years and years before Taft was honored, and other Presidents the same. Why do you have to rush in here and unload on the taxpayers of the Nation this type of project? I do not care how many sports arenas private enterprise builds in the District of Columbia. You can locate one at every cockeyed street intersection. But get off the backs of the taxpayers of my district in Iowa, and the State of Iowa. Do not ask them to finance sports arenas in the District. We were deceived once, and I am saying that you are going to be deceived again if you believe that the taxpayers of your States—

South Carolina, Florida, Iowa, and all the rest—are not going to pay for something strictly for the benefit of the District of Columbia and its immediate and contiguous area. I am sick and tired of my taxpayers being milked to take care of white elephants of this kind.

I hope and trust that Members of the House will defeat this boondoggle.

PURPOSE OF THE BILL

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 10937, as amended and reported by your committee, is to authorize the Secretary of the Interior to conduct a study and to formulate a development plan for the construction of an arena and convention center, as a memorial to the late President Dwight D. Eisenhower, in the area lying north of the planned National Visitors Center in the vicinity of the Union Station.

PROVISIONS OF THE BILL

The bill provides as follows:

First. The study shall include an analysis of the cost and the economic impact of this arena and convention center; and the report and recommendations shall include the design for the structure, as well as recommendations for methods of financing its construction and operation.

Second. In the course of conducting this feasibility study, the Secretary of the Interior shall cooperate with the National Capital Planning Commission, and shall include in his report any recommendations of the Planning Commission as to a transportation center in the area of the arena and convention center and the National Visitors Center. The Secretary of the Interior shall also consult with the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission and with other interested agencies of the Federal and District of Columbia Governments.

Third. There is created the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission, to be composed of the Secretary of the Interior as chairman; six Members of the U.S. Senate, three from each major party, to be appointed by the President of the Senate; six Members of the U.S. House of Representatives, three from each major party, to be appointed by the Speaker of the House of Representatives; the Chairman of the National Capital Planning Commission; the Chairman of the Commission of Fine Arts; the Secretary of the Smithsonian Institution; the Special Consultant to the President on Physical Fitness and Sports; the Commissioner of the District of Columbia; and three persons appointed by the President, none of whom shall be employees of the Federal Government.

Fourth. The Secretary of the Interior shall submit his report and recommendations to the Congress not later than 1 year from the date of enactment of this proposed legislation.

Fifth. The sum of \$350,000 is authorized to be appropriated to carry out the provisions of this act.

HEARINGS

Public hearings on this proposed legislation were conducted on November 18 and 19, 1969, by Subcommittee No. 4. At

that time, testimony in favor of the project was offered by spokesmen for the National Capital Planning Commission; the President's Council on Physical Fitness and Sports; the Commissioner of the District of Columbia; Seymour Auerbach, Cooper and Auerbach, architects; the Baltimore & Ohio, and Chesapeake & Ohio Railroads; the Washington Caps professional basketball team; the Hotel Association of the District of Columbia; the International Horse Show Association; the Metropolitan Board of Trade; the former District of Columbia Commissioner of Boxing; the Penn Central Railroad Co.; the Washington Terminal Co.; the U.S. Junior Olympics Committee; the U.S. Olympics Committee; the Washington Convention and Visitors Bureau; the Washington Metropolitan Track Coaches Association; and the U.S. Army Sports Program.

On the basis of certain recommendations offered at this hearing by the Department of the Interior and the U.S. Bureau of the Budget, the committee decided to amend the bill as introduced, to authorize a complete feasibility study of the project as a prelude to legislation authorizing the actual construction of the arena and convention center.

There was no objection expressed to this bill as amended and reported.

CONCLUSIONS

In view of the present lack of any adequate facility in the Washington metropolitan area to accommodate large-scale indoor sports activities and conventions, and the established need for a modern multi-purpose arena and convention center for the region, your committee is of the considered opinion that such a facility should be constructed, provided the project is demonstrated to be economically feasible.

The enthusiasm expressed by the many witnesses at the hearings on this legislation was such that your committee is strongly of the opinion that the entire project is certainly worthy of a comprehensive feasibility study such as this bill will authorize.

For these reasons, your committee earnestly commends this proposed legislation for favorable action by the Congress.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 230, not voting 65, as follows:

[Roll No. 29]
YEAS—136

Addabbo	Griffiths	Poff
Albert	Gubser	Pollock
Anderson,	Gude	Price, Ill.
Calif.	Halpern	Price, Tex.
Annunzio	Hammer-	Purcell
Arends	schmidt	Quie
Ashley	Hanna	Quillen
Baret	Hansen, Idaho	Reid, N.Y.
Belcher	Hansen, Wash.	Reifel
Bell, Calif.	Hogan	Rhodes
Blackburn	Horton	Riegle
Brooks	Howard	Rivers
Broomfield	Johnson, Calif.	Rodino
Broyhill, Va.	Johnson, Pa.	Rogers, Colo.
Burke, Mass.	Jones, N.C.	Rooney, N.Y.
Burleson, Mo.	Kee	Rooney, Pa.
Burton, Calif.	Kluczynski	Rosenthal
Burton, Utah	Leggett	Rostenkowski
Byrne, Pa.	McCarthy	Ryan
Cabell	McClary	St. Onge
Cleveland	McCloskey	Sandman
Corman	McDade	Saylor
Cowger	McDonald,	Schneebell
Culver	Mich.	Schwengel
Cunningham	McFall	Scott
Diggs	McMillan	Shipley
Dorn	Macdonald,	Sisk
Dowdy	Mass.	Smith, Iowa
Dwyer	Mathias	Smith, N.Y.
Edmondson	Meeds	Springer
Edwards, Ala.	Melcher	Staggers
Erlenborn	Mikva	Steed
Evins, Tenn.	Mills	Steiger, Wis.
Fallon	Mizell	Stephens
Fascell	Moorhead	Stratton
Flood	Morgan	Stuckey
Foley	Murphy, Ill.	Tiernan
Fraser	Murphy, N.Y.	Watson
Friedel	Nedzi	Whalen
Fuqua	Nelsen	Whalley
Garmatz	O'Hara	Widnall
Gettys	O'Neill, Mass.	Williams
Gialmo	Pelly	Winn
Gibbons	Pepper	Wright
Gonzalez	Perkins	Yatron
Gray	Pike	Young
Green, Pa.	Podell	

NAYS—230

Abernethy	Conte	Harsha
Adair	Conyers	Hastings
Adams	Coughlin	Hathaway
Alexander	Daniel, Va.	Hawkins
Anderson,	Daniels, N.J.	Hays
Tenn.	Davis, Ga.	Hébert
Andrews, Ala.	Davis, Wis.	Hechler, W. Va.
Andrews,	de la Garza	Heckler, Mass.
N. Dak.	Delaney	Helstoski
Ashbrook	Dellenback	Henderson
Aspinall	Denney	Hicks
Ayres	Dennis	Hollifield
Beall, Md.	Derwinski	Hosmer
Bennett	Devine	Hungate
Berry	Dickinson	Hunt
Betts	Dingell	Hutchinson
Bevill	Downing	Ichord
Blaggi	Dulski	Jacobs
Blester	Duncan	Jonas
Bingham	Eckhardt	Karth
Blanton	Eilberg	Kastenmeier
Bolling	Esch	Kazen
Bow	Eshleman	Keith
Brademas	Evans, Colo.	King
Brasco	Farbstein	Kleppe
Bray	Feighan	Koch
Brinkley	Findley	Kuykendall
Brotzman	Fisher	Kyl
Brown, Mich.	Flowers	Kyros
Brown, Ohio	Flynt	Landgrebe
Broyhill, N.C.	Ford,	Landrum
Burke, Fla.	William D.	Langen
Button	Foreman	Latta
Byrnes, Wis.	Fountain	Lloyd
Caffery	Frelinghuysen	Long, La.
Camp	Frey	Long, Md.
Casey	Galifianakis	Lowenstein
Cederberg	Gallagher	Lujan
Chamberlain	Gaydos	McClure
Chappell	Gilbert	McCulloch
Chisholm	Goodling	McKneally
Clancy	Green, Oreg.	MacGregor
Clark	Griffin	Madden
Clawson, Del.	Gross	Mahon
Clay	Grover	Mann
Cohelan	Hagan	Marsh
Collier	Haley	Martin
Collins	Hall	Matsunaga
Colmer	Hamilton	May
Conable	Hanley	Mayne

Meskill	Rarick	Thompson, N.J.
Michel	Rees	Udall
Miller, Calif.	Reid, Ill.	Utt
Miller, Ohio	Reuss	Van Deerlin
Minish	Roberts	Vander Jagt
Mink	Robison	Vanik
Minshall	Roe	Vigorito
Mize	Roth	Waggonner
Mollohan	Roudebush	Waldie
Montgomery	Ruppe	Wampler
Mosher	Ruth	Watkins
Myers	Satterfield	Watts
Natcher	Scherlus	White
Nichols	Sebellus	Whitehurst
O'Konski	Shriver	Whitten
Obey	Sikes	Wiggins
O'Neal, Ga.	Skubitz	Wilson, Bob
Passman	Slack	Wilson,
Patten	Snyder	Charles H.
Pickle	Stafford	Wold
Pirnie	Stanton	Wolf
Poage	Steiger, Ariz.	Wyatt
Preyer, N.C.	Stokes	Wylder
Pryor, Ark.	Stubblefield	Wylie
Pucinski	Sullivan	Wyman
Rallsback	Symington	Yates
Randall	Taylor	Zion
	Thompson, Ga.	Zwach

NOT VOTING—65

Abbitt	Donohue	Moss
Anderson, Ill.	Edwards, Calif.	Nix
Baring	Edwards, La.	Ottinger
Blatnik	Fish	Patman
Boggs	Ford, Gerald R.	Pettis
Boland	Fulton, Pa.	Philbin
Brock	Fulton, Tenn.	Powell
Brown, Calif.	Goldwater	Rogers, Fla.
Buchanan	Harrington	Roybal
Burleson, Tex.	Harvey	St Germain
Bush	Hull	Schadeberg
Carey	Jarman	Scheuer
Carter	Jones, Ala.	Smith, Calif.
Celler	Jones, Tenn.	Taft
Clausen,	Kirwan	Talcott
Don H.	Lennon	Teague, Calif.
Corbett	Lukens	Teague, Tex.
Cramer	McEwen	Thomson, Wis.
Crane	Mailliard	Tunney
Daddario	Monagan	Ullman
Dawson	Morse	Weicker
Dent	Morton	Zablocki

So the bill was rejected.
The Clerk announced the following pairs:

Mr. Philbin with Mr. Anderson of Illinois.
Mr. Donohue with Mr. Morse.
Mr. Zablocki with Mr. Mailliard.
Mr. Dent with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Morton.
Mr. Carey with Mr. Smith of California.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Hull with Mr. Brock.
Mr. Celler with Mr. Corbett.
Mr. Monagan with Mr. Harvey.
Mr. Fulton of Tennessee with Mr. Lukens.
Mr. St Germain with Mr. Thomson of Wisconsin.
Mr. Teague of Texas with Mr. McEwen.
Mr. Jones of Alabama with Mr. Talcott.
Mr. Lennon with Mr. Cramer.
Mr. Abbit with Mr. Buchanan.
Mr. Brown of California with Mr. Powell.
Mr. Edwards of Louisiana with Mr. Weicker.
Mr. Rogers of Florida with Mr. Pettis.
Mr. Roybal with Mr. Kirwan.
Mr. Moss with Mr. Don H. Clausen.
Mr. Nix with Mr. Edwards of California.
Mr. Ottinger with Mr. Teague of California.
Mr. Tunney with Mr. Goldwater.
Mr. Ullman with Mr. Crane.
Mr. Burleson with Mr. Schadeberg.
Mr. Jarman with Mr. Fish.
Mr. Boland with Mr. Carter.
Mr. Blatnik with Mr. Baring.
Mr. Scheuer with Mr. Harrington.

Messrs. SYMINGTON, GILBERT, WOLFF, DE LA GARZA, CONTE, BROTZMAN, MOSHER, and KAZEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.
Mr. GROSS. Mr. Speaker, I move to lay upon the table a motion to recon-

sider the vote by which the bill was rejected.

The motion was agreed to.

CHANCERIES

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8656) to authorize the use of certain real property in the District of Columbia for chancery purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. PATTEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real property described as lot 803, square 2234, and parcels 56/6, 56/7, 56/9, 56/11, 56/13, and 56/15 in the District of Columbia is authorized to be used for a chancery of a foreign government. As used in this Act, the term "chancery" shall have the same meaning as is given to it in section 6(e) (2) of the Act of June 20, 1938, as amended (D.C. Code, sec. 5-418).

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 6 of the Act entitled 'An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes', approved June 20, 1938 (D.C. Code, sec. 5-418), is amended—

"(1) by inserting 'or subsection (e)' immediately before 'of this section' in subsection (c); and

"(2) by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

"(e) If two or more foreign governments lawfully use for chancery purposes at least two lots within one side of a block of a street in a district or zone of the District of Columbia restricted in accordance with this Act to use for residential purposes, any foreign government may construct, alter, repair, convert, or occupy a building for chancery purposes on real property which adjoins any such lot and which is on the same side of the block as such lot if the Board of Zoning Adjustment makes the findings described in paragraphs (1), (3), and (4) of subsection (d) with respect to such building."

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

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of the bill H.R. 6947 is to amend the act of October 13, 1964—78 Stat. 1091; District of Columbia Code, section 5-418a—hereafter referred to as the Chancery Act of 1964, approved by the 88th Congress to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia. In House Report 1727—88th Congress—which accompanied that legislation, your committee recognized the complexity of the problem of providing for the location of chanceries and that the bill, later enacted as Public

Law 88-659—78 Stat. 1091—might require amendments pending some final solution to this problem in the District of Columbia.

Since the enactment of the above-mentioned law, additional problems have been brought to the attention of your committee in connection with the administration of that law under its terms and concerning unique, or at least unusual situations which have resulted in substantial hardship to property owners. This bill is an effort to supplement and clarify the previous enactment and meet some of the difficulties which have been presented to your committee.

BACKGROUND

For many years, foreign governments were without any restriction as to the purchase or rental of property to be used for chancery purposes. The great majority of foreign chanceries were located within single-family detached residential areas. Because of the substantial, and sometimes intense, business usage of such properties, they were not compatible, in many instances, with the character of the neighborhoods in which they existed. With the development of zoning laws and establishment of zoning categories, the admissibility of chanceries in residentially zoned areas became an increasingly controversial matter. Although zoning regulations were developed to require at least some parking facilities to avoid traffic congestion, and to preserve the residential character where chanceries were located, existing laws and regulations did not provide a suitable basis to the District of Columbia for providing for chancery locations, nor did they provide a suitable basis for harmonious relations between foreign governments and the State Department. The latter agency is the only agency which might exercise any sanctions to bring about the enforcement of District of Columbia regulations regarding the location of chanceries. This situation led to action taken during the 88th Congress, and the enactment of Public Law 88-659, approved October 13, 1964—78 Stat. 1091.

INTENT OF CONGRESS

Aside from specifying the zoning categories within which chanceries of foreign governments might be located the intent of Congress was clearly expressed concerning the preservation of existing rights established by previous use under law. Existing uses of buildings as chanceries, where such use had been established under the benefit of statute or by use preceding applicable zoning laws and regulations, were to be continued. Although that act appears to have had the effect of extinguishing the right of use of some properties as chanceries where such use did in fact exist and the owner or occupant was without notice that the use was not based upon any law, rule, or regulation, some instances of hardship have been demonstrated. These represent borderline cases where, under the normal operation of law and regulation prior to the act of the 88th Congress, chancery uses would have been permitted and approved, the owners of such property now find that they are precluded under the strict language

of the act from continued use of their property for chancery purposes.

A single example will illustrate the problem. In 1958 a residential structure in an area where many similar properties were used for chanceries was rented by a representative of a foreign government. The property owner was of the understanding that this was a chancery use. Two years later, another foreign government rented the same property, which was actually used for chancery purposes, but the owner of the property was without any knowledge that such was not a proper use. Thereafter, a third government rented the property for chancery use. The record shows that during the period when the property in question was being used as a chancery, two additional residential structures in the area were authorized for use as chanceries pursuant to regulations. Had the owner of the subject property made application for a variance for chancery use it undoubtedly would have been granted. When the government occupying the subject property as a chancery moved to another location, and following the enactment of the Chancery Act of 1964 regarding location of chanceries, the property owner discovered the deficiency in his use and made application to the zoning board for a variance for such use. This application was denied by the zoning board under the terms of the enactment by the 88th Congress.

As a result, the subject property was the only structure in the residential block which is not used for chancery purposes, or a comparable use authorized by Congress for the Washington Institute of International Law. Thus, a property owner in a city block zoned for residential use found that such use was incompatible with uses of other property and he was unable to dispose of his property for residential purposes at a normal market value for such use, nor was he able to continue the use of the property as a chancery which was compatible with the uses in the remainder of the block. In effect, the terms of the Chancery Act of 1964 produced a contradiction as to the intent of Congress, and to the normal application of zoning laws which endeavor to maintain compatibility of uses in a given area.

APPLICATION OF THE TERMS OF THE BILL

Under the terms of H.R. 6947, the Chancery Act of 1964 is amended by the addition of a new clause 3 to section 2 of the act. The future use or the continued use of a building as a chancery would not be prohibited even though such use was contrary to the provisions of law if such use existed between the date of May 12, 1958, the date of the revision of zoning rules and regulations of the District of Columbia under the Lewis plan, and the date of October 13, 1964, the effective date of the Chancery Act of 1964, if such use was without written notice, from the Federal or District Government, of noncompliance with existing zoning provisions. Thus, any use of a building as a chancery which qualifies under the provisions of this bill, becomes a lawful use as specified in the first clause of section 2 of the Chancery Act of 1964.

Section 2 of the Chancery Act of 1964,

which the pending bill H.R. 6947 amends, was the subject of a clear expression of intent in House Report 1727 of the 88th Congress. That report stated as follows:

It is the specific intent that no existing lawful rights of use shall be affected by any provision of the bill. Where the lawful use of the building as a chancery has been established and exists on the date of enactment, whether the property be vacant, whether the use as a chancery be interrupted at some future date, or whether the use of the building be transferred from one foreign government to another, nothing in the act shall affect such right of use.

In the pending bill, H.R. 6947, our committee amends section 4 of the Chancery Act of 1964 by including reference in section 4 of the act—District of Columbia Code, section 5-418c—to the amendment made by section 1(a) of the bill. The effect of this amendment is to make it clear that if a building used as a chancery was lawfully used, is being used or is to be used, such use may be transferred from one foreign government to another. Thus, whenever real property which has been lawfully used for chancery purposes, pursuant to the Chancery Act of 1964 as amended by this bill, was or becomes vacant, the fact of vacancy alone has no effect upon the right of continued or future use of the property for chancery purposes. The amendment is intended to preserve the right of such use, and transfers of use, even though such use may have been or is interrupted, the property vacant, or used for other purposes so long as the use of the property as a chancery is not abandoned.

It is believed that the enactment of the amendment as favorably reported by our committee will aid in resolving inequities and hardship situations, and relieve any area of doubt as to the committee's intent in preserving a right, once established, for the future and continued use of a building as a chancery and the right of transfer of the use from one foreign government to another.

ANALYSIS OF THE BILL

The bill H.R. 6947 amends the act of October 13, 1964—78 Stat. 1091; District of Columbia Code, section 5-418a—regulating the location of chanceries of foreign governments in the District of Columbia. The first of two amendments in the bill adds a new paragraph at the end of section 2 of the act which provides that the limitations and restrictions of the act shall not prohibit the future or continued use, or the making of ordinary repairs, to a building which was used as a chancery contrary to any zoning rule or regulations between May 12, 1958, and October 13, 1964, if the owner or occupant of such building received no written notice from the District or Federal Government that the use of the property as a chancery was in violation of any law, rule, or regulation.

The second amendment inserts language in section 4 of the act—District of Columbia Code, section 5-418c—referring back to the language added by the first amendment of the bill to provide that buildings qualifying under this bill for use as chanceries may be transferred from one foreign government to another under the terms of the act as amended.

Mr. ADAMS. Mr. Speaker, will the gentleman from Texas yield?

Mr. DOWDY. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I ask the gentleman who is sponsoring and handling the bill for the committee if there were any committee hearings on the bill at all?

Mr. DOWDY. Yes, there were.

Mr. ADAMS. One day?

Mr. DOWDY. One day.

Mr. ADAMS. Mr. Speaker, is it also true, as indicated on page 2, that this bill is essentially a private bill which is designed to permit certain residential property to be used for chanceries, and this was extended so that other similar residential properties could be used as chanceries?

Mr. DOWDY. The bill, as it was introduced, was what I considered to be in the nature of a private bill. This question comes up from time to time, and we had considerable conferences to arrive at a general bill which would take care of like situations.

Mr. ADAMS. Was this opposed by the District government?

Mr. DOWDY. I do not think so.

Mr. ADAMS. The report, I believe, shows it was opposed in its original form. I was asking if it was opposed in its original form.

Mr. DOWDY. It was, I believe, opposed in the original form. The objections were taken care of in the amendment. As a matter of fact, this was worked out in conjunction with the zoning commission.

Mr. ADAMS. Mr. Speaker, I have no further questions.

The committee amendment was agreed to.

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

GENERAL LEAVE

Mr. DOWDY. Mr. Speaker, I did not ask for this in the beginning, but I ask unanimous consent that the subcommittee chairmen and all Members be permitted to extend their remarks in connection with each of the District bills today.

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

There was no objection.

TO REVISE LAWS RELATING TO OFFENSES AGAINST HOTELS, MOTELS, ETC.

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10335) to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes.

The Clerk read the bill, as follows:

H.R. 10335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 842 of the Act entitled "An Act to establish a

code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1326; D.C. Code, sec. 22-1301), is amended—

(1) by inserting "(a)" immediately before "Whoever";

(2) by inserting "any service or" immediately before "anything of value";

(3) by striking out "value of the money or property" and inserting in lieu thereof "value of the money, property, or service";

(4) by striking out "\$200" and inserting in lieu thereof "\$1,000";

(5) by striking out the second sentence and inserting in lieu thereof:

"(b) (1) Whoever obtains, at a hotel, motel, or other establishment which provides lodging to transient guests—

"(A) lodging, food, or any other item of value, with intent to defraud the proprietor or manager of such establishment, or

"(B) credit by the use of false pretenses, shall, if the unpaid amount of such lodging, food, or other item of value is \$100 or more, be guilty of a felony and fined not more than \$3,000 or imprisoned for not less than one year nor more than three years, or both; or if such unpaid amount is less than \$100, be guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not more than one year, or both.

"(2) Proof that a person—

"(A) obtained lodging, food, any other item of value, or credit, at a hotel, motel, or other establishment which provides lodging to transient guests and failed to pay in full upon demand any amount then due for such credit or item of value, or

"(B) departed or removed his baggage from a hotel, motel, or other establishment which provides lodging to transient guests without the express consent of the proprietor or manager of such establishment and without first paying in full any amount due for food, lodging, any other item of value, or credit, shall be prima facie evidence that the acts specified in clause (A) of paragraph (1) were committed with fraudulent intent."

"(c) Whoever, in the District of Columbia, registers at a hotel, motel, or other establishment which provides lodging to transient guests, under any name or address other than his actual name or address, with intent to defraud the proprietor or manager of such establishment, shall be guilty of a misdemeanor and fined not more than \$500 or imprisoned not more than six months, or both."

Sec. 2. Subsection (b) of section 207 of the Act entitled "An Act to provide for the more effective prevention, detection, and punishment of crime in the District of Columbia", (D.C. Code, 23-306(b)) is amended—

(1) by striking out "and section 863(a)" and inserting in lieu thereof "sections 863(a) and 842 (b) and (c)"; and

(2) by inserting immediately before the period at the end the following: "(failure to pay for lodging or food; D.C. Code, sec. 22-1301)".

Sec. 3. The Act entitled "An Act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia", approved July 1, 1922 (42 Stat. 820; D.C. Code, sec. 22-1410), is amended—

(1) by striking out "or order" in each place it appears and inserting in lieu thereof "order, or other instrument";

(2) by striking out "shall be guilty of a misdemeanor punishable by imprisonment for not more than one year or fined not more than \$1,000, or both." and inserting in lieu thereof "shall, if the amount of such check, draft, order, or other instrument is \$100 or more, be guilty of a felony and fined not more than \$3,000 or imprisoned for not less than one year nor more than three years, or both; or if the amount of such check, draft, order, or other instrument is less than \$100, be guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not more than one year, or both.";

(3) by inserting, in the second sentence, after "notice in person, or writing, that such" the following: "check,".

With the following committee amendments:

Page 3, line 11, strike out the quotation mark and the period following the quotation mark.

Page 3, at the end of line 18, insert a quotation mark.

Page 3, line 22, after the quotation mark insert ", approved June 29, 1953".

Page 3, line 23, strike out "and" the first time it appears.

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

Mr. DOWDY. Mr. Speaker, the purpose of the bill, H.R. 10335, is to strengthen the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors, by means of forgery, issuance of bad checks, or by departing without payment for the goods or services received.

The amendments provided by the bill are directed to three acts of Congress to make them responsive to modern needs. Laws enacted, and unamended since 1901, are inadequate to deal with current problems and difficulties confronting hotels and motels operating in the District of Columbia.

Commercial lodging establishments are more often subject to losses resulting from fraud and deceit than is the case with most other businesses. During the years 1965 through 1968, member establishments of the Hotel Association of Washington, D.C., sustained losses in excess of \$1 million as a result of forgeries, bad checks, and departures without payment for value and services received.

PROVISIONS OF THE BILL

Existing law, enacted in 1901—District of Columbia Code, section 22-1301; 31 Stat. 1326—provides criminal penalties for defrauding lodging proprietors and relates to the "value of money or property" but not to "services" provided to a guest or patron. Section 1 of the bill would make the provisions of law, as otherwise amended, equally applicable to "services."

The fines which may be assessed under this section, where the amount of value involved is less than \$100, are increased from \$200 to \$1,000.

The amendments in section 1 also provide that whoever obtains from a commercial lodging proprietor items of value or credit by the use of false pretenses in the amount of \$100 or more commits a felony. The penalties provided are a fine of not more than \$3,000 or imprisonment of not more than 3 years, or both. If the unpaid amount is less than \$100, the offense is a misdemeanor with penalties of a fine of not more than \$1,000 or imprisonment of not more than 1 year, or both.

The amendment further provides that when proof is given that a person obtained the items of value or the credit and failed to make full payment on demand, or when such person departed and removed his baggage without the consent of the proprietor and without payment of any amounts due, such proof

is prima facie evidence of the intent to defraud.

Section 1 of the bill provides, in further amendment, that whoever registers under a false name or address with intent to defraud shall be guilty of a misdemeanor. It is not the intent that the act of so registering be an offense, but only where such act is accompanied with the intent to defraud the proprietor of the lodging establishment.

A problem frequently confronting the commercial lodging proprietor is where a guest has shown clear intent to leave the premises without paying his bill. If the amount involved makes the offense a misdemeanor, an arrest may not be accomplished without a warrant unless the misdemeanor is committed in the presence of a police officer. If steps are taken to secure a warrant to effect an arrest, the guest most probably will have fled the jurisdiction. Section 2 of the bill would remedy this situation by providing that a police officer may make an arrest for such misdemeanor without a warrant.

The final section of the bill amends existing law relating to crimes involving the issuance of checks, drafts, and orders for the payment of money—act of July 1, 1922, 42 Stat. 82, District of Columbia Code section 22-1410—so as to make the terms of the law applicable to modern situations and credit practices. The amendment in section 3 would make the terms of the present law applicable to "other instruments." The amendment also provides that where the amount involved in such acts exceeds \$100, the offense shall be a felony, the penalties for which shall be a fine of not more than \$3,000 or imprisonment of not less than 1 year or more than 3 years or both. Where the amount involved in the offense is less than \$100 it is a misdemeanor and punishable by a fine of not more than \$1,000 and imprisonment of not more than 1 year or both.

PUBLIC HEARINGS

Public hearings were conducted by Subcommittee No. 3, of the House Committee on the District of Columbia on October 8, 1969. Officials of and counsel for the Washington Hotel Association testified in support of the provisions of the bill. Additionally, a representative of the Office of the Corporation Counsel presented the views of the Office of the Commissioner for the District of Columbia.

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

Mr. DOWDY. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, during the course of this calendar I have tried to point out by my questions to the Members of the committee who are handling the bills that we put nine bills on this calendar today, most of which had only 1 day of hearing or very cursory hearings.

This bill before us right now is a piece of special interest legislation. It does certain things to help the hotel people. Perhaps we should do some things to help the hotel people, and I have not opposed this bill as it is before us now, but I would state it was pointed out by the

Commissioner, as shown on page 4 of the report, that the provisions of it give it the character of special legislation. This is to help the hotel people.

The bill which was up before was to help people in the real estate business, so that they could take care of some of their problems. There is another bill up to help the hotel people in another aspect of their business, and there is a bill to help the liquor people in this area.

All have limited public purposes.

Today this committee could pass out nine bills and even if we opposed them we allowed them to come to the floor. All of us cooperated. We have also finished the crime bill. We have cooperated on that. Though many of us oppose certain provisions of it, we feel the Members should have an opportunity to work their will.

As I indicated in my 1-minute speech earlier today, we have been waiting for the nonvoting delegate bill since spring of last year, and we have also been waiting for the charter commission bill since last year.

I have filed in the RECORD, on the 1-minute speech time, the chronology which points out that Messrs. DIGGS, FRASER, ADAMS, HORTON, GUDE—Member after Member has asked that these bills be brought up to be voted on. If we were to have hearings, we asked for those back on January 20 that it be done promptly. We have had no hearings. We have had no indication there will be hearings. We have had no indication there can be a vote. We have had no indication that anything will happen to these bills, which are of general interest to the District of Columbia.

We have asked the chairman for a right to vote on those bills. They were a part of the President's package. The President sent them up and said he wanted them enacted. He sent his messages up to support them.

They were introduced in the committee by a majority of the committee. They passed the Senate October 1 on the Consent Calendar. There was not a single vote against either one.

Now they are pending in this committee as two Senate bills. I placed in my 1-minute speech the number of each of those.

I believe it is incredible that the committee can come in here today and present to the floor the bills to which we have prevented action, and the committee will work its will on them. We went through the crime bill. We sat all afternoon, sat during votes, sat until 6 o'clock so that the committee could work its will on it because certain Members of the committee wanted it out.

We believe it is only fair treatment that these two bills be heard by the Committee on the District of Columbia and be brought before this House and be voted on. If a Member is against them, let him be against them and go tell his constituents. Let us not have hypocrisy about the fact that we are for them but nobody is willing to vote on them.

On March 2 at 10:30 in the morning, the rules of this House provide the District of Columbia Committee shall meet. It will meet without the call of anybody.

It will meet because it is supposed to meet. The rules of the committee and the rules of the House provide that a majority of the committee can vote out any bill.

I have given notice to each member of the committee that on Monday morning at 10:30 I will offer a motion that each of these bills be reported out to the House to be voted up or down.

I believe the record is clear that we have tried every possible means by parliamentary procedure to do this. We have been gavelled down when we even tried to bring up those bills whether in the subcommittee or in the full committee.

If the other body can pass these bills unanimously and we can pass these kinds of bills today, it seems to me that we can carry out the President's recommendation which a majority of the committee sponsored so the House can vote on these bills. I urge everyone on this floor today, if you are passing these bills today, that you talk to members of the committee and ask them to be present on Monday so these two bills can be called up. I hope you will also support these bills.

Mr. DOWDY. Mr. Speaker, I want to incorporate in the statement I have already asked to be placed in the RECORD a memorandum showing the amount of forgeries, impostors, skips, bad checks given to hotels and motels in the last 3 years.

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

There was no objection.

MEMORANDUM OF HOTEL ASSOCIATION OF WASHINGTON, D.C., MAY 6, 1968

RESULTS OF PROTECTIVE SURVEY

As a result of a Memorandum sent out by this office on April 12, 1968, we have received the following replies for costs on forgeries, skips, and bad checks for a three-year period:

Hotels responded to the survey.....	31
Had no records, and said "no".....	3
Had no information.....	1
Made no response at all.....	8
Total	43

A compilation of these statistics is indicated below:

Year	Forgeries, impostors, etc.	Skips	Bad checks	Total
1965....	\$67,470.44	\$47,581.42	\$51,678.21	\$179,730.07
1966....	79,746.20	95,232.56	58,397.16	248,375.92
1967....	115,920.62	119,916.72	84,511.87	340,349.21
Total..	263,137.26	262,730.70	194,587.24	1,768,455.20

* 1 hotel reported total loss of \$48,000 for the 3 years with no breakdown.

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

Mr. DOWDY. I yield to the gentleman. Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me.

I have no desire to be associated with any of the problems of the committee itself or those who have spoken previously. Therefore I particularly appreciate the distinguished gentleman yielding directly to me.

However, I too have noted that this is a form of special legislation, and second-

ly in one report of the Commissioners of the District of Columbia they referred to the lack of departmental reports and especially asked to await expressing an opinion on these, until such time as they had heard from the Department of Justice.

Mr. Speaker, I would like to ask if, in the opinion of the gentleman handling the bill, in considering the purpose of this bill H.R. 10335, it does not allow some rather extreme actions on the part of hotel and motel operators. It seems to me that I recall we have passed previous legislation in this regard. Is the right of seizure not confirmed in an overabundant way in these amendments to the bill; and does it not confirm, as the report itself says, wherein it quotes the old law which remains unchanged, on page 5, that there may be arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for violation of any section listed in subsection (b), by police officers, as in the case of a felony, upon probable cause that the person arrested is violating the section involved at the time of the arrest?

My concern is, although I am not ordinarily known as a civil libertarian, I do believe in the rights of the individual and in freedom for all. As much as this may be needed for special interest, particularly in the District of Columbia, I am just concerned lest we have gone too far on the rights of seizure and in the respect of going into a person's privacy and arrest without a warrant, "as though in case of a felony."

I would like to ask the distinguished gentleman from Texas handling the bill, a distinguished jurist, as to his opinion on this, because I know of his eminent fairness and his regard for his fellow man, also.

Mr. DOWDY. In this bill we are dealing with frauds and con men. I believe I do recall this matter. The point is that unless they can arrest a man before he runs off, they will probably lose him. This is just relating to a thief who is giving bad checks and otherwise defrauding hotels and motels. That is all it deals with.

Mr. HALL. If the gentleman will yield further, Mr. Speaker. I understand and as I said in my peroration and initial statement, there may be some need for some corrective legislation, but I believe that the gentleman has not addressed himself to the question of going too far insofar as arrest without a warrant is concerned, seizure, search, ingress into the privacy of one's rooms, and even the amount of the penalties. I am not a lawyer and I do not always thoroughly understand these things. But I do understand the rights of individuals and the need to protect freedom, even though we do not want to protect an individual absconding with goods of another property owner.

Mr. DOWDY. That is true. I think we in the consideration of these things must bear in mind that the managers of the hotels and motels are not going to get themselves into the position of false arrests. However, the point here is that most of these offenses come in the nature of a misdemeanor and in those

cases, arrests cannot be accomplished without a warrant unless the crime is committed in the presence of an officer. So, the question goes to the point that if it is necessary to secure a warrant for the arrest, this party would most probably have fled the jurisdiction of the District of Columbia and would be where he could not be touched.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does the distinguished gentleman not feel that if this happens in the District of Columbia, it may spread across the land and the rights of seizure and rights of ingress and arrests without a warrant might well become the way of the land in these troublous times rather than protecting the individual until he is proved guilty?

Mr. DOWDY. Well, of course, I have the same feelings as does the gentleman from Missouri. But if he realizes as I do the situation in the District of Columbia I am sure he will come to the conclusion that we are trying to do something about it. The purpose of this bill is to make the terms of the law applicable to the modern situations and of credit practices.

The SPEAKER pro tempore (Mr. PATTEN). The time of the gentleman from Texas has expired.

(By unanimous consent (at the request of Mr. HALL) Mr. Dowdy was allowed to proceed for 3 additional minutes.)

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate his indulgence. Would the gentleman tell the members sitting in the Committee as a Whole, who came before the Committee on the District of Columbia and pleaded for this legislation, and at what time?

Mr. DOWDY. We had hearings on October 8 of last year. The witnesses were Leonard E. Hickman, Allen Jones, Jr., Richard D. Grow, and Michael Sindler.

Mr. HALL. Mr. Speaker, is it fair to ask whom they represented? I would presume that they represented the hotel and motel interests of the District; is that correct?

Mr. DOWDY. The first three witnesses were the hotel group and Mr. Sindler was the Corporation Counsel for the District of Columbia.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and his explanation. I am sorry that in my opinion the bill to revise certain provisions goes too far, and I cannot be in support of this bill in its present form.

I thank the gentleman.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

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

Mr. GROSS. Mr. Speaker, I would like to ask my friend from Texas (Mr. Dowdy) whether this provision for arrest without warrant and searches of persons and seizures of property by police, is in conformance with the laws of any States?

What, for instance, is the law in Texas with respect to this type of action?

Mr. DOWDY. I do not know. I have no information on that.

Mr. GROSS. At the hearings was there

any reference to any State law as, for instance, the State of Iowa, the State of Missouri, the State of Texas or any other State?

Mr. DOWDY. Not that I recall.

Mr. GROSS. Well, I must join with my colleague from Missouri (Mr. HALL) in saying that while there is a situation in the District of Columbia with respect to the operation of hotels and motels that is probably somewhat worse than elsewhere over the country, this seems to go beyond what I can support.

Mr. DOWDY. If the gentleman will yield, I do not believe there is anything in here about search and seizure, it is purely the arrest.

Mr. GROSS. I refer to the report on page 5, at the bottom of the page, section 207:

Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for violation of any section listed in subsection (b), by police officers, as in the case of a felony, upon probable cause that the person arrested is violating the section involved at the time of the arrest.

This seems to me to go much too far. But perhaps the gentleman can explain it.

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

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

Mr. WILLIAMS. Mr. Speaker, I would like to suggest to the gentleman from Iowa that arrest without a warrant for a person is not unusual. Take the situation where a police officer comes upon a person who is trying forcibly and illegally to enter the premises of a business; he certainly places that person under arrest without a warrant, and he certainly searches that person to make sure that he does not have any concealed weapons. Then he does actually seize the person, and transport him to the Police Department.

Mr. GROSS. In this situation we are talking about the transient in a hotel or motel.

Mr. WILLIAMS. Yes.

Mr. GROSS. One who has rented a room, and who ought to be able to feel fairly secure in that transaction.

Mr. WILLIAMS. This specifically refers to the case of a felony, it does mention probable cause, and the rest without warrant and searching of a person, et cetera, applies to police officers.

Mr. GROSS. Could not the hotel or motel owner demand payment in advance?

Mr. WILLIAMS. Certainly he could, but suppose the hotel or motel owner is given a bad check. He has received payment in advance. Then suppose he tries to clear the check the next day, and the check does not clear.

Mr. GROSS. Then the gentleman is saying it is perfectly permissible for the police to come in, and without a warrant, arrest the man, search his person, search his luggage, and in the next bill that is coming up confiscate his luggage, his property, regardless of the amount of the bill or anything else?

Mr. WILLIAMS. All I am really saying to the gentleman is that I do not think this provides anything for the District of

Columbia that is not already provided in every State in the Union. Police officers have the right to arrest under certain conditions, to search a person under certain conditions, and to seize them under certain conditions.

Mr. GROSS. If the gentleman will say as a fact—and certainly I am not a lawyer and I am not prepared to argue any part of the legal question involved here—but if the gentleman is saying as a matter of fact that this law prevails across the country I have no objection to it. But let it be uniform across the country, including the gentleman's State of Pennsylvania.

Mr. WILLIAMS. If the gentleman will yield further, I am not an attorney, either, but all I am saying is that in the State of Pennsylvania—as well as in the State of Iowa—there are conditions wherein a police officer can arrest a person without a warrant, can search a person without a warrant, and can seize a person without a warrant. So this does not seem to me to be any great departure from the constitutional rights of the people.

Mr. GROSS. I guess I will have to ask some attorney to answer my question.

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

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

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding, and I would say that I am an attorney—although I usually do not mention so—but I believe the point the gentleman is making is a very good point, and the point raised by my colleague, the gentleman from Missouri, is a good point. This would permit an arrest without a warrant, and permit a seizure pursuant thereto—

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

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

Mr. Speaker, as I started to say, this permits searches of a person without a warrant, and seizure, pursuant thereto for violation of any section listed, in subsection (B), by police officers, as in the case of a felony. There is where the change comes about.

In the case of a felony I think it is generally true they can make an arrest, that is, where probable cause is, and probable cause is not unusual in itself when dealing with a felony, which is something you can go to the penitentiary for 2 years or life in other words the more serious offenses.

But now they are going to treat this as in the case of a felony. I think that is a significant change. I think normally in most of your States a police officer might also make an arrest for a crime committed in his presence. But this is extending that. The man at the motel or hotel calls for a policeman and says, "Come and get him."

He did not see it—he does not have personal knowledge necessarily of these facts. He can arrest and search and seize. I would agree very largely for the reasons stated by my colleague, the gentleman from Missouri that this may be going too far and I would just as soon

see this bill defeated. It does to some extent extend the criminal law protection, as the Commissioner's office says on page 4 of the report where they favor strengthening the criminal law. But it seems to do it in just one area whereas, if it is good practice, we should do it on a broader basis. I would not want to stop without saying at the same time that many bills that come before this committee, and as someone has previously alluded they may deal with only one thing—perhaps optometry or doctors or real estate people, but I do not think that necessarily means we are handling special interest legislation. It can mean that, but it can mean that we, as a city council—and anybody who has served on a city council knows that this is the sort of thing you get into—and people from certain areas of the community naturally come in.

I would think it well to defeat this bill for the reasons stated by the commissioner on page 4 of the committee report.

Mr. ECKHARDT. Mr. Speaker, I am against this bill. It is particularly bad since it adopts harsh law against the visitor to our Nation's Capital, but it would also be bad law if it applied anywhere else. Let me give you a personal example of how an innocent guest may be treated abominably under circumstances covered by this law if he is thus subjected to its risks.

I was in New Orleans last New Year's season. My daughter made reservations for me at an out-of-the-way hotel, since hotel accommodations were very difficult to obtain due to the Sugar Bowl game. When I arrived at the old, somewhat rundown house which operates under the name of "The Columns" as a hotel, I was told that the rate for myself and daughter would be \$20 per night.

When I explained that my daughter would not be with me, the clerk said, "Oh, then it will be only \$10." The next morning he said he had talked to the proprietress, and the room would have to be at the rate of \$15. I protested but did not leave, thinking that the extra \$5 would not justify a move.

But there was an additional difficulty. The proprietress refused to take either my Carte Blanche or American Express credit cards or a check drawn on my account at the Sergeant at Arms of the Congress of the United States presented with my official credentials as a Member of Congress.

Now there were certain additional items on the bill which were not in contest, which made it in excess of \$40, and I had not anticipated a bill in this amount. So I had to go somewhere to get a check cashed. Under Louisiana law my departing without the express consent of the proprietor or manager did not make me guilty of fraud. Under the law of Louisiana concerning offenses by guests, part I, "Fraud in Obtaining Accommodations," section 21(3), one is not permitted to "Remove or cause to be removed any baggage or effects from any hotel, inn, boarding house, or restaurant without the consent of the owner or manager before having paid the proper charges due for food or accommodations."

But had I been acting under the same circumstances in the District of Columbia under the provisions of H.R. 10335, it would have constituted prima facie evidence that I intended to defraud the establishment if I "departed or removed baggage without the express consent of the proprietor or manager without first paying in full any amount due." Section 22 of the Louisiana law may, however, possibly create a presumption to the same effect as H.R. 10335. If it does, it is equally obnoxious.

Of course, there was a question as to whether or not the amount due for the two nights was \$20 or \$40, but if I had to depart to cash a check without even paying the \$20 I would have been guilty under the law proposed in H.R. 10335. Also, if I chose to pay only that amount which I considered to be "due," the question as to what was due would be a question of fact and to raise that question I would have to take the risk of that fact being held against me with resultant misdemeanor penalty of \$1,000 or imprisonment for not more than 1 year, or both.

Why should we in Congress permit the innkeepers' guild to restore in America the jolly old institution of imprisonment for debt?

If I may be held against my will by some curmudgeon or vixen who presides at the room clerk's desk until I satisfy the proprietor respecting the amount of my civil obligation, I am imprisoned. I am indeed very effectively held if my leaving may result in my being fined \$1,000 or put in jail for a year, or both.

Even to seriously consider this bill is to accept a special interest position without considering the rights and dignity of tens of thousands of people who visit their Congressmen each year. It surpasses understanding how we, who primarily represent them, should find ourselves doing the bidding of a lobby foreign to our districts and oblivious to the interests of the people at large.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

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

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

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

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

Mrs. CHISHOLM. 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, and the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 117, not voting 68, as follows:

[Roll No. 30]
YEAS—246

Abernethy	Flynt	O'Neal, Ga.
Adair	Foreman	Patman
Albert	Fountain	Pelly
Anderson, Ill.	Frelinghuysen	Pepper
Anderson,	Frey	Pickle
Tenn.	Fuqua	Pirnie
Andrews, Ala.	Galifianakis	Poage
Andrews,	Garmatz	Poff
N. Dak.	Gaydos	Pollock
Arends	Gettys	Preyer, N.C.
Aspinall	Gibbons	Price, Tex.
Ayres	Goldwater	Pucinski
Beall, Md.	Green, Oreg.	Purcell
Belcher	Griffin	Quile
Bell, Calif.	Griffiths	Quillen
Berry	Grover	Railsback
Betts	Gude	Randall
Bevill	Haley	Rarick
Biaggi	Hansen, Idaho	Reid, Ill.
Blester	Harsha	Reifel
Blackburn	Henderson	Rhodes
Blanton	Hogan	Riegle
Bow	Horton	Rivers
Bray	Hosmer	Roberts
Brinkley	Hull	Robison
Brooks	Hunt	Rogers, Colo.
Broomfield	Hutchinson	Rooney, Pa.
Brotzman	Ichord	Rostenkowski
Brown, Mich.	Johnson, Calif.	Roth
Brown, Ohio	Johnson, Pa.	Roudebush
Broyhill, N.C.	Jonas	Ruppe
Broyhill, Va.	Jones, N.C.	Ruth
Burke, Fla.	Jones, Tenn.	Sandman
Burlison, Mo.	Karth	Satterfield
Button	Kazen	Saylor
Byrnes, Wis.	Kee	Scherle
Cabell	Keith	Schneebeli
Camp	King	Schwengel
Casey	Kleppe	Schwert
Cederberg	Kluczynski	Sebelius
Chamberlain	Kuykendall	Shipley
Chappell	Kyl	Shriver
Clancy	Kyros	Sikes
Clark	Landgrebe	Sisk
Clausen,	Landrum	Skubitz
Don H.	Langen	Slack
Clawson, Del.	Latta	Smith, Calif.
Cleveland	Lloyd	Smith, N.Y.
Collins	Lujan	Snyder
Colmer	McCloskey	Springer
Conable	McClure	Stafford
Conte	McCulloch	Stanton
Corbett	McDade	Steiger, Wis.
Coughlin	McDonald,	Stephens
Cowger	Mich.	Stratton
Cramer	McFall	Stubblefield
Cunningham	McKnealy	Taylor
Daniel, Va.	McMillan	Thompson, Ga.
Davis, Ga.	MacGregor	Utt
Davis, Wis.	Mahon	Vander Jagt
de la Garza	Mann	Vigorito
Denney	Marsh	Waggonner
Dent	Martin	Watkins
Devine	May	Watson
Dickinson	Mayne	Watts
Dingell	Melcher	Whalley
Dorn	Meskill	Whitehurst
Dowdy	Miller, Calif.	Whitten
Downing	Miller, Ohio	Widnall
Dulski	Mills	Wiggins
Duncan	Minish	Williams
Dwyer	Minshall	Wilson, Bob
Edmondson	Mize	Winn
Edwards, Ala.	Mizell	Wold
Eilberg	Montgomery	Wyatt
Esch	Moorhead	Wylder
Eshleman	Morgan	Wylie
Evans, Colo.	Mosher	Wyman
Evins, Tenn.	Murphy, N.Y.	Yatron
Fallon	Myers	Young
Findley	Natcher	Zion
Fisher	Nelsen	Zwach
Flood	Nichols	
Flowers	O'Konski	

NAYS—117

Adams	Chisholm	Ford,
Addabbo	Cohelan	William D.
Anderson,	Collier	Fraser
Calif.	Conyers	Friedel
Annunzio	Corman	Gallagher
Ashbrook	Culver	Glaimo
Bennett	Daniels, N.J.	Gilbert
Bingham	Delaney	Gonzalez
Blatnik	Dellenback	Goodling
Bolling	Dennis	Gray
Brademas	Derwinski	Green, Pa.
Brasco	Diggs	Gross
Burke, Mass.	Eckhardt	Hall
Burton, Calif.	Erlenborn	Halpern
Burton, Utah	Farbstein	Hamilton
Byrne, Pa.	Feighan	Hammer-
Caffery	Foley	schmidt

Hanley	Madden	Rooney, N.Y.
Hanna	Mathias	Rosenthal
Hansen, Wash.	Matsunaga	Ryan
Hastings	Meeds	St. Onge
Hathaway	Mikva	Smith, Iowa
Hawkins	Mink	Staggers
Hays	Mollohan	Stokes
Hechler, W. Va.	Murphy, Ill.	Sullivan
Heckler, Mass.	Nedzi	Symington
Helstoski	Obey	Thompson, N.J.
Hicks	O'Hara	Tiernan
Howard	Olsen	Tunney
Hungate	O'Neill, Mass.	Udall
Jacobs	Passman	Ullman
Kastenmeier	Patten	Van Deerlin
Koch	Perkins	Vanik
Leggett	Pike	Waldie
Long, La.	Price, Ill.	Wampler
Long, Md.	Pryor, Ark.	Whalen
Lowenstein	Rees	White
McCarthy	Reid, N.Y.	Wolf
McClory	Reuss	Yates
Macdonald,	Rodino	
Mass.	Roe	

NOT VOTING—68

Abbt	Fish	Ottinger
Alexander	Ford, Gerald R.	Pettis
Ashley	Fulton, Pa.	Philbin
Earing	Fulton, Tenn.	Podell
Barrett	Gubser	Powell
Boggs	Hagan	Rogers, Fla.
Boland	Harrington	Roybal
Brock	Harvey	St Germain
Brown, Calif.	Hébert	Schadeberg
Buchanan	Hollfield	Schaefer
Burleson, Tex.	Jarman	Steed
Bush	Jones, Ala.	Steiger, Ariz.
Carey	Kirwan	Stuckey
Carter	Lennon	Taft
Celler	Lukens	Talcott
Clay	McEwen	Teague, Calif.
Crane	Mailliard	Teague, Tex.
Daddario	Michel	Thomson, Wis.
Dawson	Monagan	Weicker
Donohue	Morse	Wilson,
Edwards, Calif.	Morton	Charles H.
Edwards, La.	Moss	Wright
Fascell	Nix	Zablocki

So the bill was passed.
The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Charles H. Wilson with Mr. Gubser.
Mr. Barrett with Mr. Fulton of Pennsylvania.
Mr. Donohue with Mr. Morse.
Mr. Teague of Texas with Mr. Morton.
Mr. Baring with Mr. Carter.
Mr. Daddario with Mr. Teague of California.
Mr. Zablocki with Mr. Thomson of Wisconsin.
Mr. Hébert with Mr. Pettis.
Mr. Philbin with Mr. Michel.
Mr. Hollfield with Mr. Mailliard.
Mr. Celler with Mr. McEwen.
Mr. Carey with Mr. Fish.
Mr. Abbt with Mr. Talcott.
Mr. Lennon with Mr. Lukens.
Mr. Podell with Mr. Taft.
Mr. Burleson of Texas with Mr. Steiger of Arizona.
Mr. Jarman with Mr. Schadeberg.
Mr. Alexander with Mr. Brock.
Mr. Monagan with Mr. Crane.
Mr. St Germain with Mr. Weicker.
Mr. Wright with Mr. Bush.
Mr. Hagan with Mr. Buchanan.
Mr. Steed with Mr. Harvey.
Mr. Brown of California with Mr. Clay.
Mr. Dawson with Mr. Kirwan.
Mr. Edwards of California with Mr. Nix.
Mr. Ashley with Mr. Powell.
Mr. Fulton of Tennessee with Mr. Fascell.
Mr. Moss with Mr. Rogers of Florida.
Mr. Roybal with Mr. Harrington.
Mr. Jones of Alabama with Mr. Stuckey.
Mr. Edwards of Louisiana with Mr. Scheuer.

Mrs. SULLIVAN and Messrs. JACOBS and DELANEY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.
The doors were opened.

A motion to reconsider was laid on the table.

REVISE LAWS RELATING TO LIABILITY OF HOTELS TO THEIR GUESTS

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

The Clerk read the title of the bill.
The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) if a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests (1) provides a suitable depository (other than a checkroom) for the safekeeping of personal property (other than a motor vehicle), and (2) displays conspicuously in the guest and public rooms of that establishment a printed copy of this section (or summary thereof), that establishment shall not be liable for the loss or destruction of, or damage to, any personal property of a guest or patron not deposited for safekeeping. In the case of any personal property of a guest or patron deposited in such a depository for safekeeping, that establishment shall be liable for the loss or destruction of, or damage to, the property to the extent of the lesser of \$500 or the fair market value of the property at the time of its loss, destruction, or damage.

(b) If a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests maintains a checkroom (conspicuously designated as such) where guests and patrons may deposit personal property, that establishment shall, if it conspicuously posts a printed copy of this section (or summary thereof), be liable for the loss or destruction of, or damage to, that property only to the extent of the lesser of \$100 or the fair market value of the property at the time of its loss, destruction, or damage.

SEC. 2. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests, has a lien upon, and may retain possession of, any personal property belonging to, or under the control of, a guest or patron of that establishment, for the amount due that establishment from that guest or patron for lodging, food, or other item of value.

(b) If, within 30 days after his property has been retained under subsection (a), a guest or patron fails to pay the establishment retaining that property any amount due that establishment for lodging, food, or other item of value, that establishment may sell that property at a public sale. Prior to that sale, the establishment shall send, by registered or certified mail, to the last known address of that guest or patron a demand for payment of the amount due, and shall publish a notice of sale once a week for three successive weeks in a daily newspaper of general circulation published in the District of Columbia. That notice shall state—

- (1) that the purpose of the sale is to satisfy the lien granted by subsection (a);
- (2) the amount for which that lien is granted, including storage charges;
- (3) the day, time, and place of sale; and
- (4) a description of the property including, in the case of the sale of a motor ve-

hicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

(c) The proceeds of a sale of property made under subsection (b) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the property, and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law. Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

Sec. 3. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests may sell at public auction any personal property that has been deposited for safekeeping, checked, or left unclaimed at that establishment for more than 90 days. If the owner of that property is known, the establishment shall, at least 15 days before that sale is held, send, by registered or certified mail, a notice to the owner at his last known address stating—

(1) that the purpose of the sale is to dispose of unclaimed property;

(2) the amount of storage and other charges (including interest on those charges) against that property;

(3) the day, time, and place of sale; and

(4) a description of the property including, in the case of the sale of a motor vehicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

(b) The proceeds of a sale of property made under subsection (a) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the property (including interest on those charges), and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law.

Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

Sec. 4. (a) The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), is amended—

(1) by striking out section 1261 (D.C. Code, sec. 34-103) and redesignating the succeeding sections accordingly; and

(2) by striking out in section 1262 (as redesignated by paragraph (1)) (D.C. Code,

sec. 34-104) "last three sections" and inserting in lieu thereof "last two sections".

(b) The Act entitled "An Act establishing the liability of hotel proprietors and innkeepers in the District of Columbia", approved December 21, 1920 (D.C. Code, secs. 34-101 and 34-102), is hereby repealed.

With the following committee amendments:

Page 2, line 2, strike out the period and insert in lieu thereof a comma and the following: "except that this sentence shall not apply with respect to the liability of that establishment for loss or destruction of, or damage to, any personal property retained by a guest in his room if the property is such property as is usual, common, or prudent for a guest to retain in his room."

Page 6, strike out lines 8 through 21, and insert in lieu thereof the following:

"Sec. 4. (a) The Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901 (31 Stat. 1189), is amended—

"(1) by striking out section 1261 (D.C. Code, sec. 34-103) and by redesignating sections 1263 and 1264 as 1261 and 1262, respectively; and

"(2) by striking out in the section redesignated as section 1263 (D.C. Code sec. 34-104) 'by any of the last three sections' and inserting in lieu thereof 'by section 1260'.

"(b) The Act entitled 'An Act establishing the liability of hotel proprietors and innkeepers in the District of Columbia', approved December 21, 1920 (D.C. Code, secs. 34-101 and 34-102), is repealed."

The committee amendments were agreed to.

Mr. DOWDY. Mr. Speaker, the purpose of the bill, H.R. 10336, is to revise certain civil laws in the District of Columbia Code relating to the liability of commercial lodging proprietors for the property of their guests or patrons, the lien rights of such business establishments as to the property of their guests and patrons, and to improve the procedures for the disposal of unclaimed personal property left with such lodging operators.

PROVISIONS OF THE BILL

Section 1 of the bill provides for a limitation on the liability of operators of commercial lodging establishments for the property of their guests.

A lodging establishment may limit its liability if it provides a suitable depository for the safekeeping of personal property, displays conspicuous notice of the availability of such depository, and notice of the limitation on the proprietors' liability if valuable personal property is not placed in such depository. When personal property of a guest or patron is placed in a designated depository for safekeeping, the maximum liability of the lodging establishment for loss or destruction of, or damage to, property shall be the fair market value of the property but not in excess of \$500. This limitation on liability does not apply to losses to personal property retained by a guest in his room if the property left in his room is such as is usual or prudent for a guest to keep in his room.

This section of the bill likewise limits the liability of the lodging establishment for loss of, damage to, or destruction of property placed in a checkroom. If the checkroom is conspicuously designated as such place for depositing personal

property, and such designation is likewise accompanied with a printed copy of this section of the act, the proprietor is liable only for the fair value of the property but not to exceed \$100.

PROTECTION OF LIEN RIGHTS

The lien rights of commercial lodging establishments would be strengthened by the amendments to existing law provided in section 2 of the bill.

Existing law provides that the lodging establishment shall have a lien upon, and may retain possession of, baggage and effects of any guest or patron who fails to make payment for any amount due. If such lien is exercised, and the property retained exceeds the value of \$50, then the lodging establishment must institute a court proceeding for handling the sale of the property held under the lien.

The amendments in section 2 would provide the lodging establishment with a lien on any personal property including motor vehicles in possession of a guest which are not subject to lien under present law. When property has been retained under the provisions of this section, and the owner of such property fails to pay the amount due for lodging, food, or value received by the guest within 30 days, the property retained may be sold at a public sale.

Prior to such sale, demand shall be made by registered or certified mail for the payment of the amount due, and notice of such sale published once a week for 3 successive weeks in a daily newspaper in the District of Columbia. Such notice shall state that the sale is to satisfy the lien; state the amount of the charges, including any storage charges; state the day, time, and place of the sale; and give a description of the property, along with a full and complete description and information concerning any motor vehicle which may be included in the notice of sale. Notice of such sale shall also be given to any person having an interest, lien, or other claim on the motor vehicle which is recorded by registration within any State. A notice of sale must precede the sale by at least 15 days.

The proceeds of any such sale shall be applied to cover the expenses of storage and sale of the property; to discharge any security interest, lien, or other claim in order of priority provided for by the law; and any remainder paid to the party entitled if the party is known and can be located or otherwise at the end of 1 year after the date of sale the remainder shall be paid to the government of the District of Columbia.

SALE OF UNCLAIMED PROPERTY

Personal property of guests at a lodging establishment, which had been deposited for safekeeping, checked, or left otherwise unclaimed for a period of 90 days or more, may be disposed of under the provisions of section 3 of the bill. The provisions of this section regarding the sale of such property are similar to those described next above for the execution of a lien, except that no sale may be conducted in less than 90 days plus a 15-day period of notice. The residue of any such sale after satisfaction of all other claims in order of priority provided by law is to

be paid within a reasonable time to the government of the District of Columbia.

The final section of the bill, section 4, as amended, provides the necessary technical amendments to existing law.

PUBLIC HEARING

A public hearing on the bill, H.R. 10336, was held by Subcommittee No. 2 of the House Committee on the District of Columbia on October 8, 1969. Representatives of the Hotel Association of Washington and the counsel for the association testified in support of the provisions of the bill. A representative of the Office of the Corporation Counsel for the District of Columbia testified in support of the legislation and presented the recommendations of the District of Columbia government.

AMENDMENTS OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. HUNGATE: Page 2, line 11, strike out "\$500" and insert in lieu thereof "\$1,000".

Page 2, line 20, strike out "\$100" and insert in lieu thereof "\$200".

Page 3, line 4, strike out the period and insert in lieu thereof a comma and the following: "except that the amount of the lien authorized by this subsection may not exceed \$1,000."

The SPEAKER. The gentleman from Missouri (Mr. HUNGATE) is recognized.

Mr. HUNGATE. Mr. Speaker, I would first like to inquire of the gentleman from Texas (Mr. Dowdy) the exact import of the committee amendment just adopted.

Mr. DOWDY. Mr. Speaker, section 1 of the bill provides for a limitation on the liability of operators of commercial lodging establishments for the property of their guests.

A lodging establishment may limit its liability if it provides a suitable depository for the safekeeping of personal property, displays conspicuous notice of the availability of such depository, and notice of the limitation on the proprietors' liability if valuable personal property is not placed in such depository. When personal property of a guest or patron is placed in a designated depository for safekeeping, the maximum liability of the lodging establishment for loss or destruction of, or damage to, property shall be the fair market value of the property but not in excess of \$500. This limitation on liability does not apply to losses to personal property retained by a guest in his room if the property left in his room is such as is usual or prudent for a guest to keep in his room.

This section of the bill likewise limits the liability of the lodging establishment for loss or damage to, or destruction of property placed in a checkroom. If the checkroom is conspicuously designated as such place for depositing personal property, and such designation is likewise accompanied with a printed copy of this section of the act, the proprietor is liable only for the fair value of the property but not to exceed \$100.

Then it protects certain lien rights of commercial lodging establishments.

Mr. HUNGATE. I thank the gentleman for his statement. I wanted to be

sure the amendment is still in order, and I believe it to be.

Mr. Speaker, in essence, my amendment would double the liability of the hotel or motel keeper. On page 2, line 11, it would increase the liability from \$500 to \$1,000, and on page 2, line 20 from \$100 to \$200. This bill places a limit of the amount of liability a motel or hotel keeper will have to you. So I would propose also to add to the end, at page 3, line 11, a provision that his lien on your property shall not exceed \$1,000, since he is carefully limiting his liability to you for \$1,000.

If I may, I would like to give you an example of what could happen under this bill. If the bill is enacted as written, you could drive your \$6,000 Cadillac to a motel where you register as Mr. and Mrs. John Smith. You run up a bill of \$150. You have put Mrs. Smith's \$2,000 ruby ring, which you just gave her, in the motel safe, and you check her \$4,000 sable coat that you gave her for Christmas in the motel checkroom. The motel safe is left unlocked. The night clerk scoops up the \$2,000 ring and leaves with the checkroom attendant, who is now wearing the \$4,000 coat. You would be entitled to recover \$100 for that \$4,000 coat and \$500 for the \$2,000 ring, and you would still owe a motel bill of \$150, so they could get a lien on your \$6,000 Cadillac. I suggest that is inequitable, and my amendment would attempt a better balance of responsibilities and liabilities of each party by doubling the amount for which the motel could be liable to you, and limiting the amount of their lien against you to the total amount that they can be liable to you.

So far as I know, the President takes no position on my amendment. Mr. and Mrs. John Smiths everywhere support it, and I hope you will support it.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the amendments offered by the gentleman from Missouri.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 2, line 22, after the word "damage" insert "unless the destruction or damage is caused by its agent or servant".

Mr. ECKHARDT. Mr. Speaker, under the circumstances described in this bill, as I read it, a person could leave his wristwatch on a table, someone could come in to repair the air conditioning, an employee of the hotel, step on the wristwatch, destroy it, and no matter how much the wristwatch may be worth, the owner could not collect more than \$100. It strikes me that the limitations of liability here were intended to be with respect to acts done by third parties and not with respect to acts done by the servants or agents of the hotel. It seems to me it is absolutely unconscionable to provide that even the grossly negligent acts of the hotel or its servants shall be limited to \$100 liability.

For example, a man might have a \$250 suit. The cleaning woman comes in with some material that bleaches that suit,

puts a big spot in it so it is worthless. Certainly you ought to be able to proceed against the agent of the hotel for the total value of that suit where their own agent or servant was responsible.

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

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

Mr. HUNGATE. My amendment, which was just adopted, would increase that liability from \$100 to \$200 in one instance and from \$500 to \$1,000 in another.

Mr. ECKHARDT. I think that is desirable, and I certainly should amend what I have said to conform to that amendment. Still a wristwatch or suit might be involved worth more than \$200. I think a specific act of the agent or servant of the hotel which has been negligent should not be limited to that amount.

Mr. DOWDY. Mr. Speaker, if the gentleman will yield, I think perhaps what he is saying is covered by an exception in connection with the bill, in this statement: "except that this sentence shall not apply with respect to the liability of that establishment for loss or destruction of, or damage to, any personal property retained by a guest in his room if the property is such property as is usual, common, or prudent for a guest to retain in his room."

That would apply to the suit or the wristwatch.

Mr. ECKHARDT. I do not know whether this is true if it is a \$250 or \$300 wristwatch. Will the gentleman tell me whether this is the kind of property a person should leave in his room or put in the locker. That is a difficult question to answer. That is one trouble with this bill. That is terribly loose language, as to what is commonly put in the lockbox.

I would respectfully submit that unless an amendment of this nature is put on this bill, the bill is wholly indefensible and wholly favorable to destructive or negligent activities of hotels and innkeepers.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

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

PROCEDURE FOR RETURN AND CANCELLATION OF CLASS A LIQUOR LICENSES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14608), to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any person lawfully holding a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act may, during the five-year period beginning on the first day of the first license year which begins on or after the date of the enactment of this Act and in accordance with such regulations as the District of Columbia Council shall prescribe, return such license to the Commissioner of the District of Columbia for cancellation.

(b) The Commissioner of the District of Columbia shall pay \$10,000 to each person who returns a license for cancellation under this Act.

SEC. 2. (a) (1) For such period as may be necessary to reimburse the District of Columbia for payments made under the first section of this Act, the Commissioner may require each holder of a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act to pay each license year, in addition to the license fee prescribed by section 11 of such Act for such year, the amount determined under paragraph (2) of this subsection.

(2) For purposes of determining the amount required to be paid for a license year under paragraph (1) of this subsection by each holder of a class A retailer's license, the Commissioner shall determine the relative positions of the holders of such license on the basis of the amount of gross sales of alcoholic beverages reported by each such license holder for the preceding license year. In the case of any license holder who did not report any such sales for such preceding year or whose report covers only a portion of such year, the Commissioner shall by regulation determine the position of such license holder on the basis of such additional information as may be appropriate. The additional amount to be paid by a license holder for a license year under paragraph (1) shall be—

(A) \$100 if the license holder is determined to be within the bottom third of all such license holders,

(B) \$200 if the license holder is determined to be within the middle third of all such license holders, and

(C) \$300 if the license holder is determined to be within the upper third of all such license holders.

Amounts collected under this section shall be deposited in the general fund of the District of Columbia in the United States Treasury.

(b) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act, the Commissioner shall, in accordance with regulations, make such reduction in the annual license fee for class A retailer's licenses as may be necessary to return to each licensee his proportionate share of such excess.

(c) For purposes of this section (1) the term "license year" means the twelve-month period beginning February 1 of each year, and (2) the term "alcoholic beverages" means the beverages which the holders of a class A retailer's license may sell under such license.

SEC. 3. Section 35 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-133) is amended by inserting after the first sentence the following: "For purposes of this section, the extension of credit by the holder of a class A retailer's license in connection with a sale by such license holder of any beverage through a credit card or other document or device intended or adapted for the purpose of establishing credit shall be considered a sale on credit of such beverage by such license holder."

With the following committee amendments:

Page 2, strike out line 6 and all that follows down through line 18 on page 3 and insert in lieu thereof the following:

"SEC. 2. (a) To provide funds for payments made under the first section of this Act, the Commissioner, after determining the relative positions of all class A retailers in terms of their gross sales of alcoholic beverages during such period as may be fixed by him, shall require each holder of a class A retailer's license to pay each license year, in addition to the prescribed license fee—

"(1) \$100 if the amount of gross sales is within the lowest third of all class A retailers,

"(2) \$200 if the amount of gross sales is within the middle third of all class A retailers, and

"(3) \$300 if the amount of gross sales is within the highest third of all class A retailers.

"(b) Amounts collected under this section shall be deposited in the Treasury of the United States to the credit of a special fund of the District of Columbia which is hereby authorized and from which shall be paid such sums as may be necessary to carry out the purpose of this Act.

"(c) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act, the Commissioner shall after the conclusion of the five-year period specified in the first section return to each licensee his proportionate share of such excess."

Page 3, line 19, strike out "(c)" and insert in lieu thereof "(d)".

Page 4, after line 7, insert the following new section:

"Sec. 4. The provision the first sentence of section 13 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-114) is amended by inserting "the holder of a retailer's license, Class A," immediately after 'wholesaler's license', and by inserting a comma immediately before 'may store beverages'."

The committee amendments were agreed to.

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

Mr. Speaker, what does this bill do, if I may ask a member of the committee? Does this fix the value of liquor licenses in the District of Columbia at \$10,000?

Mr. FUQUA. No, sir. The bill actually has three provisions. The provision which the gentleman from Iowa speaks of is the reimbursement for the cancellation of class A liquor licenses. This is a surtax to be applied to holders of class A retail licenses, to be paid into a special fund to pay for losses of licenses due to such things as the disturbance in the District of Columbia during April 1968. This provision expires 5 years after its enactment.

Mr. GROSS. Mr. Speaker, let me refer the gentleman's attention to the statement beginning on line 3 of page 2, where it says:

(b) The Commissioner of the District of Columbia shall pay \$10,000 to each person who returns a license for cancellation under this Act.

My question is, does this have the effect of fixing the value of a liquor license at \$10,000?

Mr. FUQUA. It is reported to the committee they are worth much more than that when they are sold, but these payments are for those licenses which are inoperative or where the licensees were burned out or destroyed in that period,

and they have been unable up to this date to get back into operation. It has been said and it has been testified before the committee that the District has felt for some time that some effort should be made to reduce the number of licenses in the District of Columbia, and they support this concept whereby the dealers themselves would pay into the fund so that the retailers could be reimbursed \$10,000.

In further answer to the gentleman's question, I am reliably informed that a retail license is worth much more than \$10,000.

Mr. GROSS. How many of them are there in this category?

Mr. FUQUA. About 12 to 15 in this category.

Mr. GROSS. Twelve to 15 in this category?

Mr. FUQUA. Yes.

Mr. GROSS. What is the open market price for a liquor license in the District of Columbia?

Mr. FUQUA. I would have no idea, I understand it depends on the location and the volume of business, but generally it is considerably more than \$10,000.

Mr. GROSS. Then why not let them sell them for more than \$10,000, if they can get a higher price? Why does the committee wish to put a price of \$10,000 on them?

Mr. FUQUA. This was the price arrived at. They felt it was an equitable price for these licenses. We discussed that. We discussed the possibility of making it fluctuate, or perhaps having a negotiable figure. We felt since the dealers themselves were paying the money in, this was an adequate and appropriate and fair fee for these licenses.

Mr. GROSS. Under the circumstances, is this considered to be a ceiling or a floor on the price of liquor licenses?

Mr. FUQUA. This would be the maximum amount or price that could be paid for those purchased under this surtax that will be imposed on the dealers, which expires in 5 years.

Mr. GROSS. If there are only 10 or 12 of these licenses outstanding, what would be wrong with letting the free market take care of the cost of the liquor licenses?

Mr. FUQUA. The point I was trying to make earlier is that the ABC Board would like to see the licenses reduced.

Considering the locations assigned, many of them have been unable to get back into business since the disturbances of April 1968. They do not want any more licenses in these areas. It would be better to reduce the total number of licenses in the District of Columbia. Many of them are located in areas of a high concentration of licenses. They would prefer to use a method such as this to reduce the total number.

Mr. GROSS. Can they not transfer them to other areas? Cannot the Board which controls this permit the transfer to other areas of the city?

Mr. FUQUA. They can be transferred. They must stand on their own case. The Board feels they need to reduce the total number of licenses in the District.

Mr. GROSS. There is something here that somehow or other does not seem to meet the eye. I do not know what it is.

Mr. FUQUA. If the gentleman will give me a hint I will be happy to try to assist him.

Mr. GROSS. I cannot understand why we by legislation in the Congress should fix the price of a liquor license at \$10,000, or any other figure, in the District of Columbia or elsewhere.

Mr. FUQUA. This is to be paid for by the industry, not from tax revenues of the District of Columbia.

Mr. GROSS. I understand that perfectly. That still does not change the fact that we here in Congress are fixing the price of a liquor sales license in the District of Columbia. I do not understand why.

Mr. FUQUA. I beg to differ with the gentleman. I do not think this is any price setting on the license. I think the license in the free market would sell much higher than this.

Mr. GROSS. Then let them sell them at the higher price or for less if there is a poor market for such licenses. I am against Congress fixing the cost of such licenses either here or in the several States.

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

I would point out once again that what we are dealing with here—and it may have some merit, to try to retire some of these licenses—is a piece of special legislation that will be directed to the aid of 12 or 15 people, and will provide the sum of \$10,000 for the license, because of the disturbances, which is listed as the reason, though this could apply to anyone in the city who wanted to get rid of a liquor license.

It is true that the liquor licenses involve a goodwill feature. Actually you are not supposed to pay anything for the license, and they should not, because it is something that is granted by the city, and in this they have no proprietary right. They do, however, transfer them back and forth. This would be sort of a floor, to be sure that if somebody wants to get out the business they would have a floor of \$10,000.

I agree with the gentleman from Iowa that they have considerable problems. This is directed again toward a very special interest in the District of Columbia.

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

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

Mr. GROSS. It would be possible in some areas of Washington, D.C., that a liquor license issued for a particular location could have a very low value unless it could be transferred, but this guarantees \$10,000 to the holder of that license, does it not?

Mr. ADAMS. That is correct.

Mr. GROSS. Is that the purpose of this bill, to see to it that a license that has depreciated tremendously in value is now held to be worth \$10,000? Is that the purpose of it?

Mr. ADAMS. That is correct. It is held to be worth \$10,000. It was done because it was felt in certain areas of the city men could not get their money out of the licenses because of what happened there.

Mr. GROSS. And we in Congress are cast in the role of being a party to that

kind of transaction—in effect helping guarantee the value of a liquor license?

Mr. ADAMS. Well, you are sort of organizing the party.

Mr. GROSS. I thank the gentleman for yielding.

Mr. FUQUA. Mr. Speaker, the purposes of H.R. 14608, as amended, are threefold: First, to authorize the District of Columbia to compensate holders of class A retailer's licenses issued by the District Alcoholic Beverage Control Board who return such licenses to the District for cancellation, the compensation to be derived from a surcharge levied against like licenses; second, to include in the prohibition against purchases on credit from package stores the use of a credit card; and third, to extend the present authority of the ABC Board to consent to storage places for class A retailers.

REIMBURSEMENT FOR AND CANCELLATION OF CLASS A LICENSES

Retailer's license, class A, under the District of Columbia Alcoholic Beverage Control Act, is for a package store. The number of this class of licenses is controlled by regulation, promulgated some 30 years ago, which sets the ceiling at 300, subject to a grandfather clause which results in there presently being 387 such licenses in existence. H.R. 14608 presents a partial solution to the problem of reducing the number of outstanding class A licenses in that it permits the holders of existing package store licenses to surrender their licenses for cancellation at a compensation therefor of \$10,000; the period within which this may be exercised is limited to 5 years from the date of enactment, and the cost is to be assessed against other holders of such licenses.

A public hearing was held by Subcommittee No. 4 of our committee on this legislation on November 13, 1969.

Testimony then presented indicated that as a result of the civil disturbances in the District in 1968 and because of the crime problem, the stores of some 180 retail beverage licensees, class A, were either totally or partially destroyed. Between 15 and 20 such businesses, victims of the riot and others displaced by eminent domain, have not been reestablished through no fault of the license holders, relocation being a critical issue. The District of Columbia Retail Liquor Dealers Association, which represents the package store licensees, has agreed to a surcharge against class A licenses to provide funds for reimbursing holders of such licenses who surrender them for cancellation, the surcharge to be graduated according to the volume of business.

The bill provides that the compensation for cancellation of such licenses will be \$10,000. The District government suggested that it may be more appropriate to give the ABC Board authority to negotiate a fee not to exceed that amount. Your committee recommends the flat fee of \$10,000 for the following reasons: First, negotiations would entail extensive factfinding if equitable results obtain; second, the sale of such a license (actually a sale of goodwill and a going business) under usual circumstances

brings many times that amount, and the unusual circumstances under which these licenses may in lieu of sale be offered for cancellation arose through no fault of the holders of the license; and, third, the dealers who will subsidize the cost through surcharge feel that the flat fee is most equitable, precluding a burden on the Board to negotiate and on the holders of the licenses who must in negotiations prove a value of the license.

The ABC Board requested, and your committee recommends, amendments which will facilitate the administration of such cancellations. The period for determination of the appropriate surcharge is to be established by the Board—rather than being set by law as being the license year—for the reason that reports upon which the determination are based may be delayed beyond the time when assessment should be made. The amounts collected from the surcharge will be placed in a special fund for the purpose of compensating the holders whose licenses are canceled, rather than in the District's general fund as originally proposed, inasmuch as the latter method will entail involvement of the appropriations process whereas special funding will not. The Board also felt that amounts collected in excess of amounts paid should be directly reimbursed to the payees and not be treated as a reduction of license fees, any adjustment to statutory fees being undesirable. There was no objection to making these changes, and your committee agrees that they are appropriate.

No testimony or statements were made or presented to our committee in opposition to this legislation.

PACKAGE STORE PURCHASES ON CREDIT

Present law prohibits sales on credit by class A retailers. In an interpretation of this law, the District of Columbia Corporation Counsel's office found that the existing statute does not prohibit such sales to be charged against credit cards, and in effect approved the use of credit cards for the direct purchase of liquor in any quantity in package stores.

H.R. 14608 makes clear the intent of Congress that no sales by package stores shall be on credit, and that this prohibition includes the use of credit cards. Both the District government and the Retailers Association support this clarifying provision.

STORAGE PLACE FOR CLASS A RETAILERS

The Alcoholic Beverage Control Board has ruled that under the present statute it may not approve storage of alcoholic beverages by class A retailers in a location not contiguous to the licensed premises. The Board is authorized by law to permit storage "upon premises other than the premises designated in the license"—where actual sales take place—to wholesalers and to certain other retailers—section 25-114 of the District of Columbia Code. The class A retailers have requested that like privilege be afforded them. The ABC Board testified before your committee that it recognizes the hardship on class A retailers which results particularly at the holiday season or under other special situations, and regards the storage restriction as unnecessarily harsh on legiti-

mate businessmen who already have to comply with rather stringent law. The Board supports the provision as giving it a flexibility to meet the problem and the control to avoid any abuse in the public interest.

SECTION-BY-SECTION ANALYSIS

Subsection (a) of the first section authorizes holders of class A retailers licenses to return such licenses for cancellation, within 5 years from the date of enactment.

Subsection (b) directs the District of Columbia to pay \$10,000 to each holder for such cancellation.

Section 2(a), as amended, authorizes the Commissioner to determine the volume of sales of class A retailers and to assess against such licensees, in addition to the statutory license fee, according to their standing by volume of sales, \$100 per annum for the lowest third of these retailers, \$200 for the middle third, and \$300 for the highest third. Collections from these surcharges will be placed in a special fund from which cancellation compensation will be paid.

Subsection 2(b), as amended, provides for a proportionate share to be returned to such licensees if collections on surcharges exceed amounts paid by the Commissioner for cancellations pursuant to this legislation.

Section 3 prohibits the use of credit cards in the purchase of alcoholic beverage from a package store in the District.

Section 4, a new section of H.R. 14608, authorizes the ABC Board to permit storage by a class A retailer in premises other than those designated as sales locations.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

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

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

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

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

Mr. ASHBROOK. 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 97, nays 262, not voting 72, as follows:

[Roll No. 31]
YEAS—97

Adair	Broyhill, Va.	Downing
Addabbo	Burton, Calif.	Fallon
Albert	Byrnes, Wis.	Fascell
Annunzio	Cabell	Fisher
Ayres	Cederberg	Flood
Barrett	Clark	Ford
Bierster	Corman	William D.
Blackburn	Coughlin	Fraser
Blanton	Daniels, N.J.	Frelinghuysen
Bow	Davis, Ga.	Friedel
Brasco	Davis, Wis.	Fuqua
Brooks	Dent	Gallagher

Garmatz	McFall	Robison
Gaydos	McMillan	Roe
Gialmo	Mann	Rooney, Pa.
Gibbons	Marsh	Rosenthal
Gilbert	Mills	Rostenkowski
Griffin	Morgan	Satterfield
Griffiths	Murphy, III.	Saylor
Gude	Murphy, N.Y.	Sisk
Hanna	Myers	Smith, N.Y.
Harsha	Nelsen	Stanton
Hogan	O'Konski	Stephens
Hollifield	O'Neill, Mass.	Stubblefield
Horton	Patten	Tiernan
Hosmer	Pepper	Tunney
Jones, Tenn.	Preyer, N.C.	Waggonner
Kee	Price, Ill.	Williams
Kyros	Qule	Winn
Leggett	Railsback	Wolff
Long, Md.	Rarick	Yatron
McCarthy	Rees	Young
McClory	Roberts	

NAYS—262

Abernethy	Foley	Minshall
Adams	Foreman	Mize
Anderson, Calif.	Fountain	Mizell
Anderson, Ill.	Frey	Mollohan
Anderson, Tenn.	Gallifanakis	Montgomery
Andrews, Ala.	Goldwater	Moorhead
Andrews, N. Dak.	Gonzalez	Mosher
Arends	Goodling	Natcher
Ashbrook	Gray	Nedzi
Ashley	Green, Oreg.	Nichols
Aspinall	Green, Pa.	O'Hara
Beall, Md.	Gross	Olsen
Belcher	Grover	O'Neal, Ga.
Bennett	Hagan	Patman
Berry	Haley	Pelly
Betts	Halpern	Perkins
Bevill	Hamilton	Pickle
Bingham	Hammer-	Pike
Blatnik	schmidt	Pirnie
Bolling	Hanley	Poage
Brademas	Hansen, Idaho	Podell
Bray	Hansen, Wash.	Poff
Brinkley	Hastings	Pollock
Broomfield	Hathaway	Price, Tex.
Brotzman	Hawkins	Pryor, Ark.
Brown, Mich.	Hays	Pucinski
Brown, Ohio	Hechler, W. Va.	Purcell
Broyhill, N.C.	Heckler, Mass.	Quillen
Burke, Fla.	Helstoski	Randall
Burke, Mass.	Henderson	Reid, Ill.
Burlison, Mo.	Hicks	Reid, N.Y.
Burton, Utah	Howard	Reifel
Button	Hull	Reuss
Byrne, Pa.	Hungate	Rhodes
Caffery	Hunt	Riegle
Camp	Hutchinson	Rodino
Casey	Ichord	Rogers, Colo.
Chamberlain	Jacobs	Rooney, N.Y.
Chappell	Johnson, Calif.	Roth
Clancy	Johnson, Pa.	Roudebush
Clausen,	Jonas	Ruppe
Don H.	Jones, N.C.	Ruth
Clawson, Del.	Karth	Ryan
Cleveland	Kastenmeier	St. Onge
Cohelan	Kazen	Sandman
Collier	Keith	Schadeberg
Collins	King	Scherle
Colmer	Kleppe	Schneebell
Conable	Koch	Schwengel
Conte	Kuykendall	Scott
Conyers	Kyl	Sebelius
Corbett	Landgrebe	Shipley
Cowger	Landrum	Shriver
Cramer	Langen	Sikes
Crane	Latta	Skubitz
Culver	Lloyd	Slack
Cunningham	Long, La.	Smith, Calif.
Daddario	Lowenstein	Smith, Iowa
Daniel, Va.	Lujan	Snyder
de la Garza	McCloskey	Springer
Delaney	McClure	Stafford
Dellenback	McCulloch	Stagers
Denney	McDade	Steiger, Ariz.
Dennis	McKeanly	Steiger, Wis.
Devine	Macdonald,	Stokes
Dickinson	Mass.	Stratton
Dingell	MacGregor	Stuckey
Duncan	Madden	Sullivan
Dwyer	Mahon	Symington
Eckhardt	Martin	Taylor
Edmondson	Mathias	Thompson, Ga.
Edwards, Ala.	Matsunaga	Thompson, N.J.
Eilberg	May	Udall
Erlenborn	Mayne	Ullman
Eshleman	Meeds	Utt
Evans, Colo.	Melcher	Van Deerlin
Evins, Tenn.	Meskill	Vander Jagt
Farbstein	Michel	Vanik
Feighan	Mikva	Vigorito
Flowers	Miller, Calif.	Walde
Flynt	Miller, Ohio	Wampler
	Minish	Watkins
	Mink	Watson

Watts	Widnall	Wylie
Whalen	Wiggins	Wyman
Whalley	Wilson, Bob	Yates
White	Wold	Zion
Whitehurst	Wyatt	
Whitten	Wylder	

NOT VOTING—72

Abbitt	Edwards, La.	Moss
Alexander	Esch	Nix
Baring	Findley	Ottinger
Bell, Calif.	Fish	Passman
Blaggi	Ford, Gerald R.	Pettis
Boggs	Fulton, Pa.	Philbin
Boland	Fulton, Tenn.	Powell
Brock	Gettys	Rivers
Brown, Calif.	Gubser	Rogers, Fla.
Buchanan	Harrington	Roybal
Burleson, Tex.	Harvey	St Germain
Bush	Hébert	Scheuer
Carey	Jarman	Steed
Carter	Jones, Ala.	Taft
Celler	Kirwan	Talcott
Chisholm	Kluczynski	Teague, Calif.
Clay	Lennon	Teague, Tex.
Dawson	Lukens	Thomson, Wis.
Derwinski	McDonald,	Weicker
Diggs	Mich.	Wilson,
Donohue	McEwen	Charles H.
Dorn	Mailliard	Wright
Dowdy	Monagan	Zablocki
Dulski	Morse	Zwach
Edwards, Calif.	Morton	

So the bill was rejected.
The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Philbin with Mr. Brock.
Mr. Donohue with Mr. Pettis.
Mr. Celler with Mr. Morton.
Mr. Blaggi with Mr. Fish.
Mr. Kluczynski with Mr. McEwen.
Mr. Teague of Texas with Mr. Gubser.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Gettys with Mr. McDonald of Michigan.
Mr. Rivers with Mr. Carter.
Mr. Brown of California with Mr. Findley.
Mr. Lennon with Mr. Buchanan.
Mr. Zablocki with Mr. Morse.
Mr. Monagan with Mr. Mailliard.
Mr. Moss with Mr. Bell of California.
Mr. Dorn with Mr. Derwinski.
Mr. Fulton of Tennessee with Mr. Bush.
Mr. Hébert with Mr. Fulton of Pennsylvania.
Mr. Steed with Mr. Taft.
Mr. Jones of Alabama with Mr. Thomson of Wisconsin.
Mr. Jarman with Mr. Esch.
Mr. Abbitt with Mr. Talcott.
Mr. Boland with Mr. Harvey.
Mr. Carey with Mr. Dawson.
Mr. Ottinger with Mr. Nix.
Mr. Harrington with Mr. Powell.
Mr. Wright with Mr. Passman.
Mr. Kirwan with Mr. Zwach.
Mr. Scheuer with Mr. Clay.
Mr. Baring with Mr. Rogers of Florida.
Mr. Roybal with Mrs. Chisholm.
Mr. Edwards of California with Mr. Burleson of Texas.
Mr. Alexander with Mr. Dowdy.
Mr. Dulski with Mr. Diggs.
Mr. St Germain with Mr. Edwards of Louisiana.
Mr. Weicker with Mr. Lukens.

Messrs. SMITH of Iowa, JACOBS, HAGAN, BROYHILL of North Carolina, DON H. CLAUSEN, BROWN of Ohio, POLLOCK, and PODELL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.
A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA TEACHERS' RETIREMENT AMENDMENTS OF 1970

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District

of Columbia, I call up the bill (H.R. 15980) to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 15980

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

SECTION 1. (a) The last sentence of the first paragraph of section 13 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-733), is amended to read as follows: "The term 'average salary' shall mean the largest annual rate resulting from averaging, over any period of three consecutive years of eligible service, or in the case of a survivor annuity under subsection (b) of section 9 of this Act based on service of less than three years, over the total eligible service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect."

(b) The first paragraph of section 8 of such Act (D.C. Code, sec. 31-728) is amended—

(1) by inserting after the first sentence thereof the following new sentences: "In computing an annuity under section 5(a) of this Act the total service of a teacher shall include days of unused sick leave credited to him. No deposit may be required for days of unused sick leave included in a teacher's total service under the preceding sentence. Days of unused sick leave shall not be counted in determining a teacher's average salary or his eligibility for an annuity."; and

(2) by striking out "This section" in the last sentence of such paragraph and inserting in lieu thereof "Except as otherwise provided in this paragraph, this section".

(c) Section 21 of such Act (D.C. Code, sec. 31-739a) is amended—

(1) by inserting "1 per centum plus" immediately after "shall be increased by" in subsection (b); and (2) by amending subsection (c) (2) to read as follows:

"(2) For the purpose of computing the annuity of a child under subsection (b) (2) of section 9 of this Act that commences on or after the first day of the first month that begins on or after the effective date of the District of Columbia Teachers' Retirement Amendments of 1970, the items \$900, \$1,080, \$2,700, and \$3,240 appearing in subsection (b) (2) of section 9 of this Act shall be increased by the total per centum increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in subsection (b) (2) of section 9 of this Act shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day."

(d) (1) The first sentence of the first section of such Act (D.C. Code, sec. 31-721) is amended to read as follows: "Beginning on the first day of the first pay period which begins after December 31, 1969, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 7 per centum of the teacher's annual salary."

(2) The amendment made by this subsection shall not apply to any persons retired

or otherwise separated prior to the date of enactment of this Act.

(e) Subsection (b) of section 9 of such Act (D.C. Code, sec. 31-729(b)) is amended—

(1) by amending the first sentence of paragraph (1) to read as follows:

"(b) (1) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service and is survived by a widow, or dependent widower, such widow or dependent widower shall be paid an annuity beginning the day after the teacher dies, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that in the computation of the annuity under such subsection the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age."

(2) by amending the first two sentences of paragraph (2) to read as follows:

"(2) If any teacher to whom this subchapter applies shall die after completing at least eighteen months of eligible service or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 60 per centum of the teacher's average salary divided by the number of children, (b) \$900, or (c) \$2,700 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 75 per centum of the teacher's average salary divided by the number of children, (b) \$1,080, or (c) \$3,240 divided by the number of children."; and

(3) by amending paragraph (3) to read as follows:

"(3) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service, and is not survived by a widow, a dependent widower, and/or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that, in the computation of the annuity under such subsection, the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age: *Provided*, That such payments shall be made jointly to surviving dependent parents and payment of such annuity shall continue after the death of either dependent parent: *Provided further*, That all such payments or any right thereto shall cease upon the death of both dependent parents."

(f) (1) The second sentence of subsection (b) (1) of section 5 of such Act (D.C. Code, sec. 31-725(b)(1)) is amended by striking out " , excluding any increase because of retirement under section 4 of this Act,".

(2) The first sentence of subsection (b) (2) of section 5 of such Act (D.C. Code, sec. 31-725(b)(2)) is amended by striking out "50" and inserting in lieu thereof "55".

(g) Such Act is amended by adding at the end thereof the following new section:

"Sec. 23. Effective on (a) the first day of the first month which begins after October 20, 1969, or (b) the commencing date of an-

nnuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity payable from the District of Columbia teachers' retirement and annuity fund resulted from the death of:

"(1) a teacher prior to October 24, 1962, or
 "(2) a retired teacher whose retirement was based on a separation from service prior to October 24, 1962, shall be increased by 10 per centum."

SEC. 2. (a) The amendments made by subsections (a), (b), (e) (1), (e) (3), and (f) of section 1 of this Act shall not apply in the case of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been made.

(b) The amendment made by subsection (c) (1) of section 1 of this Act shall apply only to determinations of amounts of annuity increases which are made after October 20, 1969, under section 21 of the Act of August 7, 1946 (D.C. Code, sec. 31-739a).

(c) (1) The amendment made by subsection (e) (2) of section 1 of this Act shall become effective on the first day of the first month which begins after October 20, 1969.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under subsection (b) (2) of section 9 of such Act (D.C. Code, sec. 31-729(b)(2)) or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under such Act shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed or in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

SEC. 3. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, as amended (60 Stat. 875; D.C. Code, sec. 31-731 to 739) is amended by inserting the following section after the first section:

"SEC. 1A. (a) Any teacher who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of teachers, for the purpose of bargaining with the District of Columbia concerning grievances, disputes, hours of employment, or conditions of work, may, within sixty days after entering on such leave without pay, file with the Board of Education of the District of Columbia an election to receive full retirement credit for his periods of that leave without pay and arrange to pay currently into the teachers' retirement fund established pursuant to this Act, through the Board of Education, amounts equal to the retirement deductions plus additional amounts equivalent to such amounts, in lieu of District of Columbia contributions which would be applicable if he were in a pay status. A teacher who is on approved leave without pay and serving as a full-time officer or employee of such an organization on the date of enactment of this section may similarly make such election within sixty days after such date of enactment. If the election and all payments herein provided are not made, the teacher shall receive no credit for such periods of leave without pay occurring on or after the date of enactment of this section.

"(b) A teacher may deposit with interest at 4 per centum compounded annually an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, prior to the date of enactment of this section, as a full-time officer or employee of an organization composed primarily of teachers, and may receive full retirement credit for such period or periods of leave without pay. In the event

of the death of such teacher any individual entitled to annuity under this Act may make such deposit."

Sec. 4. Section 7 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31-727), is amended to read as follows:

"The amount of each year's appropriation shall be such amount as is necessary to maintain during such fiscal year a balance in the teachers' retirement fund approximately equal, to the nearest million dollars, to the balance in that fund on June 30, 1969, or such amount as is necessary to maintain the equity in such fund of all teachers, active and retired, whichever amount is greater. If at any time the balance in the Teachers' Retirement Fund is not sufficient to meet all obligations against such fund, the fund will have a claim on the District of Columbia revenues to the extent necessary to meet such obligations."

Sec. 5. (a) Section 1 of this Act, except for subsection (d), shall be effective October 20, 1969.

(b) Subsection (d) of section 1 of the Act shall be effective on the first day of the first pay period which begins after December 31, 1969.

(c) Sections 3 and 4 of this Act shall be effective on the date of enactment.

Sec. 6. This Act may be cited as the "District of Columbia Teachers' Retirement Amendments of 1970."

AMENDMENT OFFERED BY MR. FUQUA

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

The Clerk read as follows:

Amendment offered by Mr. FUQUA: On page 9, line 21, insert immediately after the quotation marks "Section 7".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

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

The purpose of the bill H.R. 15980, is to amend the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93, approved October 20, 1969.

PROVISIONS OF THE BILL

The provisions of H.R. 15980, all amendments to the District of Columbia Teachers' Retirement Act, are 12 in number, as follows:

1. NEW BASIS FOR COMPUTATION OF ANNUITIES

The bill will authorize the computation of annuities on the basis of the teacher's highest consecutive 3-year average salary, rather than the present highest 5-year average. Our committee is advised that this provision will result in an increase of approximately 6 percent in retired teachers' annuities. It is to be noted, however, that none of the benefit provisions of this bill will apply to the annuities of those teachers who retired prior to October 20, 1969, which is the effective date provided for the benefits in this proposed legislation.

2. SERVICE CREDIT FOR UNUSED SICK LEAVE

This bill provides that sick leave which an employee has accumulated at the time of his retirement be credited, with no deposit required for such days, to the employee's length of service in computing his annuity. However, such days of unused sick leave may not be used in determining either average salary or eligibility for an annuity. Not only is this provision in keeping with the present trend regarding unused sick leave in other large public school systems, as well as with the policy which now applies to retirees under the Civil Service Retirement Act, but your committee feels also that it will provide an incentive against abuses of the sick leave privilege.

3. ADDITION TO "COST OF LIVING" INCREASES

H.R. 15980 authorizes a 1 percent cost-of-living adjustment, to be applied in addition to any increases in annuities based on the Consumer Price Index figure as provided under present law. Inasmuch as this is the only area of protection for retirees against inflation, our committee feels that this provision is of vital importance.

4. MINIMUM SERVICE REQUIREMENT FOR SURVIVOR ANNUITY ELIGIBILITY

A serious present weakness in the District of Columbia teachers' retirement system is its failure to furnish realistic protection for employees with fewer than five years of service. Currently, if a teacher dies with less than 5 years of service, his survivors get only a refund of his annuity contributions plus 3 percent compounded interest thereon to the date of his death. Employees in private industry, however, being subject to the Social Security Act, are entitled to survivor annuity protection after as much as 18 months of service. This applies also in the case of employees under the civil service system.

This committee is of the opinion that this same protection should be provided for survivors of employees under the District of Columbia Teachers' Retirement Act, and hence the bill H.R. 15980 reduces this minimum length of service for survivor annuity eligibility from 5 years to 18 months.

5. GUARANTEED MINIMUM ANNUAL ANNUITY FOR ADULT SURVIVORS OF DECEASED TEACHERS

H.R. 15980 provides that a widow, widower, or dependent parent of a deceased teacher shall be entitled to at least 55 percent of, first, 40 percent of the teacher's average salary as used for computing annuity, or, second, his annuity projected to 60 years of age, whichever is the smaller amount. Under present law, if a District of Columbia teacher dies after 6 years of eligible service, the widow, dependent widower, or dependent parent would be entitled to only 5.1 percent of the deceased teacher's average salary.

This proposed amendment would allow the surviving adult dependent in such an instance to receive an annuity of approximately 22 percent of such salary.

Inasmuch as the benefit provisions of H.R. 15980 all have their counterparts in the Civil Service Retirement Act, as presently amended, the committee feels it appropriate to point out, as the single ex-

ception, that there is no provision in the Civil Service Retirement Act for annuities for dependent parents. However, since the District of Columbia Teachers' Retirement Act presently provides annuities for dependent parents, our committee feels it proper to continue this policy on the same basis as is provided for other adult dependents.

6. INCREASED YEARLY ANNUITY FOR CHILD SURVIVORS OF DECEASED TEACHERS OR TEACHER RETIREES

The bill provides increased annuities for child survivors of District of Columbia teachers or teacher retirees.

It is the opinion of our committee that these increased annuities for child survivors are much more consistent with present-day economic conditions than are those presently provided in the District of Columbia Teachers' Retirement Act.

7. INCREASED YEARLY ANNUITIES FOR WIDOWS AND WIDOWERS OF DISABILITY ANNUITANTS

At present, the surviving spouse of a disability retiree under the District of Columbia teachers' retirement system faces the same problem as do adult survivors of teachers not on disability retirement, as discussed in this report under item 5 above.

Currently, a teacher retired on disability receives an annuity based on the smaller of 40 percent of his average salary, or his annuity projected to age 60 years. However, if that teacher on disability retirement should die, these provisions no longer apply and his spouse would be entitled to only a survivor annuity based on the teacher's number of years of eligible service. In the case of a disabled teacher with 6 years of service at the time of retirement, for example, the annuity would be only 5.1 percent of the teacher's average salary. The amendment proposed in H.R. 15980, however, would allow the surviving widow or widower in this instance to receive 55 percent of the deceased's disability annuity, including any increase because of disability retirement.

8. ELIMINATE THE REQUIREMENT THAT A CHILD MUST RECEIVE MORE THAN ONE-HALF HIS SUPPORT FROM THE DECEASED PARENT IN ORDER TO RECEIVE A SURVIVOR'S ANNUITY

The requirement that a child must have received more than one-half his support from the deceased parent in order to qualify for a survivor's annuity was eliminated from the Civil Service Retirement Act by Public Law 89-504, approved July 18, 1966. Public Law 90-231, approved December 29, 1967, was designed to grant personnel under the District of Columbia teachers' retirement system the same benefits as were provided civil service retirees by the above-cited act. However, the provision regarding the 50-percent support requirement was overlooked at that time, and this committee is of the opinion that the inequity should be eliminated in this proposed legislation.

9. INCREASE THE SURVIVORSHIP ANNUITY OF WIDOWS, WIDOWERS, AND DEPENDENT WIDOWERS OF TEACHERS WHO RETIRED OR DIED PRIOR TO OCTOBER 24, 1962, FROM 50 TO 55 PERCENT OF THE EMPLOYEE'S ANNUITY

Another legislative oversight exists in regard to this provision of H.R. 15980. Prior to 1962, the survivors of both

teachers and civil service retirees were entitled to an annuity of 50 percent of the former employee's annuity. In 1962, however, this figure was increased to 55 percent for such survivors of annuitants under the civil service system by an act of Congress approved on October 11, 1962; and for survivors of annuitants under the District of Columbia teachers' retirement system by section 203 of Public Law 87-881, approved October 24, 1962. Neither of these amendments, however, was made retroactive at that time, and thus both groups of survivors of annuitants retired or otherwise separated prior to the dates of enactment of these respective laws were still limited at that time to 50 percent of the annuity.

Title V, section 507, of the Federal Salary and Fringe Benefits Act of 1966—Public Law 89-504—approved July 18, 1966, increased the annuities of civil service annuitants who were retired or otherwise separated prior to October 11, 1962, by 10 percent. This was equivalent of course, to increasing the maximum percentage of annuities for such survivors from 50 percent to 55 percent of the employee's annuity. However, even though Public Law 90-231, approved December 29, 1967, was modeled to provide the same benefits to District of Columbia teacher retirees as had been afforded civil service retirees under Public Law 89-504, this law did not include a provision which would have eliminated the inequity described above. Therefore, while survivors of all civil service retirees are eligible to receive a maximum of 55 percent of the employee's annuity regardless of when the employee retired or was otherwise separated, and although survivors of District of Columbia teachers who retired or were separated after October 24, 1962, enjoyed this same benefit, the survivors of teachers who retired or died before October 24, 1962 are singularly excluded from the benefit of this 5 percent differential. Our committee feels that this situation should be corrected at this time.

10. INCREASE IN TEACHERS' RATE OF CONTRIBUTION TO THEIR RETIREMENT FUND

The bill provides that the rate of contribution of teachers to the District of Columbia teachers' retirement fund shall be increased from 6.5 percent to 7 percent of their salaries. This is to take effect on the first day of the first pay period beginning after December 31, 1969.

In view of the numerous retirement benefits provided in this proposed legislation, our committee is of the opinion that this increase in the contribution rate is entirely equitable. Also, it is identical to the increased rate of contribution presently required of civil service employees.

11. AUTHORIZE CREDITABLE SERVICE FOR RETIREMENT PURPOSES FOR PERIODS OF AUTHORIZED LEAVE WITHOUT PAY FOR TEACHERS SERVING AS OFFICERS OF EMPLOYEE ORGANIZATIONS

The bill will authorize teachers to count as creditable service for retirement purposes all periods of authorized leave without pay while serving as officers of employee organizations.

The teachers in the District of Columbia public school system are represented by the Washington Teachers Union as their bargaining agent with the government of the District of Columbia. This

organization has, in fact, a proportionally higher membership than comparable organizations of classified employees. Accordingly, our committee is of the opinion that the extending of this benefit to District teachers who are full-time union officers is justified.

Although this provision will immediately affect only one teacher, the present president of the Washington Teachers Union, the benefit will extend to all teachers who may serve in the future as officers of employee organizations.

Under the language of this bill, such employees of the District of Columbia Board of Education on leave without pay shall be required to pay the entire cost of that part of their annuities accruing from that period of creditable service, as is required of employees under the civil service retirement system under these same circumstances.

12. MODIFICATION OF THE FORMULA FOR THE DISTRICT OF COLUMBIA GOVERNMENT'S ANNUAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA TEACHERS RETIREMENT FUND

Under existing law, the income to the District of Columbia teachers retirement fund is derived from three sources, as follows:

Teachers' contributions.

Interest earned by the reserve funds, which are invested.

Contribution from the District of Columbia government.

Section 7 of the District of Columbia Teachers' Retirement Act—District of Columbia Code, section 31-727—requires an annual appropriation from the District of Columbia general fund into the District of Columbia teachers retirement fund. Each year's appropriation shall be calculated, on an actuarial basis, as a level percentage of the payroll of all participants sufficient to cover the liability normally accrued, plus a further amount equal to interest on the unfunded liability.

The bill, H.R. 15980, includes a provision, requested by the Commissioner of the District of Columbia, which will amend section 7 of the District of Columbia Teachers' Retirement Act so as to substitute this modified "pay as you go" plan for the "normal cost plus interest" formula specified in the present law. This plan requires that the teachers retirement fund be pegged at its level as of June 30, 1969, or at an amount equal to the employees' equity in the fund, whichever is the larger. For active teachers, employee equity is simply the total of their contributions. For retired teachers, it is the total of their contributions which have not been returned to them in the form of annuities.

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

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

Mr. BROYHILL of Virginia. Mr. Speaker, the gentleman from Florida has explained the bill. The bill does nothing more than bring the schoolteachers in the District of Columbia in line with all of the civil service employees insofar as retirement benefits are concerned. This has been our tradition, we have always done this. In fact, we have the rather ironic situation at this

time where we have 2,000 temporary District of Columbia schoolteachers who are now receiving the same benefits as the civil service employees, which benefits are better than the permanent teachers receive.

Mr. FUQUA. The gentleman from Virginia is correct in that statement.

Mr. BROYHILL of Virginia. Mr. Speaker, there is one thing that does concern me quite a bit, and it likewise is of concern to some of the retired teachers, and that is that the District of Columbia government does not have to match the employees' contributions in the future. Does the gentleman from Florida know, under the existing law, whether the District of Columbia government has to match these contributions, and whether it also has to provide interest on the funds in the system?

This legislation does permit the District government or the Committee on Appropriations just to appropriate the amount needed, added to the teachers' contributions, current contributions, to pay up what is required to be paid out to keep the fund going through the current year.

I wonder if the gentleman could assure the Members that this would not in any way jeopardize the funds in the system, and that it will not in any wise release the District government, or the Federal Government, for that matter, from properly funding this system in the future?

Mr. FUQUA. Mr. Speaker, let me assure the gentleman from Virginia that it was never the intention of the committee that the government of the District of Columbia at any time would be released from the liability that it has for the unfunded portion of the retirement fund. In no way is it intended to jeopardize any funds that are already in there. As a matter of fact, it says that it must be maintained at the level it was on June 30, 1969, and this was approximately \$62 million.

This is adequate to maintain the fund, and as a matter of fact, I think this fund is one of the more sound funds financially that we have for Federal employees.

Mr. BROYHILL of Virginia. I think the language in the legislation, as it has been reported, does help to emphasize that assurance of sound financing because it also provides that if the fund is not sufficient in the system to meet all the obligations of the system, then the retirement fund would have first claim on the District revenues, and I think that is very assuring language to have in the legislation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include my remarks in the Record following the remarks of the gentleman from Florida (Mr. FUQUA).

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

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased indeed to commend to my colleagues for favorable action the bill H.R. 15980, which will amend the District of Columbia Teachers Retirement Act in a number of significant respects.

Last July 7, I first introduced this measure as H.R. 12600, embodying four major provisions, as follows:

First. Authorize the computation of the District of Columbia teachers' annuities on the basis of their highest consecutive 3-year average salary, rather than the present highest 5-year average.

Second. Permit sick leave which a teacher has accumulated at the time of his retirement to be credited, with no deposit for such days, to the teacher's length of service in computing his annuity.

Third. Add a 1-percent increase to the amount of any cost-of-living annuity adjustments each time such adjustments are made.

Fourth. Increase the deduction rate from the teachers' salaries to the teachers' retirement fund from 6.5 percent to 7 percent, effective as of the first day of the first pay period beginning after December 31, 1969.

I wish to make it clear that this bill was introduced for the express purpose of bringing the District of Columbia Teachers' Retirement Act benefits into line with those provided for classified Government employees in the Civil Service Retirement Act. Historically, this has always been the case, and the 1969 amendments to the Civil Service Retirement Act, enacted as of October 20, 1969 (Public Law 91-93), have once again made it essential that we in the Congress, in fairness to the teachers and other professional employees of the District of Columbia Board of Education who plan to retire in the near future, enact legislation to provide all these new benefits to those faithful and dedicated employees.

Thus, all the provisions I have enumerated in H.R. 12600 were provided as

of last October 20 for retirees under the civil service retirement system. However, when we held a public hearing on this proposed legislation, it was brought to our attention that there are six or seven other provisions now in the Civil Service Retirement Act which my bill would not provide for the District of Columbia teachers. While these further provisions are not as important as those incorporated in H.R. 12600, in that they do not affect nearly as many people, I and my colleagues on the District of Columbia Committee feel strongly that complete comparability between the two retirement systems should be maintained.

For this reason, we adopted the amendments to provide these further benefits, and these are all incorporated in the later bill, H.R. 15980, which I introduced as a clean bill on February 18.

These new provisions include such items as reduction in the minimum period of service required for survivor annuities from 5 years to 18 months, a guaranteed minimum yearly annuity for adult survivors of deceased teachers, increased annuities for both adult and child survivors of deceased teachers or teacher retirees, and increased benefits to survivors of teachers who were retired prior to October 24, 1962. In addition, there is also a provision which will allow a teacher on leave without pay, while serving as an officer in an employee organization, to count the time so spent as creditable service for retirement under the Teachers' Retirement Act, provided that he pay all the expenses involved to the fund.

Again, I wish to emphasize that every one of these provisions has its counterpart in the Civil Service Retirement Act as presently amended. Actually, the fact that these benefits are not yet available to teacher retirees has caused something

of a morale problem among the teachers. This problem has arisen because in the District of Columbia public school system's full complement of some 8,300 teachers, about 2,000 are temporary in status. These temporary teachers come under the Civil Service Retirement Act, rather than the District of Columbia teachers' retirement system, and thus have been in a position to receive these new retirement benefits since last October 20. However, this situation will be remedied with the enactment of this proposed legislation.

In order to achieve complete equity between the two systems, this bill will make all these new benefits effective as of October 20, 1969, the date of their application to retirees under the civil service system.

The following chart shows the cost of these additional benefits, for fiscal years 1971 and 1975. The lapse between these years is for the purpose of demonstrating how the costs are estimated to change over a period of time. For fiscal year 1971, and for the ensuing 2 fiscal years, the additional cost of these new benefits will be more than offset by the increase of one-half of 1 percent in the teachers' rate of contribution to the retirement fund. After that time, however, it will be necessary for the District of Columbia government's contribution to the fund to increase somewhat. It will be noted, however, that the figures shown are based upon the assumption that teachers' salaries will continue to increase at the rate of some 7 percent per year, and that cost-of-living increases will continue at about 4 percent annually, as has been the case in recent years. Of course, should there be some slowing of this inflationary trend, then the costs will increase more slowly.

ESTIMATED ANNUAL COST OF H.R. 12600 AS AMENDED AND APPROVED BY SUBCOMMITTEE NO. 4, FISCAL YEARS 1971 AND 1975, ASSUMING CONTINUED ANNUAL SALARY INCREASES FOR D.C. TEACHERS OF 7 PERCENT AND CONTINUED ANNUAL COST OF LIVING INCREASES OF 4 PERCENT

[In thousands of dollars]

Fiscal year	High-3 average	Sick leave credit	Extra 1 percent cost of living	Benefit No. 1	Benefit No. 2	Benefit No. 3	Benefit No. 4	Benefit No. 5	Total, all benefits	One-half percent contribution by teachers	Net cost to fund
1971.....	48.0	4.6	105.0	0.7	1.2	8	0.1	10.3	177.9	364.5	-186.6
1975.....	293.4	27.9	644.7	3.5	5.5	8	.4	12.9	966.3	477.8	518.5

Note: The benefits numbered 1 through 5, above, are described as follows: Benefit No. 1—Minimum service requirement for survivor annuity decreased from 5 years to 18 months. Benefit No. 2—Guaranteed minimum yearly annuity for adult survivors of deceased teachers. Benefit No. 3—Increased yearly annuity for child survivors of deceased teachers or teacher retirees. Benefit No. 4—Increased yearly annuity for widows and widowers of disability annuitants. Benefit No. 5—Increased benefits to survivors of teachers retired prior to Oct. 24, 1962.

Source: Office of Government Actuary, U.S. Treasury Department.

There is a final provision in H.R. 15980, which was requested by the Commissioner of the District of Columbia, relating to the formula for determining the District of Columbia government's annual contribution to the teachers' retirement fund. The District of Columbia Teacher's Retirement Act presently provides, in section 7—D.C. Code, sec. 31-727—that the District's share of contribution shall be based on a percentage of the teachers' total contributions, plus an amount which is interest on the fund's un-funded liability. Over the years, this formula has caused the reserve, or unspent portion of the fund, to increase until it now stands at some \$62 million. This reserve is invested, and of course brings in interest to the fund. Beginning with fiscal year 1968, however, the House Com-

mittee on Appropriations has granted the District government's annual request that they be permitted to contribute only the amount of the fund's total normal cost for that year, minus the sum of the teachers' contributions and the interest earned by the fund's reserve. As a result, of course, the reserve has not increased appreciably beyond its level as of the beginning of fiscal year 1968.

The reason for this permission on the part of the Congress is the assurance of the Treasury Department's actuaries that the stability of the retirement fund is not imperiled by this modified "pay as you go" contribution plan, and the fact that it results in a smaller appropriation of funds, which is important in view of the District's dire need of revenues for other vital purposes.

In view of this assurance, and in recognition of the fact that the District of Columbia does indeed face a critical situation with regard to revenues, the District of Columbia Committee felt that this provision in H.R. 15980, which will simply incorporate this "pay as you go" formula into the D.C. Retirement Act and thus grant legislative status to the formula which has been in practice anyway for the past 3 years, should be enacted. For the coming fiscal year, this will call for an appropriation of \$4 million for the District's contribution to the teachers' retirement fund, in comparison to the \$19 million which the formula in the present law would require.

Mr. Speaker, each year some 104 teachers retire from the District of Columbia public school system, after devoting an

average of 36.7 years of service to the youth of this city. For a number of reasons, this service in recent years has become as difficult and as demanding as such professional work can possibly be—far more so, certainly, than typical service under the civil service system. Under these circumstances, I feel strongly that these public servants should have the assurance and confidence that they may someday be able to retire with an annuity sufficient to live on without the constant threat of being unable to meet the costs of the necessities of life—and that should they die, their surviving dependents may be able to live in at least a very modest way.

For these reasons, I am pleased to offer this bill, and trust that it will receive favorable action.

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

Mr. FUQUA. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

Mr. Speaker, I am concerned about this bill because I wonder if it is the forerunner of equalization and comparability of retirement throughout the United States of all people, establishing a standard of living income in retirement.

Mr. FUQUA. I might say to the gentleman that this, of course, only affects the District of Columbia. Historically, it has been the precedent that the teachers of the District of Columbia correspond to the Federal retirement system, as passed for the civil service employees. This was passed last October. This bill now is retroactive back to October. It only affects, I believe, some 12 teachers who have retired in that period of time. So this is conforming as far as the practice that has prevailed here in the District of Columbia for some time.

Mr. HALL. I appreciate the gentleman's statement. I am not sure that this tradition or historical practice is worthwhile and proper. There are differences in employees. There are differences in tenure. There are differences in earnings and contributions, and there certainly are differences in people's retirement plans of life.

I am very sympathetic with the teachers retirement fund, as suggested by the various States. But I am also concerned that this may be a system wherein we accept inflation as a way of life and delegate our responsibility.

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

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

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

There was no objection.

Mr. HALL. Mr. Speaker, if the gentleman will continue to yield?

Mr. FUQUA. I am happy to yield to the gentleman.

Mr. HALL. Mr. Speaker, I would like to ask the gentleman in that regard, whether or not he expects that should the rate of inflation ever stop and, indeed a recession occur, that there would

be any reduction in the retirement based on the cost of living, as are the increases that are also included in this bill?

Mr. FUQUA. I might say to the gentleman, if, and I hope we do succeed in stopping the rate of inflation or inflation, that then this percentage would not increase. Only if there were inflation to cause it to increase.

However, if there was a recession, there would not be a provision that this would be lower. It would not increase automatically unless there were inflationary pressures that would lead to this, as provided in the formula in the bill. But under a recession, it would not reduce by a corresponding amount, nor do our other retirement systems to my knowledge.

Mr. HALL. I appreciate the gentleman's forthrightness.

I think he has stated the situation exactly and I think it is wherein Congress has erred in the past, in not considering decreases in the cost of living as well as increases, in accordance with parity in living costs.

In the gentleman's opinion, would this insure tenure for teachers? Or, is it applicable only in respect to those who have or do retire in the future?

Mr. FUQUA. This is for those, as I understand it, who have tenure already and does not apply to those who do not have tenure. This has to do with permanent teachers and does not affect teachers without tenure in the District of Columbia.

By the way, as was pointed out by the gentleman from Virginia, those temporary teachers are covered by the Civil Service Act and they have already received their benefits under the bill as passed by the Congress last year.

Mr. HALL. I know full well whereof the gentleman speaks, and I know he is right. I am not sure I agree with the logic that just because we passed it for one class of employee that we should necessarily follow with all classes because this does indeed heighten the spiral of inflation. For example, I am sure the gentleman would agree with me that in the military pay bill we made comparable the pay and the retirement benefits of military and defense employees immediately so that they could correspond with those of the civil servants in the retirement bill that was passed, as he says, last October. Now we are coming along doing the same thing for teachers. Furthermore, we did the same thing for ourselves, only we went them one better.

Could the gentleman assure me that the contributions that are demanded by this bill will more than offset the increased costs of this retroactive, equalizing, comparable bill for retired teachers?

Mr. FUQUA. I am happy to say that this year, with the retroactive payments, there will be a surplus in the fund.

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

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Virginia is recognized.

Mr. SCOTT. Mr. Speaker, I would like to ask the distinguished gentleman some

further questions with regard to this measure. Is it true that this bill puts the teachers in the same position as all Federal civilian workers and also other civilian employees of the District of Columbia?

Mr. FUQUA. This puts the teachers in the same category as all the other employees of the District of Columbia, many of whom have already received these benefits in legislation passed by this Congress last year.

Mr. SCOTT. Does the gentleman know why they were omitted from the general legislation previously passed by Congress? I say this, even though I am a member of the subcommittee and the full Committee on Post Office and Civil Service which considered the general bill that passed the Congress.

Mr. FUQUA. Let me defer to my good friend from Virginia (Mr. BROYHILL) to answer that question.

Mr. BROYHILL of Virginia. The gentleman is a member of the Committee on Post Office and Civil Service, which has jurisdiction over the District of Columbia classified employees and also the temporary schoolteachers. But the salaries and benefits of the permanent schoolteachers come under the purview of the House Committee on the District of Columbia. That is the reason we must come back to legislate separately on each of these matters.

Mr. SCOTT. It is a question of jurisdiction, then?

Mr. BROYHILL of Virginia. It is within the jurisdiction of the Committee on the District of Columbia.

Mr. SCOTT. I thank the gentleman and commend the committee for bringing the bill before the House.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am interested in knowing how the retirement system for teachers of the District of Columbia compares generally with the teacher retirement systems in the several States of this country.

Mr. FUQUA. The committee went into that situation and tried to make such a determination. The committee felt that it was in somewhat the same category and within the same amount as those in the surrounding jurisdictions of Maryland and Virginia.

Mr. GROSS. Comparable to Maryland and Virginia?

Mr. FUQUA. The retirement system for school teachers, yes, sir, in the Washington area.

Mr. GROSS. How about the rest of the country? Is this a better retirement system than is generally prevalent over the country?

Mr. FUQUA. I think this system is probably one of the better ones in the country. I would not say it was the highest or the lowest, but it is among the better retirement systems that we have in this country. That is one of the inducements we have in order to get quality teachers to teach in the District of Columbia schools, which, as the gentleman is well aware, do not provide the most pleasant conditions.

Mr. GROSS. It becomes our responsibility today to vote for or against this

proposal, and I am trying to relate it to the retirement systems in the State of Iowa and in other States over the country as to what we are here doing by legislative enactment.

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

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

Mr. BROYHILL of Virginia. I would like to say that the prevalent classified Federal employees system and that for Members of Congress would compare quite favorably to that of public employees in the State of Iowa.

Mr. GROSS. I would suspect it is much better than in the State of Iowa.

Mr. BROYHILL of Virginia. If the gentleman will yield further, what we are confronted with here is competition with the principal industry in the area, which happens to be the Federal Government.

Mr. GROSS. What I am interested in is the competition this may engender, the competition for funds to pay for a retirement system comparable to this one, if there is a wide difference between the two.

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

Mr. GROSS. Yes, of course.

Mr. BROYHILL of Virginia. I point out also that we have provided this year to increase the contribution on the part of the teachers to the fund, and on an actuarial basis it is sound, the same as the system for classified employees is a sound system, if the Federal Government will only pay its share.

Mr. GROSS. Let me ask this: Does this retirement system give credit for unused sick leave?

Mr. BROYHILL of Virginia. It does the same thing that the classified employees got. It gives them credit toward retirement for unused sick leave. It does not count toward getting a higher salary.

Mr. GROSS. It gives them credit toward total retirement?

Mr. BROYHILL of Virginia. For tenure; that is correct.

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

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

Mr. HALEY. May I say to the distinguished gentleman from Iowa, probably this should be a little better than the retirement for the people in Iowa, because of the hazard here, which I am sure they do not have in the gentleman's great State.

Mr. GROSS. I thought they were already dispensing combat pay to teachers in the District of Columbia.

Mr. HALEY. I think they are entitled to it.

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

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

Mr. HALL. I believe I have the answer to the gentleman's question, so far as a comparison of the retired pay of teachers in the District of Columbia with those in the State of Missouri. The teachers in the State of Missouri who have retired draw \$72 a month from the Missouri

State Teachers Association retirement fund and an additional \$75 a month from the Missouri Legislature's act for retired teachers, two separate funds, one established by the Missouri taxpayers and the other by their own payment into the retirement fund.

According to the Civil Service Retirement Act, which we are equalizing for the teachers in the District of Columbia, they would draw over double that amount, on the basis of the 3 years of service worked under this act.

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

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

Mr. BROYHILL of Virginia. I wonder if the gentleman from Missouri can tell us what the teachers in Missouri pay into the system. The main point is that the teachers in the District of Columbia system will be paying in 7 percent of their salaries. They have been paying 6½ percent. The system therefore is adequately funded. In fact, in the bill we are providing for a portion to be reduced in the future, because the surplus is more than it needs to be.

Actually, we are not doing anything not sound from an actuarial standpoint in properly funding the system.

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

TAXATION BY DISTRICT OF COLUMBIA OF REGULATED INVESTMENT COMPANIES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 15381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b) is amended by inserting after paragraph (15) of section 3a the following new paragraph:

"(16) REGULATED INVESTMENT COMPANIES.—In the case of a regulated investment company as defined in section 851 of the Internal Revenue Code of 1954, which meets the requirements of section 852(a) of the Internal Revenue Code of 1954, the dividends paid by the regulated investment company which qualify for the dividends-paid deduction under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 855 of the Internal Revenue Code of 1954."

Sec. 2. The amendments made by this Act shall apply with respect to taxable years of regulated investment companies beginning after December 31, 1968.

AMENDMENT OFFERED BY MR. FUQUA

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

The clerk read as follows:

Amendment offered by Mr. FUQUA: Page 2, strike out lines 1 through 8 and insert in lieu thereof the following: "of the Internal Revenue Code of 1954—

"(A) the dividends paid by the regulated investment company which qualify for the dividends-paid deduction under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 855 of the Internal Revenue Code of 1954; and

"(B) such amount as the regulated investment company shall designate for purposes of section 852(b)(3)(D)(ii) of the Internal Revenue Code of 1954 as undistributed long-term capital gains to be included in computing the long-term capital gains of the shareholder. Such amounts shall be included as gains from the sale or exchange of capital assets, as defined in this article, in computing such shareholder's taxable income as defined in section 1 of title VI of this article."

The amendment was agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of this amendment is to further conform the District of Columbia income tax law to the provisions of the Internal Revenue Code. The bill as reported from committee applied to regulated investment companies which fully distribute dividends to shareholders each year. The amendment relates to the regulated investment companies which operate as venture capital companies where dividends are partially distributed to the shareholders and partially held by the company but the shareholder reports for tax purposes and pays taxes on all dividends accruing to his interest whether distributed or not. On the dividends withheld by the company and on which the company pays the income tax, the shareholder receives credit for taxes paid by the company along with his payment of taxes on the dividends he received.

PURPOSE OF BILL

The bill H.R. 15381 would conform the provisions of the District of Columbia Income and Franchise Tax Act of 1947—District of Columbia Code, title 47, section 1501 et seq., 61 Stat. 331—to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954.

Its purpose is to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District of Columbia similar to that which they are accorded under Federal law; namely, the flowthrough or conduit treatment in connection with their distribution of dividends to their shareholders.

Regulated investment companies—mutual funds—which distribute their income currently are not subject to Federal income taxation. This is because mutual funds are merely conduits for the dividends and net gains which are passed on to the shareholders. Most

States, including Maryland and Virginia, follow the Federal practice and do not tax mutual funds.

The conduit treatment is a deduction against income to the extent that income realized by mutual funds are paid to the shareholder.

If conduit treatment was ultimately held to be unavailable to mutual funds, the net effect would be to cause triple taxation: First, taxation by the corporation paying dividends to the mutual fund; second, taxation if the mutual fund itself were taxed; and third, then taxation by the shareholder. Already, the shareholder or taxpayer does in fact pay a tax and, of course, the corporation distributing the dividends to the mutual fund pays a tax. It is this second tax—a 6-percent tax—that would be eliminated by the enactment of H.R. 15381, which would, in effect, grant to the mutual funds the same deductions for dividends paid to shareholders that the mutual funds are allowed for Federal income tax purposes.

NEED FOR LEGISLATION

The District of Columbia Revenue Act of 1969—Public Law 91-106, October 31, 1969, 83 Stat. 169—conformed the provisions of the District of Columbia Income and Franchise Tax Act to the provisions of the Federal Internal Revenue Code with respect to capital gains and losses generally, including the treatment accorded shareholders of regulated investment companies.

The need for this legislation is caused by the language which was included in the District of Columbia Revenue Act of 1969 referred to, which amended the District of Columbia Income and Franchise Tax Act of 1947 by, among other ways, defining the term capital asset in a manner consistent with our Federal income tax laws but in a manner different from that heretofore the case in the District of Columbia; that is, retroactive to January 1, 1969, individuals and corporations domiciled in the District of Columbia would be taxed on their capital gains realized on capital assets held for a period more than 6 months.

HEARING

A public hearing was held on this legislation by Subcommittee No. 4 of your committee on February 2, 1970. Representatives of the regulated investment companies, Steadman Mutual Funds—representing over 70,000 shareholders—and the Washington Mutual Investment Funds, testified in support of H.R. 15381. They suggested that if the District law is not clarified to effectuate the intention of Congress in enacting the 1969 Revenue Act for the District, the funds may be compelled to consider moving from the District. An assistant corporation counsel, representing the District of Columbia government, also testified in support of the bill, and advised that its enactment would result in no loss of revenue to the District. No testimony or statements were made or filed in opposition to the bill.

CONCLUSION

First. There is need for this legislation to carry out the declared purpose of the Congress in enacting the District of Columbia Revenue Act of 1969.

Second. It was clearly expressed in the statement of the managers on the part of the House, explaining the conference agreement on the District of Columbia Revenue Act, that it was the intention of the conferees "that gains and losses from the sale or other disposition of capital assets shall, for District income and franchise purposes, be determined in accordance with provisions of the Internal Revenue Code of 1954."

Third. No objection or opposition to H.R. 15381 has been presented to your committee.

Fourth. The enactment of H.R. 15381 would result in no loss of revenue to the District of Columbia.

Mr. Speaker, I urge the passage of the bill.

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

Mr. FUQUA. I am happy to yield to the gentleman.

Mr. ADAMS. I have just two questions. First of all, this bill was only introduced or hearings on the bill were held on February 2, 1970. Is that correct?

Mr. FUQUA. I assume it is correct.

Mr. ADAMS. There was only 1 day of hearings?

Mr. FUQUA. Yes.

Mr. ADAMS. And the District government said they would not oppose it but preferred the bill they sent in nearly a year ago which took care of making the District of Columbia laws similar to the Federal income tax laws across the board. Did they not?

Mr. FUQUA. That was a part of the District's recommendation.

Mr. ADAMS. I will not oppose this bill, but again I think it points up taking care of special interests with a quick hearing when the general proposition which was offered by the District to take care of all of these laws has not been heard before the committee.

I thank the gentleman for yielding.

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

Mr. FUQUA. I am glad to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman is absolutely correct when he stated it will not cost the District of Columbia any revenue. The purpose is to clarify some ambiguities that resulted as a result of the Revenue Act of 1969. It is the desire of some of us on the Committee on the District of Columbia to correct this situation by adopting the proposal the gentleman from Washington just referred to; namely, to adopt in the District of Columbia Income and Franchise Act a provision which is similar to the Federal act. I might further point out this proposal is embraced in the pay bill for the teachers and firemen, because it is necessary that we provide additional revenue at the time we consider those increases, and at that time I hope the committee will approve what the gentleman from Washington suggested we bring in; namely, to have the same system locally as under the Federal Government system.

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

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

time, and passed, and a motion to reconsider was laid on the table.

VOTING ON THE DISTRICT OF COLUMBIA GOVERNMENT BILLS

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

Mr. ADAMS. Mr. Speaker, on Thursday, February 19, 1970, I wrote to the President of the United States, the leadership of the House, and to every member of the District of Columbia Committee to give notice that at the regular meeting of the committee on March 2, 1970, at 10:30 a.m. I will move that the committee pass S. 2163, the District of Columbia nonvoting delegate bill, and S. 2164, an act to establish a Commission on Government for the District of Columbia.

Members of the District of Columbia Committee have been asking for action on these bills since June of 1969, and I am including at this time certain correspondence and a chronology which lists the many attempts by many members of this committee to obtain action on these bills. Bills that were practically identical to these bills were introduced by a majority of the House District Committee in May of 1969, as H.R. 11216 and H.R. 11471 to establish a nonvoting delegate, and H.R. 11170 and H.R. 11215 to establish a Commission on Self-Government.

I am moving on the two Senate bills because they are practically identical to the House bills with the exception of a "little Hoover Commission" which was added by Senators PROUTY and SPONG in the Senate and which has been supported by the President.

These bills were recommended to the Congress by the President and passed the Senate unanimously on October 1, 1969, as part of the Consent Calendar.

As can be seen from my letters to Chairman McMILLAN and to the President, we have exhausted every possibility to have these bills heard and voted upon.

I bring these bills before you today because we are hearing the District calendar, and on this District calendar are nine bills of very limited public interest, some of which were introduced only recently.

Many of us on the committee worked long hours on the President's crime bill, and although we object to some portions that were added by the members of the District Committee without any hearings, we did not delay this bill; yet the leadership of the committee has refused to even allow a vote on the companion bills.

I hope each of you will contact the members you know on the House District of Columbia Committee and urge them to be there to make a quorum on March 2, 1970, at 10:30 and to vote to send to the floor S. 2163 and S. 2164.

FEBRUARY 19, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have this day written to each member of the District of Columbia Committee of the House of Representatives asking support for your recom-

mended bills to establish a commission to study self-government for the District of Columbia and to create a nonvoting delegate in the House of Representatives.

I am enclosing a copy of this letter which I have forwarded to the Chairman of the Committee and each member today.

As you know, these bills which you suggest were sponsored by a majority of the Republicans on the Committee, including the ranking minority member, and have also been cosponsored by a number of Democrats on the Committee.

As you will notice from the enclosed letter, I have given notice to the Committee that I will move that these bills be reported when the Committee has its regular meeting at 10:30 A.M. on Monday, March 2, 1970. If those members of the Committee who have cosponsored these bills are present and voting, we will have a quorum present and a majority of the Committee will be available to pass the bills.

I have enclosed in my letter a chronology which indicates the efforts which many of us have made for a period of nearly nine months to obtain passage of these bills. We need your help and that of every interested citizen if we are to pass these bills and carry out your recommendation that the District move toward a greater degree of self-government.

Many of us who oppose portions of the crime bill for the District of Columbia have nevertheless cooperated with the Committee Chairman and other members of the Committee to move this bill as rapidly as possible. The crime bill is now ready for Committee vote, and therefore any time spent on the District of Columbia government bill and nonvoting delegate bill will not in any way interfere with the time schedule for the District of Columbia crime bill.

I hope you will help us in our efforts to pass these bills at the same time as the District of Columbia crime bill is being considered so that the people of the United States will know that we believe in representative government for all our people and that any faults which may exist in the crime legislation we have passed can be discussed and corrected in a democratic fashion through the process of elected government.

Sincerely yours,

BROCK ADAMS,
Member of Congress.

FEBRUARY 19, 1970.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of Columbia, U.S. House of Representatives.

DEAR MR. CHAIRMAN, I am sending this letter with the attached enclosures to you and all other members of the District of Columbia Committee in order that you may be aware of the motion I proposed to offer at the regularly-scheduled meeting of the Committee at 10:30 on Monday, March 2, 1970. As you are aware, the Rules of the Committee provide that the full committee shall meet on the first Monday in each calendar month at 10:30 a.m. In addition, Rule 26 of the House Rules provides:

"26. Each standing committee of the House . . . shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and . . . each such committee shall meet to consider any bill or resolution pending before it (a) on all regular meeting days selected by the committee; . . ."

Pursuant to these procedures, I will move at the March 2, 1970, meeting that the Committee immediately consider the Nonvoting Delegate bill (H.R. 11216, H.R. 11471, and S. 2163). I will also make a motion at that time, unless the Committee shall have previously disposed of it, that the Committee consider the Charter Commission and "little Hoover Commission" bill, as passed by the Senate (S. 2164), a similar House version of

which is pending in the Committee (H.R. 11170 and H.R. 11215). Both of these bills were sponsored at introduction by a majority of the Committee.

As you will recall, these bills were strongly recommended to the Congress by the President. They comprise a significant part of his legislative package for the District of Columbia. In addition, they passed the other body four months ago without a single dissenting vote.

As indicated by the attached chronology of attempts made to consider these bills, many of us have made numerous attempts to have these bills considered through the normal legislative process. Congressman Charles Diggs, Chairman of Subcommittee No. 2, has repeatedly offered to hold hearings on these bills if the Committee is busy with other business. It is only because the Committee has refused to schedule hearings—and to let the Committee work its will—that I have reluctantly moved to force the issue in this manner.

I do not propose this action lightly, nor do I believe it is abrupt. As those who have attended various meetings of both the full Committee and Subcommittee No. 3 will remember, Mr. Horton of New York and I have moved that these bills be considered at regular meetings of the Subcommittee and Committee. In all cases our motions were rejected and the Committee has not been permitted to proceed in orderly fashion. Yesterday, to illustrate how quickly the Committee can proceed, we passed a number of bills in a crime package that had not been the subject of any hearings. Today we passed many bills with limited public interest, again indicating we have time to pass numerous pieces of legislation. During this same meeting you would not discuss the two bills on the Charter Commission and Nonvoting Delegate but did indicate you would be bound by a vote of a majority of the Committee.

It is because I hope to follow proper procedures, through service of notice of my proposal, that I am sending this letter to each member of the Committee. I hope a majority of the Committee will act favorably on these bills on March 2.

I am forwarding copies of this letter to the Speaker of the House, the Majority Leader, and the Minority Leader, so they will know the status of these bills for purposes of overall legislative scheduling. I am also enclosing copies of our most recent correspondence.

I have no objection to any member of the Committee making public this letter, and I will be pleased to answer any questions that you may have regarding this proposed procedure. If for any reason I am unavailable in my office to discuss the matter, your staff can obtain information from Mr. Jacques DePuy in my office (X 3106). I have also asked him to be certain that each office is contacted in advance of the meeting so that you will have another notice just prior to March 2.

Yours very truly,

BROCK ADAMS,
Member of Congress.

CHRONOLOGY: ACTION ON DISTRICT OF COLUMBIA SELF-GOVERNMENT PROPOSALS IN THE HOUSE DISTRICT OF COLUMBIA COMMITTEE

January 31, 1969: President's statement on domestic programs; includes support for Congressional representation for D.C., an interim nonvoting delegate, and a Commission on Self-Government.

April 28, 1969: Presidential message to Congress (recommending above).

May 13, 1969: Nonvoting delegate for D.C. (17 Committee co-sponsors) and Commission on Self Government (15 Committee co-sponsors) bills introduced.

June 9, 1969: D.C. City Council unanimously supports Commission (if passed before July 28) and Delegate bills.

June 13, 1969: Letter, Diggs to McMillan, urging hearings on Commission bill prior to July 28.

June 17, 1969: Letter (reply), McMillan to Diggs, pledging action to have hearings scheduled on Commission bill after disposition of D.C. revenue bill.

June 19, 1969: Letter, Horton to Nelsen, urging meeting of minority members of Committee to discuss and support D.C. proposals.

June 20, 1969: Letter, Adams to McMillan, urging hearings and action.

June 24, 1969: Letter, Fraser to McMillan, recommending action on nonvoting delegate bill.

June 25, 1969: Letter (reply), McMillan to Fraser, noncommittal.

October 1, 1969: Senate passes nonvoting delegate and Commission bills (Commission to include functions of "little Hoover" Commission).

October 13, 1969: Adams 1-minute speech on floor supporting President's D.C. proposals in response to President's message prodding Congress for action on domestic program.

October 13, 1969: Letter, Adams to Nelsen, pledging support for appropriate action at any full committee meeting.

October 16, 1969: Full Committee meeting; request for action on home rule bills by Adams, Horton, etc.

October 20, 1969: Letter, Adams to Dowdy, urging hearings.

November 4, 1969: Adams, Horton make motion at public hearings of Subcommittee No. 3 that Dowdy's subcommittee hold hearings on bills; ruled out of order by Dowdy.

November 20, 1969: Full Committee executive session (authorization of subway system) chaired by Dowdy; Fraser, Diggs, Gude, others urge action on self-government bills.

December 1, 1969: Letter, Adams to Diggs, suggests motion be made by Diggs at next full committee meeting to hear immediately these matters.

December 11, 1969: Letter, Adams to McMillan, urging hearings and early action; offering to be present for hearings as soon as possible.

December 15, 1969: Letter, Adams to Speaker McCormack, detailing inaction by committee and urging assistance in securing hearings and consideration of all major Nixon bills for D.C. as a package.

December 24, 1969: Letter, Diggs to the Speaker, urging that Speaker use his persuasive powers to prompt the Chairman to act.

January 20, 1970: Letter, Adams to McMillan, again urging hearings and support for self-government bills; offering to sit with Subcommittee No. 2 for any scheduled hearings.

January 27, 1970: Letter, Adams to Speaker, bringing Speaker up to date on committee inaction and indicating interest in action within 30 days.

February 10, 1970: Letter, Adams to McMillan, urging action, informing Chairman that he intends to press for action on March 2.

February 10, 1970: Letter (reply), McMillan to Adams, referring to pending crime bill as reason for not scheduling hearings.

HOUSE OF REPRESENTATIVES,
U.S. COMMITTEE ON THE
DISTRICT OF COLUMBIA,
Washington, D.C., February 10, 1970.

HON. BROCK ADAMS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ADAMS: Your letters of January 20 and February 10 were received. However, I could not give you a definite answer to your question until we make further progress on the pending crime bill.

I would like to state that after the crime bill is completed, I will be guided by the wishes of the majority of the Members of

the House District Committee on the preference they would like to give to pending legislation.

With kindest regards, I am,
Sincerely yours,

JOHN L. McMILLAN,
Chairman.

FEBRUARY 10, 1970.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of
Columbia, U.S. House of Representatives.

DEAR MR. CHAIRMAN: I have not received a reply from you to my letter of January 20, 1970, regarding the Committee schedule for the non-voting delegate bill (H.R. 11216, H.R. 11471 and S. 2163) and the charter commission bill (H.R. 11170, H.R. 11215 and S. 2164).

I am deeply concerned that an argument might be made that no time had been set aside for hearings and an executive session on these bills.

I want to emphasize again that I am going to ask members of the Committee to pass these bills from the Committee at the regular meeting on the first Monday of March (March 2, 1970).

I have hoped that you would schedule these bills for any hearings you deem necessary and that we could follow an orderly procedure in presenting them at the meeting on March 2, 1970, or at the last executive session on the D.C. crime bill.

I have also indicated to you that Chairman Diggs of Subcommittee No. 2 and I have been willing to sit and hold hearings if they were necessary on these bills so that members and others who are interested could attend the hearings at their pleasure and the work of the Committee in executive session on the crime bills would not be delayed.

I have had inquiry from numerous sources about these bills and I have not prior to this time released information to the public media because I was awaiting a reply from you.

We are this day completing business prior to the Lincoln's Day recess and will not return until February 16th, which means there will be less than two weeks before the March 2nd meeting. I am therefore releasing today the contents of my letter of January 20, 1970, and this letter so the public may be informed regarding the status of these bills.

Yours very truly,

BROCK ADAMS,
Member of Congress.

JANUARY 20, 1970.

HON. JOHN L. McMILLAN,
Chairman, Committee on the District of
Columbia.

DEAR MR. CHAIRMAN: I was dismayed to read in last night's *Evening Star* that you were being quoted as saying there would be a strict omnibus crime bill voted out of the District of Columbia Committee very soon and that no mention was made of hearings or vote on the nonvoting delegate and charter commission bills.

I am speaking on the floor today to indicate my dismay about this and request that we vote on all three of the bills which have passed the Senate involving the court reorganization (anticrime) bill (H.R. 13689, S. 2601), the nonvoting delegate bill (H.R. 11216, H.R. 11471 and S. 2163), and the charter commission bill (H.R. 11170, H.R. 11215 and S. 2164) at the regular meeting of the Committee on the first Monday of March (March 2, 1970).

This would give an ample opportunity to hold any additional hearings that might be necessary on any of these bills and would allow completion of drafting, if it is necessary, on the more complicated crime bills.

As you know, I have previously written to you indicating my willingness to sit and hold hearings on the charter commission bill and a nonvoting delegate bill and I have been informed that Congressman Diggs has

repeatedly offered to make his subcommittee available to hold hearings if the other subcommittees do not have time.

All three of these bills have been recommended by the President and been passed by the Senate, and in the original House form were cosponsored by a majority of the committee. I hope we will have an opportunity to complete hearings on them and vote by the first week in March so the people of the nation will know that we are meeting our legislative responsibility.

I want to thank you for your consideration and I would be most happy to meet with you or the staff and discuss this in greater detail if you believe that would be helpful.

Yours very truly,

BROCK ADAMS,
Member of Congress.

PRICE AND WAGE CONTROLS, NOW

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

Mr. HICKS. Mr. Speaker, the President recently stated that when it comes to economic policy, "timing is everything." If this is true, the time for price and wage controls is now.

For the past few years we have tried to run the country on the theory that we could have "guns and butter" without an increase in taxes. That we could fight the war in Vietnam without making the economic sacrifices of other wars. Because our economy had expanded so rapidly and because the Vietnam war had built up so gradually, it seemed we might not need the distasteful tax increase or the equally distasteful price and wage controls. We were wrong.

Price and wage controls were imposed during World War II and the Korean conflict, and when it became obvious that Vietnam had developed into a major military engagement and a serious drain on our economy, we probably should have recognized that price and wage controls were again necessary.

The price of our mistake has been inflation. And put in basic terms, inflation means higher prices.

By this time we are all familiar with the President's chief weapon in the battle against inflation—tight money and high interest. As the administration sees it, a combination of tight money and high bank interest would lead to a decrease in the demand for goods and services. This in turn was supposed to lead to a stabilizing of prices without a significant increase in unemployment.

What actually has happened? The Nixon administration has had over 1 year to start controlling prices, but inflation is worse than ever. Prices in 1969 increased by 6 percent, and at that rate the prices we pay for our goods and services will double in only 11 years. With "real wages"—buying power of wages earned—actually declining during the past 5 years, it is the workingman, as AFL-CIO President George Meany points out, who is getting the "short end of the stick."

On the other hand, unemployment throughout the State of Washington increased last year by nearly 50 percent. With the large Boeing layoff and the

serious condition of the homebuilding and timber products industries, unemployment in our area is just about twice the national average.

Thus, by crippling industrial production without controlling prices, the Nixon administration has created the worst of both worlds—more inflation and more unemployment.

A Gallup poll published as far back as July indicated that the American public would accept controls on prices and wages. The President, however, has responded that he has "ruled out wage and price controls as a way of dealing with inflation under conditions that are now foreseeable." At this point, I would agree with Economist Robert Lekachman when he writes:

The public may have a better grasp of the necessities of national economic policy than do the Administration's professional economists.

I do not like controls in our economy. But I like the present double-barreled blast of recession and inflation even less. To stabilize the economy we must establish price and wage controls and the President must exercise the authority Congress already has given him to control credit spending.

Price and wage controls as well as credit controls have been used in this country only as a last resort. That time of "last resort" is now.

REAFFIRM SUPPORT OF JUDGE CARSWELL

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

Mr. FUQUA. Mr. Speaker, the Judiciary Committee of the American Bar Association has reaffirmed its approval of the nomination of Judge Harold Carswell to be an Associate Justice of the Supreme Court.

Their independent action bears out my firm belief that Judge Carswell will add stature to the Court and that his record of service on the bench is one of service, wisdom, and dedication.

I know him both as a man and as a jurist. He is from Tallahassee, in my district, and my district office was on the floor above his office as U.S. circuit judge before his appointment to the U.S. court of appeals.

I think it significant that at the time of his appointment to the court of appeals, only a short time ago, the Senate saw fit to quickly confirm his nomination. This is the second highest court in the land. Certainly men appointed to this position should possess the high degree of integrity and ability as those who serve on the Nation's highest Court.

Their action in approving him at that time speaks for itself. He has had to sit in judgment in some very difficult cases. Throughout that time he acquitted himself with firmness and fairness—and I emphasize the fairness which has always been a hallmark of his court.

I resent the attacks which have been made upon his character and his judgment. These are but the outbursts of selfish and self-seeking individuals and

organizations who are determined that they, and not the President of the United States, will determine the membership of the Court.

It is my feeling that the Senate will not be deluded by these attacks. It is my feeling that they will find, just as the American Bar Association committee has found, that this is a distinguished member of the bar.

Again, I add my voice to those supporting his nomination and urging confirmation of his nomination at the earliest possible date. Years from now I predict that it will be said that as a member of the Supreme Court he served his Nation and justice well.

NATIONAL TIMBER SUPPLY ACT

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

Mr. MARTIN. Mr. Speaker, I hold in my hand a letter purportedly sent out by the young lawyers section of the American Bar Association and signed by a gentleman by the name of Nicholas J. Healy, Jr., who states that he is the chairman of the environmental quality committee of the young lawyers section. No such committee exists.

This is in regard to the National Timber Supply Act which is scheduled for consideration on the floor of the House on Thursday of this week.

Mr. Speaker, the only thing that is correct about this is that it is printed on American Bar Association stationery showing their address in Chicago and the vice chairman and the chairman and various officers of the young lawyers section and directors and so forth—those are correct.

Mr. Thomas D. Cochran of Independence, Mo., who is chairman of the young lawyers section has been called on the telephone in regard to his knowledge of this letter and whether it was authorized, and he advises it was not authorized, that the gentleman who purportedly signed the letter is not even known to him and so far as he knows is not even a member of the American Bar Association. This is typical of the misinformation and tactics being used by those who are opposed to this legislation, and I want to call it to the attention of the Members of the House, Mr. Speaker, this afternoon. This is a phoney letter. I hope it can be investigated to find out who this gentleman is and where it came from. It does not represent the American Bar Association. Several members of the American bar have been called and disclaim any knowledge of this action. They further state that they do not operate in this manner—they are not interested in this bill and would not take any position.

Mr. Speaker, the letter is as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., February 20, 1970.

DEAR CONGRESSMAN: The Environmental Quality Committee of the Young Lawyers Section of the American Bar Association has studied the National Timber Supply Act (H.R. 12025) now pending before you on the matter of timber supply in the national forest lands. Having considered the arguments

for and against the proposed legislation the Committee believes enactment of the bill in its present form would not be in the public interest.

There are three fundamental objections to the bill as now drafted. First, earmarking receipts from timber sales to increased timber yield would seriously impair the principle of multiple use as enunciated in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528 *et seq.*) While it is true that the expenditures from the "high timber yield fund" are mandated to be "in conformity" with the latter Act, there is no assurance that comparable funds will be appropriated for land use other than timbering. Consequently, it seems likely that in practical effect intensive forestation will unduly predominate over such other uses of the national forests as wildlife preservation and recreation.

Secondly, the legislation would tend to inhibit additions to the National Wilderness Preservation System. Thus, the increase in funding for timber cutting would make possible far more extensive logging, including logging in areas of unique value as wilderness but of marginal value as timber land. Once such areas were subjected to heavy cutting they would not only lose their inherent quality as wilderness, but Congress would hardly be disposed to appropriate funds for their inclusion in the Wilderness System. Clearly, potential wilderness regions should be expressly excluded from the definition of "commercial forest land".

Finally, the bill would subject more than half of our national forests to intensive "tree farming" methods, such as monoculture and fertilization. Scientists are only now finding evidence of the adverse cumulative effects on wildlife of such supposedly harmless chemicals as nitrogen fertilizers. To permit an unprecedented expansion of intensive forestation techniques would thus appear to risk incalculable ecological damage to vast watershed and wildlife areas. It would seem appropriate to restrict intensive forestation to, say, ten million acres of public lands until its long range effects on the environment can be fully evaluated.

In summary, the bill in question does not provide adequate protection for the natural resources of our national forests other than commercial timber. Accordingly, the Committee urges you to cast your vote against the bill.

Respectfully yours,

NICHOLAS J. HEALY, Jr.,
Chairman, Environmental Quality Committee.

PROHIBITING SEGREGATION

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

Mr. THOMPSON of Georgia. Mr. Speaker, the General Assembly of the State of Georgia in the session ending on February 21 passed a law almost identical to one that had been earlier passed in the State of New York. This law grants to each student and teacher in the State of Georgia the basic right that their assignment to a school shall not be based upon their race, creed, or color.

The effect of this, of course, is to prohibit segregation through assignment of students or teachers based upon race, creed, or color, and also to prohibit racial balance based upon assignment of students or teachers based on race, creed, or color.

On examination of the U.S. Constitution, Mr. Speaker, it is clear that at no place therein is there provided any au-

thority for the Federal Government to regulate and control education within the States. Further, since there is no specific granting of authority to the Federal Government, article X specifically reserves this power of control of education to the States. The State of Georgia has now acted in a nondiscriminatory manner by providing for the elimination of race as a basis of requiring attendance of students and assignments of teachers at particular schools.

In the past, Mr. Speaker, the lower Federal courts have seen fit to interpret the 14th amendment, particularly that part which provides for equal protection of the laws, to require racial balance in assignments of students and teachers. This was done by court ordered gerrymandering of districts, closing of schools, pairing of schools, and busing. Of course, Mr. Speaker, these actions of the court were prior to the State of Georgia providing by statute the right of a student and teacher not to be assigned to a particular school because of their race.

The State has the constitutional power to grant such rights to its people and because of article IX the Federal court may not take from a person the right thus granted. Article IX of the Constitution specifically provides:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. Speaker, in looking at the plain language of the Constitution it is clear: First, that no power is granted to the Federal Government to regulate and control education within the States; second, article X specifically reserves to the States the right to control local education since this was not an enumerated right granted to the Federal Government; third, full faith and credit as provided in article IV shall be given to every public act of a State; fourth, the article XIV provides that each citizen shall be entitled to equal protection of the laws which guarantees one citizen that he shall not be treated differently from another nor discriminated against in the application of the laws; fifth, article IX provides that the granting of certain rights shall not be construed to deny or disparage other rights granted to or retained by others.

Therefore, Mr. Speaker, it is clear that the Constitution provides for no discrimination based upon race, creed, or color. Further, it is clear that all acts of the States shall be given full faith and credit and when rights are granted to one person it shall in no way be construed as taking away the rights of another.

The State of Georgia, having within its constitutional power to do so, has granted to students and teachers the right not to be forcibly assigned to a school because of their race, creed, or color. Today, I am calling the attention of judges of the Federal courts having jurisdiction in Georgia and am advising them that as an elected representative of the people I shall expect them to give full faith and credit to this act passed by the Georgia General Assembly. If such is done we will have seen the end of

Federal court ordered forced closing of schools, gerrymandering of districts, pairing of schools, busing of students and assignment of teachers based on race, creed, or color.

POSTAL REFORM

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

Mr. SCOTT. Mr. Speaker, we hear a lot about postal reform and negotiations being conducted to develop a package deal which will include reorganization of the Post Office Department, new labor-management laws and salary increases for postal workers. Even as a member of the Post Office and Civil Service Committee, I have not been privy to the negotiations but hear of them through the news media and hearsay.

However, the legislative director of the United Federation of Postal Workers wrote to each member of the House committee on February 19 regarding the position of his organization and six other postal workers' unions and enclosed material which sets forth the position of these unions.

In view of the long delay by the legislative committees of the House and the Senate in dealing with postal reform, I hope we can separate postal reform, labor-management, and salary adjustments. Both Houses of Congress have already acted upon salary legislation and it is pending in conference between the two bodies. Labor-management, in my opinion, is such a complicated and important matter that the subcommittees should act in this field before consideration by the full committees and, of course, postal reform is of the highest importance and urgency to the people of the country.

Therefore, I hope that our House Post Office and Civil Service Committee can in the very near future report out the bill it has been considering for many months and that we can have meaningful postal reform legislation enacted into law during this session of Congress.

Because I am sure the entire membership of the Congress is interested in this vital subject, the letter from the postal unions and all the enclosures, except a copy of Executive Order 11491, are set forth below in full:

UNITED FEDERATION
OF POSTAL CLERKS,

Washington, D.C., February 19, 1970.

Hon. WILLIAM L. SCOTT,
Committee on Post Office and Civil Service,
Longworth House Office Building, Wash-
ington, D.C.

DEAR CONGRESSMAN SCOTT: We are writing to you as a Member of the Committee on Post Office and Civil Service to make certain there is no misunderstanding concerning the legislative position of the United Federation of Postal Clerks, in particular and also the other 6 EXCLUSIVE postal employee organizations on postal reform—postal corporation—any combination of reform with postal pay and collective bargaining.

Contrary to what you may read in the newspapers or may hear from White House officials and Postmaster General Winton M. Blount, UFPC and the other 6 postal organizations have not "bought" any postal cor-

poration concept and have not agreed to accept any postal employee pay—collective bargaining "package" short of the employees' benefits position statements enclosed in the file accompanying this letter. The 7 exclusive postal organizations are urging your Committee to draft a postal reform bill which will include the postal employee benefits and guarantees referred to in this file.

I am today sending similar letters with our proposed postal employee benefits "package" statement to all Members of the Committee on Post Office & Civil Service for their information and hopefully, to avoid any possible misunderstanding concerning our collective and unified position on these matters. The statement contained in the enclosed file is our "MUST" legislative program concerned with any postal reform which your Committee may report. You will note this legislative statement is dated January 26, 1970—our position is the same today, as it was on January 26.

Also, our 7 Exclusive postal organizations as recently as one week ago on February 12 reaffirmed our absolute and total opposition to any reform legislation, such as, the postal corporation proposed in H.R. 11750. While I am addressing this letter and enclosures to you, particularly, on behalf of the United Federation of Postal Clerks, the enclosed postal employees' benefits "package" is the legislative position of all 7 exclusive postal employee organizations representing 700,000 postal workers in collective bargaining with the Post Office Department.

It is our hope that you will have an opportunity to carefully review Exhibit C, which is our proposed "Chapter 8—Labor-Management and Personnel Relations." Basically, the provisions in Chapter 8 have been taken from established labor laws, including the following Acts: Norris-LaGuardia, National Labor Relations, Taft-Hartley, and Landrum-Griffin. In addition, there are provisions from Executive Order 11491 signed by President Richard M. Nixon on October 29, 1969. Most of Chapter 8 would finally provide recognition of postal labor organizations, collective bargaining, and labor-management relations for postal employees similar to that established more than 30 years ago for management and labor in the private sector.

We are also enclosing for your information two editorials published in the February, 1970 issue of our UFPC *Union Postal Clerk* and *Postal Transport Journal*.

These editorials entitled, "Unfair Labor Practice" and "Who's Discriminating" effectively contradict and destroy the felonious arguments of the unaffiliated National Postal Union and National Alliance of Federal and Postal Employees, who are opposed to the exclusive recognition and bargaining rights which our 7 Exclusive postal employee organizations originally won under the Kennedy Executive Order 10988 and presently provided for in the Nixon Executive Order 11491. We propose to have these rights become a matter of law through enactment of either the enclosed "Chapter 8 of Exhibit C, Chapter 47 of Title VII, of H.R. 4", or "H.R. 4803 and S. 309."

We will appreciate your support of the enclosed position statements concerned with postal employee benefits and guarantees under any postal reform legislation approved by your Committee and equally important opposition to the postal corporation concept proposed in H.R. 11750.

Your continuing interest in the legislative program of the United Federation of Postal Clerks and the other 6 Exclusive postal organizations referred to in this letter, and named below, is appreciated very much.

President Francis S. Filbey, United Federation of Postal Clerks (AFL-CIO)

President James H. Rademacher, National Association of Letter Carriers (AFL-CIO)

President Monroe Crable, National Associa-

tion of Post Office & General Services Maintenance Employees (AFL-CIO)

President Michael J. Cullen, National Association of Special Delivery Messengers (AFL-CIO)

President Chester W. Parrish, National Federation of Post Office Motor Vehicle Employees (AFL-CIO)

President Lonnie L. Johnson, National Association of Post Office Mail Handlers, Watchmen, Messengers & Group Leaders (AFL-CIO)

President Herbert F. Alfrey, National Rural Letter Carriers' Association

Sincerely,

PATRICK J. NILAN,
Legislative Director.

POSTAL REFORM AND POSTAL PAY

The seven exclusive postal employee labor organizations named at the conclusion of this statement agree that the employee benefits outlined in this position statement necessarily must be specifically provided for in any act which may result from pending postal reform & postal pay legislation.

I. COMPENSATION

(a) *Effective January 1, 1970:* A new wage scale shall be established with the present Step 3 becoming Step 1 and the Steps 12A-12B of H.R. 13000 becoming Steps 11 and 12. There will be just 12 steps and the pay will range from \$6588-\$8856 annually. This is just the two-step increase originally provided for in H.R. 13000. However, in order that postal employees currently in Steps 10 and 11 will be able to secure the same top pay as other workers, the new two steps have been added.

(b) *Effective July 1, 1970:* The legislation must include an "iron-clad" agreement in the Act itself providing for a postal employee wage increase consistent with wages paid employees in the private sector and based on the most current B.L.S. wage survey report.

(c) *Effective January 1, 1971:* The provisions of H.R. 13000, Section 4 (on pages 39 and 40) amending Section 3552 (a) of Title 39, U.S. Code to establish a new schedule of pay steps for postal employees shall be provided for.

II. FRINGE BENEFITS

All so-called fringe benefits, including such items as annual leave, sick leave, health benefits, life insurance, workmen's compensation, uniform allowances, etc., in effect on December 31, 1970, shall be continued as minimum benefits for postal employees. Neither management nor employee labor organizations can subsequently bargain below such benefits as the status of each such item in effect on December 31, 1970, is established as the "floor."

III. POLICY ON COMPENSATION AND BENEFITS

Amend Section 805, page 57 of the Committee Print to read as follows:

"805. Policy on compensation and benefits and performance of service,

(a) "It shall be the policy of the Authority to maintain compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid or to be paid under negotiated collective bargaining agreements in the private sectors of the economy, such compensations and benefits to be national in scope.

(b) "It shall further be the policy of the Authority that all services which the Authority is required to provide, or provides, under this Act shall be performed exclusively by employees of the Authority."

IV. ADVISORY COUNCIL—LABOR REPRESENTATION

Amend Section 212(a) (1) (page 16) of the Committee Print to read as follows:

"(1) four persons from among persons nominated by those labor organizations recognized as national exclusive collective bargaining representatives for employees of the Authority."

V. CIVIL SERVICE STATUS

(a) Specific provisions shall make certain that ALL employees (those employed as of December 31, 1970, and in the future) SHALL be employed with the U.S. Civil Service status and protection. This status cannot be changed or eliminated by management and/or employee labor organizations.

(b) Specific provisions shall make certain that ALL employees (those employed as of December 31, 1970, and in the future) SHALL continue as participants in the U.S. Civil Service Retirement System.

(c) Employees of the Authority shall receive all future increases in Civil Service benefits such as, improvements in the Civil Service Retirement System.

VI. COLLECTIVE BARGAINING

Executive Order 11491 shall be the instrument for collective bargaining between the Post Office Department and employee labor organizations during the 1970 transitional period.

A separate document is attached to this position statement as a substitute for existing language in "Chapter 8—Labor Management and Personnel Relations" of any postal reform-pay legislation.

VII. EXISTING LAWS

Specific language must be inserted to retain all existing U.S. laws considered in the best interests of postal workers, particularly, in regard to protection of existing employee benefits and rights. No postal reform-pay legislation should automatically repeal such law!

VIII. GENERAL—AMENDMENTS

It will be necessary to have proper language prepared and inserted in the postal reform-pay legislative draft as follows: (a) Proposed amendment to transportation title as provided in Exhibit A.

(b) proposed amendment to appointment of rural letter carriers as provided in Exhibit B. Also, appropriate language inserted in Section 801(a), page 50 of the Committee Print to require first consideration of career employees in the post office where postmaster or rural letter carrier vacancies occur when filling such vacancies.

(c) Proposed amendment as a substitute for existing language in "Chapter 3—Labor Management and Personnel Relations" as provided in Exhibit C (final language to come).

EXHIBIT A

Substitute the following language in lines 7 through 13 on page 95 of the Committee Print:

(d)(1) Before contracting for transportation of mail under subsection (a)(4) of this section, the Postmaster General shall cause a cost study to be made of transporting such mail by Government-owned vehicle service. He may contract for such transportation of the mail only if the Government-owned motor vehicle service is higher than the cost of contracting.

(2) All mail moving between an airport and a post office at which there is established a Government-owned motor vehicle service of the Post Office Department shall, if possible, be transported by such Government-owned motor vehicles, provided that such mails need not be so transported when the distance between the post office and the airport is in excess of 35 miles.

EXHIBIT B

Amend the Committee Print to include the following language, as indicated: Page 50, Sec. 801(a)

"To provide career status as rural carrier to certain qualified substitute rural letter carriers of record. That, notwithstanding, any other civil law, rule, or regulation, each qualified substitute rural letter carrier of

record who has rendered at least three years of satisfactory service in such capacity shall be made eligible to receive a career appointment upon satisfactory completion of a non-competitive examination, similar to that given other employees to determine eligibility for a rural route position.

Said appointment to be made to any rural route vacancy remaining unfilled after reassignment procedures of career employees at the local office have been completed."

Important: It is also essential that additional language, as appropriate, be introduced in Section 801(a) starting on page 50 of the Committee Print to require: that FIRST consideration shall be given to career employees within the post office where a postmaster or rural letter carrier vacancy occurs in making appointments to fill such vacancies.

EXHIBIT C

(The following is submitted as a substitute for Sections 807-809 and 111(d) of the proposed Postal Reform and Salary Adjustment Act of 1970:)

CHAPTER 8—LABOR-MANAGEMENT AND PERSONNEL RELATIONS

Section 801. Definitions, as used in this chapter—

(a) "Employee" means an employee of the Postal Service but does not include, for the purpose of this chapter, a supervisor;

(b) "Supervisor" means an employee having authority, in the interest of the Postal Service, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or responsibility to direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

(c) "Labor organization" means an organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with labor disputes, wages, rates of pay, hours of employment, conditions of work, grievances, personnel policies and practices, or other matters affecting the working conditions of employees; but does not include an organization which—

(1) consists of management officials or supervisors; or

(2) discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin;

(d) "Agency management" means the Executive Council and all other management officials, supervisors, and other representatives of the Postal Service having authority to act for the Postal Service on any matters relating to the implementation of the labor-management relations program established under this chapter;

(e) "Council" means the Federal Labor Relations Council established under Executive Order 11491;

(f) "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations;

(g) "Professional employee" means.

(1) any employee engaged in work (A) predominantly intellectual and varied in character as opposed to routine, mental, manual, mechanical, or physical work; (B) involving the consistent exercise of discretion and judgment in its performance; (C) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (D) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from

training in the performance of routine mental, manual, or physical processes; or

(2) any employee, who (A) has completed the courses of specialized intellectual instruction and study described in clause (D) of paragraph (1), and (B) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (1).

RIGHTS OF EMPLOYEES

Section 802. Employees shall have the right to self-organization to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 803(a)(3).

UNFAIR LABOR PRACTICES

Section 803(a). It shall be an unfair labor practice for the Postal Service, agency management, or a supervisor—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 802;

(2) to dominate or interfere with the formation or administration of any labor organization;

(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization; provided that nothing in this chapter or in any other statute of the United States shall preclude the Postal Service from making an agreement with a labor organization to require as a condition of employment membership therein on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later.

(1) if such labor organization is the exclusive representative of the employees as provided in Section 804 in the appropriate collective bargaining unit covered by such agreement when made; provided further, that the Postal Service shall not justify any discrimination against an employee for non-membership in a labor organization

(A) if it has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) if it has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter, or in connection with any grievance or adverse action case;

(5) to refuse to bargain collectively with the labor organization representing its employees subject to the provisions of Section 804.

Section 803(b). It shall be an unfair labor practice for a labor organization or its agents—

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in Section 802; provided, that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) the Postal Service in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause the Postal

Service to discriminate against an employee in violation of Section 803(a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) to refuse to bargain collectively with the Postal Service, provided it is the exclusive representative of the employees of the Postal Service subject to the provisions of Section 804;

(4) to require of employees covered by an agreement authorized under sub-section 803(a) (3), the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Assistant Secretary finds excessive or discriminatory under all the circumstances. In making such a finding, the Assistant Secretary shall consider, among other relevant factors, the practices and customs of labor organizations in the Postal Service, and the wages currently paid to the employees affected.

Section 803(c). For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the Postal Service and the labor organizations which are the exclusive representatives of its employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession, subject to the provisions of Section 815.

Section 803(d). The Assistant Secretary is empowered, as provided in Executive Order 11491, to prevent or remedy the commission of any unfair labor practice defined in this chapter. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

EMPLOYEE REPRESENTATION

Section 804. Labor organizations designated or selected for the purposes of collective bargaining by a majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or group of employees shall have the right at any time to present grievances to agency management and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the applicable collective bargaining contract or agreement in effect; provided, further, that the bargaining representative has been given opportunity to be present at such adjustment.

Section 805. Exclusive Recognition—

(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative. The sole units which shall be appropriate for the purposes of collective bargaining under this chapter shall be the national craft units previously established under Executive Order 10988.

(b) All grants of recognition previously issued by the Post Office Department on other than a national exclusive basis are hereby declared to be null and void; provided, however, that contracts entered into pursuant to such grants of recognition shall

be permitted to expire upon their normal expiration date but no later than March 31, 1970.

(c) Formal and informal recognition previously granted by the Post Office Department shall be terminated on the effective date of the enactment of this chapter, and all relationships thereby established shall immediately be terminated.

(d) Grants of national exclusive recognition and national agreements and supplements entered into by the Post Office Department pursuant to Executive Order 10988 and Executive Order 11491 shall be recognized by the Postal Service until altered or amended pursuant to the provisions of this chapter.

(e) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Assistant Secretary—

(i) by an employee or group of employees or any labor organization acting in their behalf alleging that a substantial number of employees (A) wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative defined in Section 805(a), or (B) assert that the labor organization, which has been certified or is being currently recognized by the Postal Service as the bargaining representative, is no longer a representative as defined in Section 805(a); or

(ii) by the Postal Service, alleging that one or more labor organizations have presented to it a claim to be recognized as the representative defined in Section 805(a), the Assistant Secretary shall investigate such petition and if he has reasonable cause to believe that a question of representation exists he shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the Assistant Secretary, who shall not make any recommendations with respect thereto. If the Assistant Secretary finds upon the record of such hearing that such a question of representation exists, he shall direct an election by secret ballot and shall certify the results thereof.

Section 806. No election shall be directed in any bargaining unit within which, in the preceding twelve-month period, a valid election shall have been held. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until a majority vote has been achieved.

Section 807. A unit shall not be established which includes—

(a) any management official or supervisor;

(b) an employee engaged in Postal Service personnel work in other than a purely clerical capacity;

(c) both professional and non-professional employees, unless a majority of the professional employees vote for inclusion in the unit.

Section 808. All elections shall be conducted under the supervision of the Assistant Secretary, or persons designated by him, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or "no union," unless "no union" has been dropped from the ballot pursuant to Section 806.

Section 809. A petition filed under sub-section 805(a) (1) shall be accompanied by a statement signed by thirty per centum or more of the employees in the appropriate unit alleging they desire that an election be conducted for the purpose set forth in sub-section 805(a) (1).

Section 810. When a labor organization holds national exclusive recognition, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition; provided, that the Postal Service has received from each employee, whose account such deductions are made, a written assignment which shall be irrevocable for a period of not less than one year; provided, however, that deductions being made by the Post Office Department pursuant to Standard Form No. 1187 (Request and Authorization for Voluntary Allotment of Compensation for Payment of Employee Organization Dues) on the effective date of this enactment, shall continue to be made by the Postal Service in accordance with the terms of such authorizations where the labor organizations which are the beneficiaries of such authorizations hold national exclusive recognition.

MISCELLANEOUS

Section 811. The Assistant Secretary shall have authority from time to time to make, amend, and rescind, in a manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this chapter.

Section 812. Appeals from decisions of the Assistant Secretary regarding unfair labor practice proceedings, and representation proceedings made by the Assistant Secretary, may be taken to the Council in accordance with regulations issued by the Council in a manner prescribed by the Administrative Procedure Act.

STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

Section 813. Labor organizations which are accorded national exclusive recognition under this chapter shall comply with the standards of conduct for labor organizations established under Executive Order 11491.

PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS

Section 814(a). Collective bargaining agreements between the Postal Service and bargaining representatives recognized pursuant to Section 805 of this chapter shall be effective for not less than two (2) years but no more than three (3) years.

Section 814(b). Collective bargaining agreements between the Postal Service and bargaining representatives recognized pursuant to Section 805 of this chapter may include any procedures for resolution by the parties of grievances and adverse actions, including procedures culminating in binding third-party arbitrations, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

Section 814(c). The Postal Service and bargaining representatives recognized pursuant to Section 805 may by mutual agreement adopt any procedures for the resolution or disputes or impasses arising in the negotiation of a collective bargaining agreement. It is the intent of the Congress that the parties adopt such procedures and not rely on the procedures prescribed in Section 815 of this chapter.

Section 815. Disputes.

(a) Where there is in effect a collective bargaining agreement no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than ninety days prior to the expiration date thereof, or not less than ninety days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within forty-five days of such notice, provided no agreement has been reached by that time.

(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification the Federal Mediation and Conciliation Director shall direct the establishment of a factfinding panel. For this purpose he shall submit to the parties a list containing no less than fifteen names of neutral, impartial persons from which list each party, within ten days, shall select one person. The two so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fail to select a person or if the two members are unable to agree on the third person within three days, the selection shall be made by the Federal Mediation and Conciliation Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than forty-five days from the date of the list of names was submitted.

(c) (1) In the event no agreement is reached within ninety days after the expiration or termination of the agreement or date on which the agreement became subject to modification pursuant to subsection (b) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of three members, not members of the factfinding panel, one of whom shall be selected by the Authority, one by the bargaining representative of the employees, and the third by the two thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within five days after their first meeting, the selection shall be made by the Federal Mediation and Conciliation Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

(c) (2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties.

(d) Costs of the arbitration board shall be shared equally by the Postal Service and the bargaining representative.

Section 816. The provisions of the Act of March 23, 1932, 47 Stat. 70 (29 U.S.C. §§ 101-15), shall be applicable with respect to a case growing out of a labor dispute between parties subject to this chapter.

Section 817. Except to the extent expressly provided herein, the provisions of Executive Order 11491 shall not be applicable to the Postal Service or its employees or the labor organizations who are their representatives with respect to matters arising under this chapter.

Section 818(a). Suits for violation of contracts between the Postal Service and a labor organization as defined in this chapter may be brought in any district court of the United States having jurisdiction of the parties without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any labor organization which represents employees as defined in this Act and the Postal Service shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not

be enforceable against any individual member or his assets.

(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpoena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

Section 819. The provisions of Executive Order 11491 issued by the President on October 29, 1969, shall continue to apply in full to employees of the Post Office Department until January 1, 1971.

UNFAIR LABOR PRACTICE

No need to beat about the bush. Once a union has been chosen by a majority of employees to represent them in a given bargaining unit the employer thereafter is prohibited from assisting rival unions which want to displace the incumbent.

In fact any employer who tried to do so would quickly find himself charged with an unfair labor practice.

Assuming for the sake of argument, however, that an employer might try to get away with it, how best could he help rival unions undercut their successful opposition?

One positive way would be to help the losers finance their continuing efforts—not necessarily by providing actual funds but just by making it easier to collect from the employer's own workers. That's one reason why, in the private sector, only the recognized union is given the privilege of a union dues check-off system.

In the Postal Service, however, the situation is reversed—just like Alice In Wonderland. Sure, a union that wins exclusive bargaining rights is given the dues check-off but any similarity to private industry stops right there.

As an employer, the Post Office Department also extends dues check-off rights to any other organization in the same bargaining unit, regardless; thus exposing itself to the allegation, at least, that it helps to undermine lawful bargaining relationships democratically established in each bargaining unit by a majority of the employees.

So we ask; is an unfair labor practice any less unfair because it happens in the sector of Government employment?

And we answer: Hell, no!

WHO'S DISCRIMINATING?

There has been much wailing and gnashing of teeth on the part of certain independent postal organizations since the issuance of Executive Order 11491, especially over those parts of the Order covering the kind of recognition that shall exist.

The new Order provides for eventual elimination of any other form of recognition in any bargaining unit where an organization gains Exclusive Recognition.

The National Postal Union and the National Alliance of Federal and Postal Employees have launched a campaign to convince one and all that such provisions discriminate against them. They raise the specter that they will lose their present National Formal status solely because they are industrial type unions rather than craft unions.

Nothing could be further from the truth. They will eventually lose their National Formal status only because they have been unable to gain National Exclusive Recognition in any one of the seven crafts of postal employees. This fact alone should be a sufficient corrective for those who may be mis-

led by NPU or Alliance propaganda that postal employees do not want industrial unionism at this time.

Let us examine the history of recognition in the Postal Service.

Upon the issuance of Executive Order 10988 on January 17, 1962, the Post Office Department set up procedures to hold elections among the rank and file employees to determine which, if any, employee unions could gain National Exclusive Recognition for all employees, or which could gain National Exclusive Recognition for each of the existing craft groups in the Postal Service.

This election was held during the period of June 16-July 1, 1962.

On the ballot the employee could vote for one of twelve choices.

The Alliance sought to represent all postal employees.

The NPU sought "to represent all postal employees except postmasters and supervisors."

Neither obtained sufficient votes to gain the right to represent all postal employees. In fact, neither of them gained the right to National Exclusive Recognition for any of the seven crafts. That was almost eight years ago.

In those intervening years neither of them has been able to gain National Exclusive for even the smallest of the seven crafts. Nor has either of them been able to secure enough members to attempt to challenge the seven crafts for across-the-board industrial national exclusive recognition.

Only with the issuance of E. O. 11491, which they so deplore, has the NPU now been able, allegedly, to find a sufficient interest within two crafts in the hopes of obtaining a national election in those two crafts. For only through E. O. 11491 has the 30% membership requirement now been eliminated.

In October, 1969, there were 633,656 employees in the combined seven crafts. Had the Alliance and the NPU then merged their postal membership, estimated at that time to total 107,000 members (93,883 on check-off), they would still not have been able to mount a challenge for National Exclusive for the seven crafts. (Amount needed at 30% = 190,097.)

Indeed, to challenge for an individual craft they would have needed only the following as of October, 1969:

Special Delivery Messengers Craft.....	1,844
Motor Vehicle Craft.....	3,769
Maintenance Craft.....	7,448
Rural Carrier Craft.....	9,300
Mail Handler Craft.....	13,804
Letter Carrier Craft.....	60,936
Clerk Craft.....	92,999

Here are two postal employee organizations, with a combined estimated membership of only 107,000, attempting to convince us now that industrial unionism is the choice of postal employees. They have had 7½ years to try to gain National Exclusive Recognition for all postal employees and still haven't gained it for even the smallest of the postal crafts. Yet they now want E. O. 11491 so changed that they can have yet another one, two, or three-year period to continue trying to accomplish what they have been unable to do in the preceding 7½ years! Not a bad deal from their viewpoint.

It would leave those of us who have gained National Exclusive Recognition with the continuing obligation to represent all employees in our crafts, including their members, while they sit back and second guess our actions.

Who did they say is being discriminated against?

DREAMS OF LONG AGO

Next time you write your congressman a letter pause for a moment to reflect that it hasn't always been possible to take such

simple rights for granted—even in the United States of America!

In fact it was only 75 years ago that the first of several "gag" orders prohibiting the exercise of normal freedom by postal employees was issued.

"Hereafter," ruled Postmaster General William Wilson in 1895, "no postmaster, post office clerk, letter carrier, or other postal employe shall visit Washington, whether on leave with or without pay, for the purpose of influencing legislation before Congress."

But that was nothing compared to the Executive Order issued in 1902 by President Teddy Roosevelt which absolutely forbade all employes of the Federal government from attempting to influence in their own interest any legislation whatever, whether before Congress or in committee.

As late as 1909, President William Howard Taft extended the same gag to officers of the Army, Navy and Marine Corps stationed in Washington!

Apparently no one ever thought of seeking redress from the Supreme Court in those days. Leaders of our Federation simply defied the majesty of the White House in appearances before the House Post Office Committee—the only postal union to take such leadership. Thus did the Lloyd-LaFollette Act of 1912 re-securing our right of petition finally become law.

PRESIDENT NIXON'S ENVIRONMENT PROGRAM

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

Mr. DEVINE. Mr. Speaker, President Nixon's environment program has received enthusiastic support from public officials, newspapers, and private citizens all across the Nation. Aspects of the program which deal with air pollution, water pollution, and solid waste are all being praised as far-reaching, realistic solutions to some of the most crucial problems facing us in the future.

The Cleveland Plain Dealer, in an editorial entitled "Top-Notch Environmental Plan," notes that this plan for positive action "should not be treated as a Republican program, presented to overcome a Democratic lead in pollution control, but as a nonpartisan program of such overwhelming importance as to transcend politics," and should "receive an enthusiastic reception in Congress."

Mr. Speaker, I urge that my colleagues heed this advice, and I commend this editorial to their attention, as follows:

TOP-NOTCH ENVIRONMENTAL PLAN

President Nixon has presented Congress with a top-notch environmental program based on excellent concepts of pollution control. If properly funded, it will enable the nation to begin making reparations for past damage to the air, water and land—one of Mr. Nixon's major goals for the 1970s.

Federal spending for his clean water program—a \$4-billion federal and \$6-billion state and local effort—will proceed at a much faster pace than originally indicated. Mr. Nixon calls for federal grants to cities of \$1 billion a year for the next four years, and a review in 1973 of future needs.

We are pleased that he has stepped up the spending schedule, originally designed to be stretched over nine years, and that he recognizes a \$4-billion federal investment may not be enough.

Excellent concepts embraced in his clean water program are rivershed control of pollu-

tion, effluent standards for industrial and municipal pollution sources, stiff penalties for violators, a financing authority to help cities and states, sell wastewater treatment bonds.

Mr. Nixon has an equally sound air pollution control program, calling for much lighter controls on auto pollution and development of a virtually pollution-free auto by 1975, federal controls on auto fuel, uniform air quality standards, and uniform emission standards for especially hazardous pollutants.

His imaginative solid waste program seeks to recycle materials normally thrown away or left stacked in unsightly piles in junk yards.

This is a smashing no pun program that should receive an enthusiastic reception in Congress. It should not be treated as a Republican program, presented to overcome a Democratic lead in pollution control but as a nonpartisan program of such overwhelming importance as to transcend politics.

Pollution control activities are popping on the local front:

The state threatens to prosecute Cleveland if it does not come up in 60 days with a specific sewage plant construction schedule. Fine. Cleveland needs a spur to get going on its water cleanup program.

Cleveland suspends new water connections to the suburbs until it can review the adequacy of their sewer systems. If they aren't adequate, no more new water service. The object is laudable: to force suburbs into regional sewer systems, either in the Cuyahoga River or some other draining basin.

The suburbs hold up action in suing the city over its increased sewer rates until city, suburbs and county can explore a regional sewer and water system. Good. Cooperation here is necessary.

SDS RECRUITED CANECUTTERS SET NO RECORDS IN CUBA

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

Mr. ADAIR. Mr. Speaker, some time ago I introduced legislation designed to curb overseas travel by various radical groups who seek to make common cause with our enemies in an effort to thwart the foreign policy of the U.S. Government. At that time, my colleague from Louisiana (Mr. WAGGONER) stated that if the SDS was able to recruit some of our young radicals to cut cane in Cuba, it might be the first hard work some of them had ever done. Evidently they did not work too hard. The press reports that Castro lost money on his American contingent. However, I am still distressed at the propaganda value of this journey by these young people, and still feel that our State Department needs the statutory authority to regulate travel to unfriendly nations, for which I will continue to press. Therefore, I commend this article from the Philadelphia Inquirer of January 27, 1970, to the attention of my colleagues:

U.S. HARVESTERS BRING NO PROFITS, CASTRO DISCOVERS

WASHINGTON, January 26.—The 216 Americans who went to Cuba late last year to help Fidel Castro harvest sugar cost him more than they were worth.

The transportation, care and feeding of the Americans came to more than three times the worth of the sugar they harvested U.S. sources said.

They estimated that each American harvested \$83 worth of sugar.

They reckoned that Castro laid out at least \$160 for transportation and \$112 for food and other living expenses for each of the harvesters during their eight-week stay in Cuba, for a total of \$272.

A \$40,000 DEFICIT

The difference adds up to a total loss of \$40,724 for Castro—a deficit that presumably will be extracted in some fashion from the Cuban people.

The quixotic economics of the sugar-harvesting project apparently have caused no concern either in Cuba or among other Americans desirous of helping Castro in the cane fields.

He reportedly is preparing to welcome another 400 said to have volunteered to help him harvest 10 million tons of sugar this year.

The first contingent of 216 Americans, including a sizeable number of Students for a Democratic Society, went by air via Mexico to Cuba last month.

They volunteered to work six weeks cutting sugar cane and then were to be given a two-week tour of Cuba. They are scheduled to leave for home soon.

During their cane-cutting, they were joined by Cubans and by "volunteer" detachments of Vietcong and North Vietnamese who also went to Cuba to help with the sugar harvest.

The Vietnamese presented the Americans with rings made of metal from U.S. Airplanes downed in Vietnam.

Castro has welcomed other foreign volunteer cane-cutters, including 77 North Koreans who arrived in Havana Jan. 12. A delegation of 31 Bulgarians is en route.

INADEQUATE MILLS

Last July, a contingent of Russian sailors from a red fleet naval squadron visiting Cuba made a brief cane-cutting expedition to the sugar fields as Castro was beginning the harvest. A Cuban photo of the fleet admiral cutting cane suggested he was not overjoyed with his task.

U.S. sources doubt if the field work of the volunteers will help Castro reach his 10 million-ton sugar harvest goal, more than twice last year's output of 4.47 million tons.

THE NEWSPAPER PRESERVATION ACT: TULSA NEEDS IT

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

Mr. BELCHER. Mr. Speaker, it is very clear that Minnesota does not need the Newspaper Preservation Act, since it has no city with either commercially competing or editorially competing newspapers. It does have in Minneapolis, St. Paul, and Duluth, morning and evening newspapers owned by one family or a newspaper chain. These cities miss the real news and editorial competition we enjoy in Tulsa. The Tulsa World and the Tulsa Tribune see the world, the Nation, the State of Oklahoma, and the city of Tulsa, from different viewpoints. Their differences make for lively and instructive reading. In order to maintain this diversity of viewpoints, we must have a true joint operating arrangement in Tulsa. In order to maintain these joint operating arrangements, we must have the Newspaper Preservation Act. Tulsa needs the Newspaper Preservation Act.

The plan imposed by the judge in Tucson for the papers in that city would be an utter disaster in Tulsa. The paper

with the greater circulation would do just fine, but the other paper would most assuredly fail. That would put us back where we were some 30 years ago, with one paper about to go out of business.

Mr. Speaker, spare Tulsa from becoming a city with only one editorial voice. I do not care if that voice is for or against me, personally, but we should have all points of view.

I agree with our Vice President that there is too great a degree of concentration in our mass media, and I think it is relevant that the papers opposing this bill, particularly the New York Times and the Washington Post, are the major offenders to which he referred. The Newspaper Preservation Act is consistent with the idea of maintaining a free press providing every point of view. I am personally proud that this administration recognizes the merits and the need for this legislation, and has given its support to the Newspaper Preservation Act.

Mr. Speaker, this is one matter we can all agree on—the need for a free and diverse press. I am pleased to note that this bill is endorsed by the Oklahoma Newspaper Association, composed of big and little dailies, as well as weeklies, and that it has even received labor support from employee groups in Tulsa.

Mr. Speaker, the record is clear. I urge all of my colleagues on both sides of the aisle to vote for this important bill.

REEVALUATE TIGHT-MONEY POLICY

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

Mr. ANDERSON of California. Mr. Speaker, this past year, 1969, was the most inflationary 12 months since the Korean war. Thus far, 1970 does not offer any hope for relief, and hope and high interest rates are the only action that the administration appears to be offering.

The administration's policy of tight money has resulted in the highest interest rates in history, but this policy has not prevented an 11-percent increase in the plans of American corporations for new plant expansion in 1970.

To paraphrase the song, "You Don't Need a Weatherman To Tell Which Way the Wind Blows," you do not need an economist to tell you that the administration's economic policy is having a devastating impact on the average consumer.

The homeowner, or the prospective homeowner, does not need an economist to tell him that housing prices are putting him out of the market. The administration's policy has resulted in a rise in homeownership costs by 10.2 percent in 1969. The National Association of Real Estate Boards reports that the median sales price of an existing single family home was \$22,000 in December 1969, whereas in December 1968 the same home sold for \$20,910.

The wage earner does not need an economist to tell him that his money is buying less and less. The administration's economic policy has resulted in a reduction of the buying power of the

wage earner by 2 percent between January 1, 1969, and December 31, 1969. The consumer price index, which in December 1968 was at a level of 123.6, has risen to 131.8 in January 1970. In other words, in January it took \$131.80 to purchase the same goods and services that \$123.70 bought a little over a year ago.

The shopper does not need an economist to tell her that groceries are more expensive. The Los Angeles Times reports that food prices have risen by 5.5 percent above a year ago. The most dramatic increase has been in meats, poultry, and fish prices which have risen by 12.2 percent higher than a year ago.

The administration has the tools to combat inflation. The administration has the power and the influence to roll back interest rates, stabilize prices and wages, and loosen credit restraints. Thus far, the administration has relied on a policy of tight money. This policy has had drastic effects on the consumer, the homeowner, the small businessman, and the wage earner, but it has not halted inflation nor has it slowed inflation.

The time to reevaluate this policy is overdue. The administration must act in order to place our economy on a sound footing.

SHOULD MADDOX BE ALLOWED TO PASS OUT AX HANDLES IN THE CAPITOL?

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

Mr. CONYERS. Mr. Speaker, this may not have much to do with the legislative business at hand today but it does have a great deal to do with the dignity in which this House should conduct its business. Only a few minutes ago the Governor of Georgia, Mr. Lester Maddox, while enjoying the privileges of the Members Dining Room, engaged in the most shocking conduct. He distributed to all who would accept them full-size, full-length ax handles.

Now, I want all the Members to listen to this. I want to repeat for the benefit of those of my colleagues who are seriously dedicated to the enormous task of trying to pull this country together. But, I think it is of equal importance that some in these very Chambers who are yet unwilling to accept the premise of the equality of races, hear this, too. Because it is in the Congress that I have heard so much talk against violence. It is in this very Chamber that we have heard so many calls for law and order. It is here that the evidence of racial polarization and the longstanding ethnic divisions of this country are pointed out incessantly. I have heard again and again about disruption and failure to respond to the call of law and order—hopefully with justice, but frequently without. And now we have witnessed the spectacle of the Governor of one of the 50 States passing out ax handles in the Capitol of the United States.

I hear some of my colleagues laughing about it. They think it is funny. I say it is a tragic mockery of law and order to have Lester Maddox bring ax handles to the Capitol, assisted by the Capitol

Police. Some think it a shame but will not say anything about it. And I suppose there are others who think it is fine. They know too well that the ax handle is that symbolic instrument encouraging violence in the South. And yet there are Members in this body who condone this conduct and at the same time hypocritically call for law and order. By what authority, Mr. Speaker, does Lester Maddox come into the Capitol, into the Members' dining room and engage in this activity? Can any citizen do this?

I want to go on record as one Member of this body who feels that this House has been totally disgraced by this illegal conduct. And I think every Member worthy of representing hundreds of thousands of other Americans ought to feel similarly outraged.

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

Mr. CONYERS. I yield to the gentleman from Washington.

Mr. ADAMS. I agree with the gentleman's sentiments completely, and I think he has stated them very well. I join in his remarks.

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

Mr. CONYERS. I yield to the gentleman from New York.

Mr. RYAN. I want to commend the gentleman from Michigan (Mr. CONYERS) for bringing this outrageous action to the attention of the House. He is exactly right. The House itself should condemn the use of the Capitol by the Governor of Georgia for the purpose of defying the Constitution of the United States. His ax handles are symbolic of his defiant determination to deny equal rights to all our citizens. This is the same Governor who has urged school students to destroy the tires of buses being used to implement the Supreme Court decision. Is that the way to uphold law and order?

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

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

Mr. NEDZI. I also want to commend the gentleman for his pertinent remarks and to associate myself with them. I am appalled that such insensitive conduct could take place in the Capitol of our country. The gentleman from Michigan has made a valuable contribution in apprising the House of this shameful incident. I trust that those responsible will recognize that there are Members who do not approve of such symbols of violence.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to my friend from Michigan.

Mr. WILLIAM D. FORD. I thank my colleague from Michigan for bringing this to the attention of the House, and I wish to associate myself with the sentiments he has just expressed and to pledge my support in joining in an effort to bring appropriate action in this regard, and to bring this matter to the attention of the leadership of the Congress, in both bodies, to take such appropriate action as they may determine.

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

Mr. CONYERS. I yield to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. I thank the gentleman for yielding.

I should like the House to know that I personally attended the House restaurant with the gentleman from Michigan and personally witnessed this matter.

I should like the House to know I want my remarks associated with those of the gentleman from Michigan.

Mr. Speaker, the act which the Governor of Georgia performed in the House restaurant today was despicable and the act was characteristic of the man. He is obviously the same sick man today that he was when he stood in the doorway of his restaurant with his ax handle, defying black people to come into his public restaurant. This man today represents everything that is sick about the society in which we live.

Mr. Speaker, Gov. Lester Maddox is the symbol of racism in our society, and as such, should be denounced by every Member of this body. His actions today were an affront not only to the black Members of Congress but to every Member of Congress. This restaurant is within the sole jurisdiction of the Members of this body. A display of racism within our jurisdiction reflects upon every Member and every district which he represents. Our Nation today has serious problems. People of good will, all over America, will resent this display of racism within the confines of the House of Representatives.

I call upon all of my colleagues in this House to forthrightly and unqualifiedly denounce the actions of Governor Maddox and all that this sick human being stands for. History will record for all time that today, February 24, 1970, the doors of the House of Representatives Restaurant swung open and that a fool walked in.

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

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

Mr. COHELAN. I commend the gentleman for bringing this to the attention of the House. I wish to associate myself with his remarks.

The outrageous action by Governor Maddox, the chief officer of one of our 50 States, distributing symbols of violence and repression in the precincts of the Capital of the United States, where legislators are presumed to be searching constantly for liberty and justice for all, was a reprehensible and disgusting performance.

I want to again commend my colleague from Michigan and those other colleagues present who demanded that Governor Maddox cease and desist in his contemptible activity in the House dining room.

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

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

Mr. WALDIE. I commend the gentleman on his remarks and wish to associate myself with them.

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

Mr. CONYERS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I, too, should like to thank the gentleman for bringing this matter before the House. He has again made us realize how fortunate we are that he is a Member of this body, and I want him to know that the revulsion he has expressed is shared by many of his colleagues, white as well as black.

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

Mr. CONYERS. I yield to the gentleman from New York.

Mr. FARBSTEIN. I should like to associate myself with the remarks made by the gentleman from Michigan today and to say that I certainly deplore the situation described by him.

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

Mr. CONYERS. I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. I want to associate myself with the gentleman's remarks.

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

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

Mr. REES. I wish to commend the gentleman on his remarks and I would like to associate myself with his remarks.

ESTONIA STILL ENSLAVED BY SOVIET IMPERIALISTS

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

Mr. RARICK. Mr. Speaker, today marks the 52d anniversary of the Declaration of Independence of the Communist-enslaved Republic of Estonia. Free Estonians in the United States and about the world commemorate this event—not with joy and happy exuberance as one might expect, but rather in sadness and heartache in lonely exile.

Their flicker of hope, their destiny, their last chance rests with America.

We of the United States can well benefit from the trials and tribulations of these gallant people in our national policies of appeasement and coexistence with the Communist Party of Russia.

Estonia stretched forth the hand of friendship and reconciliation in many treaties and agreements with Soviet Russia: A treaty of peace in 1920, the Kellogg-Briand pact in 1928, a Nonaggression and Peaceful Settlement of Disputes Treaty in 1932, and a treaty that defied aggression in 1933.

Mr. Speaker, the Communist Party that pilots Russia repudiated every agreement. Estonia—by trying, by trust and faith—was the loser for having attempted to negotiate differences. The treaties and agreements by Communists, then as now, are but mere scraps of paper used for their gain but never representing their bond.

When Estonia declared herself a democratic republic in February of 1918 she was recognized as a nation by all Allied Powers, as well as other countries. And, in November of that same year, she was, without great protest, invaded by the brutal forces of Communist Russia in complete violation of all treaties and international law, violating Russia's pre-

vious declaration whereby Estonia was recognized as a free state.

Fourteen months later Estonia succeeded in gaining a written treaty of peace whereby "Russia unreservedly recognizes voluntarily and forever all rights of sovereignty held by Russia over the people and territory of Estonia."

Unprecedented terror, brutality, and mad fear was turned upon the citizens by the Communists to force submission, silence, and compliance. Arrests and murders of untold numbers became a daily occurrence. Prisons were so jammed with political prisoners that new torture chambers had to be hastily built. The overwhelming number of those arrested were never heard from again, disappearing without a trial, a hearing, or an explanation.

Many Estonians recall the horror of the nights of June 13 and 14, 1941. Thousands upon thousands of innocent men, women, and children were dragged from their beds, carried away at gunpoint to railway cattle cars to be delivered to slave labor camps in the most secluded areas of the Soviet Union. Mothers and dads were separated from their children and delivered to "special camps" never to regain contact with one another.

The order for this family purge was signed by Gen. Ivan Serou, top-ranking Communist of the NKVD and GPU of the Soviet security police, only 13 days after the Soviet Union had signed the so-called mutual assistance pact with Estonia—which was then not occupied—and had pledged not to violate Estonian national integrity and independence.

During World War II, Estonia established that 7,926 persons had been arrested in 1 year of Communist occupation. Of those taken into custody by the Communists, only 1,950 were ever accounted for. These occupy mass graves scattered about Estonia. Included were the bodies of 206 women. All had been murdered by Communist security police using nape shots, hands bound behind their backs. The unaccounted 5,900 arrested were sent to forced labor camps in the Soviet Union, or were murdered in the Soviet Union, never to be heard from again.

By June 1941, those deported into the Soviet Union totaled 10,205. More than 1,100 were unaccounted for and missing.

The Nazis occupation ended in the fall of 1944, when Communist troops reentered Estonia. Arrests, murders, and deportations resumed. To escape Communist terror 75,000 Estonians fled their country in advance of the Red army occupation.

Another large kidnaping of Estonians was effected by the Russians on March 22 to 25, 1959. Thousands of peasants were seized and carted off to Siberia as an effort to frighten those remaining into agricultural collectives. All told, the known Communist brutality consumed 10 percent of the populace of Estonia.

By savage brutality, Estonia as well as Latvia and Lithuania were converted to Communist puppet fronts for the Soviet.

Today, her government does not speak

for her people. The enslavement of formerly free peoples, the destruction of constitutional governments by the ruthless dictatorship of the communistic international conspiracy under its blueprint for world domination continues as one of the great tragedies of our time.

This wanton destruction of freedom—hideous and terrifying—must never be forgotten nor these facts silenced.

We salute these proud people who continue the struggle in heart and mind for individual liberty and the restoration of the national identity that is rightfully theirs. We, as free Americans, must recommit ourselves to a firm conviction that the struggle of the free Estonians is ours. For we acknowledge that so long as any peoples are denied their God-given right to individual liberty and self-determination no free people can be truly safe in any land.

Mr. Speaker, in an effort to bring to bear on this intolerable situation the often extolled prestige of the United Nations Organization, I have today introduced a concurrent resolution urging the President to cause to be placed on the agenda of that international body in New York, the question of these brutal and multiple violations of the humanitarian principles for which it professes to stand. I urge other Members to join in sponsoring this resolution, and for this purpose include it in my remarks at this point:

H. CON. RES. 514

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination, and other human rights violations, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization.

FRANCE AND THE MIDDLE EAST

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 60 minutes.

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

Mr. FARBSTEIN. Mr. Speaker, tomorrow the President of France, the Honorable Georges Pompidou, will appear before a joint session of the U.S. Congress. I urge upon my colleagues that he be extended every courtesy due a visiting head of state. But I and many of my colleagues on both sides of the aisle are so bitterly opposed to some of the recent policies and actions of the French Government as they affect the explosive situation in the Middle East that we have felt compelled to ask for this time to make known to Mr. Pompidou and his government our opposition to these actions.

Some time ago we all read with dismay of the decision of the French Government not to deliver to Israel the 50 Mirage planes for which she had contracted and which were paid for and were only

awaiting delivery. Protests from all over the world were heard, to no avail. Again, we learned of the sale of the 110 Mirage planes to Libya—a transaction, incidentally, the dimensions of which were kept discreetly quiet.

France seems to be very strong on the point of diplomatic silence. I have been advised that besides the sale of the Mirage jets there have been sold 60 trainers to Libya, trainers which are capable of being easily converted into fighters. Does the diplomatic silence surrounding this alleged transaction imply that denials similar to the denials made in connection with the sale of the 110 Mirage fighters will again be made? Or have I been misinformed?

I would like for someone in authority in the French Government to make a denial of the fact that they are going to sell or have contracted to sell 60 trainers to the Libyan Government and let that denial not be similar to the denial made by the French Government at the time they originally proposed to sell 10 or 12 Mirages when instead it was multiplied from 10 to 110.

Mr. Speaker, I hope that Mr. Pompidou or the Government of France will see fit to give the Congress and the people of this Nation straight answers to these questions. I trust that his government will not again indulge in pronouncements that, in the light of actual developments, will once more call for prolonged expositions, explanations, and augmentations.

Personally, I have not found it easy, in any case, to follow and understand the connection between the stated and seemingly actual objectives of French foreign policy. The following excerpts from an interview with Mr. Pompidou were recently published by the French Embassy:

Anyone can see that France is seeking ways to reconcile the assertion that Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders, with our refusal to recognize Israel's right of military conquest.

Every one should understand that France has not forgotten the Nazi martyrdom of European Jews, including French Jews, whose courage during the ordeal earned the admiration of all our people.

In the Middle East crisis, France wants and seeks only peace—a peace which I believe is indispensable to everyone and first of all to Israel. This is why we have placed the embargo on the shipment of arms to all the countries in the field of battle.

On the other hand, why should we refuse to fulfill the requests of countries that are not in the field of battle? To let others take our place? What would the cause of peace gain by that?

In addition, today at a press conference Mr. Pompidou said that each country must be free to live in harmony with its neighbors within secure borders of a sovereign state. This is true concerning Israel. One must recognize the right of all people to freely determine their own destiny. This is all that the people of Israel seek. This is all they ask.

They merely request the right to live in peace with their neighbors. This they are being denied by these very neighbors

who surround them, and who would drive them into the sea.

I said before and I say again that I cannot understand the connection between the stated and the seemingly actual purposes of French foreign policy. I cannot understand how Mr. Pompidou can make the above statement and then how his government can turn around and refuse to sell Israel the 50 Mirage planes which she has bought and paid for while simultaneously making a contract to sell Libya, an Arab country, 100 Mirage fighters.

At a press conference on February 22, Colonel Qadhafi, who is head of the State of Libya, said:

Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt.

So Libyan Mirages may well be used against Israel even if they are not now available to Egypt.

Now, the *raison d'être*, if you will, that Mr. Pompidou gives for the sale of these jets, these Mirages, to Libya, is that they will not use them against Israel. And here we have a statement from the head of the Libyan Government to the effect that when it suits their purpose they will use these Mirages, and the trainers, against Israel, whether they are sold or whether they are given to Egypt or not.

Mr. Pompidou assures us that France has not forgotten the martyrdom of European Jews and the agony of the French Jews. He assures us that their courage during their ordeal under the Nazis has earned the admiration of all the people of France. And yet recalling their sufferings and bringing to mind the acts of genocide, the revelations of which sickened the world, Mr. Pompidou can still refer to the assertion that Israel has the right to exist, and at the same time—and I hesitate to say this—is doing those things which are most prone to destroy that little country which only seeks that right which he contends every nation has the right to live.

Mr. Speaker, Israel exists and will continue to exist. Three times in the past 20 years the Arab threat of annihilating this infant state has turned into a bitter nightmare of defeat. However, the Arab States are sworn to destroy Israel. Unable to do something until now through direct military action, they have employed the use of terrorism by illegal bands of cutthroats and guerrillas to carry on the war against the people they want to destroy and wipe off the map. Civilian aircraft in countries such as Switzerland and West Germany have been sabotaged and have been the objects of their indiscriminate hatred. Neither the age nor sex of their victims have served as deterrent.

But harassment and murder of civilians was only one phase in the attempt to alter the situation in the Middle East. We have another friend of Israel, another so-called friend of Israel, called Russia. The Soviet Union has made no secret of her arms shipments. Since the 1967 war she has poured into the Arab countries 515 jet fighters, 35 bombers, 50

helicopters, 600 tanks, 80 self-propelled guns, 750 armored personnel carriers, and 1,175 artillery rockets. Other sources have also contributed to the buildup. The United States, for instance, is still furnishing military training to students from Jordan, Libya, and Saudi Arabia.

Although the number of students is less than those trained for these countries last year, the total for these countries still represents a substantial number. Do these numbers include trainees who receive pilot and combat flight instructions? Are we helping to increase the efficiency and war readiness of the Libyan Air Force? If so, I think it is high time that we discontinued doing so. Training Libyan pilots is for us an anachronism at this time. After being chased out of Wheelus Air Force Base by the Libyan Government, training her pilots could add insult to injury and negate the position taken by the administration in connection with the sale of the Mirage jets to Libya.

As of this moment, Arab forces have 1,100 first-class fighters compared to Israel's 250; the supersonic fighter ratio is 6 to 1 against Israel; and on the ground, less than 300,000 Israeli soldiers face over a half million Arabs. In view of this, is it deemed wise to deny Israel the 80 Skyhawks and 24 Phantom fighters she seeks from our Government?

Mr. Speaker, Israel's existence incorporates the twin symbolisms of a memorial and a promise. In the 20 years of her history as a nation the dedication and determination of her people made her deserts bloom; their industry built up her thriving economy; their heroism safeguarded her borders. Her achievements stand and will always stand as a lasting monument to the spirit of the people who willed her into being.

But to fulfill her promise Israel has got to have peace. For her, the goal of peace is not only desirable, it is a necessity. Time and time again in search of this objective she has appealed to the United Nations. Again and again her hopes for assistance from that source came to naught. The astounding courage of her people earned a strange reward. While some Arab bloc nations received and continue to receive military training and aid not only from Russia and the United States but other countries as well, Israel had to buy every piece of military equipment available to her. Now, in this crucial hour of her need, she finds it difficult to purchase planes even from our Government. Israel's past victories, her ability to survive, have been attributed to her superiority in training, motivation, skill, discipline, and mastery of tactics. By some strange reasoning that I cannot follow, a consensus seems to have developed that the lack of efficiency and morale on the part of her enemies must be offset therefore, to maintain a so-called balance of power, by making armaments available to them and denying weapons to this tiny country so valiantly struggling alone. At this point in time, Israel is not only abandoned to her fate, she even must make efforts to placate her friends. It must be obvious unless she has superiority in one fashion or another she will be destroyed.

There seems to be a complaint abroad not alone in this land but in the whole world, to the effect that Israel has superiority. It seems she is to be destroyed because her people have dedication, because they are willing to risk their lives for their country; and because they have the education and the will to do what they can to defend their nation.

Yet peace or war in the Middle East is of no little consequence to the rest of the world. The solution of the struggle will not leave untouched Israel's disapproving "friends." America has found over and over that this nation dedicated to democracy is a loyal friend, a good ally. The United States would have much to lose should Israel collapse under the combined weight of imported military hardware and overwhelming Arab numbers. Is it for this reason that I have urged repeatedly that the Nixon administration return to the more progressive policies of earlier administrations; that she sell to Israel the arms she must have to maintain her existence.

Mr. Speaker, we have Mr. Pompidou's statement that France wants only peace in the Middle East. To prove how badly she wants to attain her stated objectives for this troubled spot of the globe she has placed an embargo on arms. But this embargo is, because of French rationalizations, only being enforced against Israel. By selling planes to Libya, France is, in point of fact, making them available to the Arab bloc.

France also tells us that she is limiting her sales of weapons to countries that are not involved in the conflict. In this uninvolved category she includes Libya; with this pronouncement she explains away her recent actions. But how, in the name of logic, can she advance these assertions as justified, especially in view of the statement I have just read, made by the head of state of Libya to the effect that Libyan Mirages may well be used against Israel even though they are not made available to Egypt?

Libya is a country with only 10 pilots. There is no external threat to her existence. What could be her purpose in acquiring these aircraft? To what use will they be put? The answer appears only too obvious. Despite the assurances by France that end-use agreements preclude their transfer to any country unless such transfer is approved by the Government of France, these planes will eventually be used against Israel.

Yet in the face of all this France assures us that she remembers the martyrdom, under the Nazis, of the European Jews. All her people, she tells us, recall with great admiration their courage during their ordeal. Are we to assume that she is impelled to her inexplicable actions by this admiration?

All nations have a right to survive. It is the duty of all nations to prevent one from being destroyed. This requires a conscientious approach to problems, and an approach that will deny the means of destruction to those with a ruthless determination to destroy.

All governments alike share the responsibility for world peace—for world survival. In our complex society the actions of one cannot fail to have conse-

quences for all others. No government can fail in its decisionmaking to take into account this awesome reality. No nation may escape this responsibility.

The world has a great stake in the drama unfolding in the Middle East. Wrong decisions on the part of the world powers will, I am certain, result in a drastic alteration of the world balance of power. They may irrevocably destroy the chance for genuine peace. It is in this context that France's actions must be weighed; it is in this context that they must be evaluated. And her policies judged in this light are not only pro-Arab and anti-Israel, but in the long run pro-Russian and anti-West. They also are, ironically, essentially anti-French.

Ever since 1955 the Soviet Union has paced the arms race in the Middle East. She moved first to provide the Arabs with the most sophisticated equipment. I mentioned previously the large number of weapons, including artillery rockets, she has supplied to the Arab bloc since the 1967 war. Surely none of us are naive enough to believe her actions to be motivated by altruism. Russia, to the best of my recollection, has never acted out of anything but self-interest. Being fully cognizant of the importance of the available military strength in the Mediterranean, through her military aid to the Arabs, she is establishing and has established for herself air and ground bases in an extremely strategic spot. She must be delighted to receive the assistance of a Western bloc nation, France, in her endeavors.

Of course, we have heard it said that if the planes that Libya receives or any portion of them, are turned over to the other Arab countries, France will discontinue her sales to Libya. Who is to say, however, that Libya, with all the oil wealth she has, will not buy additional planes from the Soviet Union? We know the Soviets will sell them to her and will be only too pleased to do so.

Israel to date has served as a counterweight, a bar to the ruthless and calculated power grab of the free world's enemies in this area. Intelligent self-interest on the part of the West, and thus France, would demand that help, not censure, be extended to Israel. I am amazed that a country with as long a tradition in diplomacy as France should fail to act astutely in this instance. But there are other matters as well that puzzle me.

In the course of the debates surrounding Britain's entry into the common market France has demonstrated a healthy understanding of economic realities. She now appears to forget, by acting against the interests of her allies, the facts of mutual economic interdependence. Presently the big cities of the Western World buy her wines and other delicacies, provide the markets for her fashion fabrics and products. Her famous perfumes and cosmetics are the luxuries of the women of her allies; tourism to her country comes primarily from other free world nations. Do her actions indicate that she is expecting a shift in demand? Does she perhaps see more gain for herself in the exporting of fashions to the Libyan desert than, say, to Fifth Avenue shops? Quite bluntly,

does France prefer the limited opportunities for trade proffered by state controlled economic systems to the good will and cooperation of her allies? Is she cognizant of the economic repercussions that may result from her foreign policy?

But perhaps she is satisfied to sell the products for which she is famous to the women of the desert. If she is, well and good. I question whether those of her friends who come from the large cities will, in view of her late actions, continue to purchase these items of luxury.

Mr. Pompidou poses the rhetorical question of "What would the cause of peace gain by France's refusal to sell weapons to countries not in the field of battle?" The gains would be substantial if France were really precise in her definition of countries "not involved in the field of battle"—if sales were made only to those nations who not alone professed their peaceful intentions but carried them out. Libya certainly has not professed any peaceful intentions toward Israel. If anything she has stressed Arab solidarity, which in her case obviously implies making war against Israel. Had France, therefore, refrained from selling her planes and war material, additional means of destruction would have been withheld from an area that is involved in a ceaseless and merciless strife; an already critical situation would not have been further aggravated; and last, but not least, the belief of France's allies in her good faith would not have been shaken.

If France is serious with regard to her professed desire for peace, she should drastically reconsider and change her policies. If she is concerned about a balance of power, she should not only not sell to nations who are engaged in mortal combat against Israel, she should consider what the balance of power in the Middle East really means. She should realize the desperate necessity for Israel to obtain real military deterrent strength and not expect her superiority in dedication and heroism to take the place of military hardware. Instead of furthering the policies of Russia by her sales to this area, she should instead use her good offices to persuade the Soviets in the name of world peace to discontinue arming the Arab bloc.

Mr. Speaker, the foregoing represent the reasons for my belief that Mr. Pompidou owes this House and the people of this country an explanation. I believe he should try to help us comprehend just how France is planning to help achieve the objective of peace in the Middle East. I think he should let us know what France's understanding of a balance of power is. We should be helped to realize why it is considered necessary to further augment the buildup of the Arab forces that already outnumber Israel both in the air and on the ground. France should tell us, Mr. Speaker, just what precautions she thinks are needed to prevent the overtaxing of Arab morale and dedication. Above all, Mr. Pompidou should acquaint us with the type of final settlement, or is it final solution, that his government is trying to find for the Middle East.

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

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. PODELL. I thank the gentleman for yielding.

I should like to associate myself with a good deal of the gentleman's remarks. I believe his definition of what is occurring in the Middle East is an excellent one.

I should like to add one or two more points which I believe are worthy of noting at this time.

First let me say that some weeks ago I asked some of the Members of this House to join with me in refraining from attending a joint session which will be addressed by Mr. Pompidou on Wednesday, February 25. I believe it is important to cite the reason for this.

First: I do not object to Mr. Pompidou's visit to the United States. I am glad he is coming. I am pleased he is coming to discuss with our President the great problems that affect the mutual security of our mutual countries.

What I am interested in doing is to visually demonstrate to Mr. Pompidou the thinking of the American public as it is reflected by the Members of Congress, because in this manner can the American public truly express themselves.

When I was in France some 4 or 5 weeks ago I spoke with French officials regarding the delivery of 50 French planes to Libya. They denied the facts of the deal and said it was a figment of someone's imagination. The French Government lied to me. The very next day or 2 days later it was admitted and the amount of the planes was raised to 80 and then 110 and now, of course, including training planes and miscellaneous hardware, there will probably be sufficient planes delivered to Libya to account for every man, woman, and child in the armed services of that country.

So the purpose of the boycott is not a discourtesy to President Pompidou but merely to demonstrate to him the thinking of the American public so that when President Nixon sits down with Mr. Pompidou to discuss those problems President Nixon will have the added muscle of the Congress and he will be able to say to Mr. Pompidou, "You see, Mr. Pompidou, the Congress agrees wholeheartedly that you have to change your policy." We certainly hope that he will reconsider that policy.

Let me cite a further reason. The addressing of a joint session or a joint meeting of the Congress is not a customary honor to bestow upon a visiting head of state. As a matter of fact, it has only been done three times in the past 9 years. Recently Prime Minister Sato of Japan, Prime Minister Wilson of Great Britain, the King of Norway, Haile Selassie of Abyssinia, and ad infinitum came to visit our country and none was accorded the same consideration. I think it is not appropriate at a time when we disagree so vehemently with the foreign policy of the French Government in the Middle East and their attempts to destroy American interests in the Mediterranean area that we accord the leader of the French

Government that honor which is over and above that usually accorded a visiting head of state.

Therefore, Mr. Speaker, I wish to urge my colleagues to join with me tomorrow in not attending the session of the House which will be addressed by Mr. Pompidou.

I thank the gentleman for yielding. Mr. FARBSTEIN. I thank the gentleman for his remarks.

Mr. Speaker, I now yield to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Speaker, I thank my colleague from New York (Mr. FARBSTEIN) for yielding to me.

I wish to express my gratitude for his wonderful address here this afternoon. I think it was a very pointed, very vital, and very telling speech. I wish to associate myself with his remarks. I have also followed the situation very carefully, and I agree with almost all of his conclusions. I, too, agree with you, my colleague from New York (Mr. FARBSTEIN) that Mr. Pompidou should be accorded every courtesy, but I am one of those who agree with my colleague from New York (Mr. PODELL) that I will not attend the session to which Mr. Pompidou has been invited. I think this would be a discourtesy to the thinking of the people of our country who are violently opposed to the policies of France as they constitute their policy with respect to the State of Israel. This runs diametrically opposite to American policy. It hurts us throughout the world.

So I, too, will boycott this session, and I urge all of my colleagues to do likewise. I think this is one area where the Congress can assert itself is by indicating to the gentleman from France that the Congress is behind the State of Israel.

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

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I realize that this debate on the situation in the Middle East has been occasioned by the visit to the United States of French President Pompidou. The specific motivation is the deal whereby France is selling more than 100 military jets to Libya.

I wonder, Mr. Speaker, if in focusing so directly on the Middle East we are not overlooking a more general problem.

French foreign policy in the 25 years since the end of World War II has been a continuing series of affronts to the United States. Not only does France fail to cooperate with us in international affairs, her actions have been almost deliberately designed to work against the policies of the United States.

I think, therefore, that we are somewhat circumscribed in objecting only to French foreign policy in the Middle East. I also think it is a grave mistake to place solely an ethnic character on the protest being directed toward the visit of President Pompidou. This is not an ethnic matter; it is a matter of U.S. interests in international affairs. And the record clearly shows that France simply does not give the slightest thought to our interests.

That would be well and good if France

would drop the game of pretending to be our friend. The facts belie this masquerade. Consider the following instances of French foreign policy that have worked to undermine the interest of the U.S. international cooperation and world peace.

We all know that France can never repay the debt of American lives lost in saving her in two World Wars. We lost 220,000 men and another 700,000 were wounded in these two wars in which we spent \$227 billion. Yet France has refused to honor a legal debt to the United States of \$7 billion. This is a 50-year-old debt reaching back to World War I. Its legality has never been questioned, it is not tied to German reparations yet France refuses to meet its obligation to us.

Or consider for a moment the refusal of France to use its influence to promote peace in Vietnam. The original American involvement in Vietnam is directly related to the precipitous French withdrawal from Indochina and yet France has shown no desire to help achieve peace in Vietnam.

Then there is the matter of NATO. The North Atlantic Treaty Organization was our great hope for cooperation with our friends across the Atlantic; NATO was to be the vehicle for securing peace in Europe. Yet the French Government summarily ordered NATO out of France at a time when Western unity was crucial. And in typical fashion they took over the NATO establishment, worth \$2½ billion, without payment.

But should we expect anything different from a government that has regularly vetoed British entry into the Common Market? The British have suffered special economic hardship because of France's unreasonable posture and failure to acknowledge that the Common Market was designed to promote economic cooperation throughout all of Europe.

Of course the French Government's selfishness in economic affairs is nothing new. While in debt to us for \$7 billion France did not hesitate in the last decade to raid huge quantities of gold from our Treasury in complete disregard to the American economy. Once again, French self-interest held sway over mutual cooperation.

And of course France pays lip service to the matter of world peace. But once again the facts belie the words. France is the only major Western power that has not signed the Nuclear Nonproliferation Treaty.

Most recently we have seen France apply a selective arms embargo in the Middle East. Even while we are engaged in four-power talks on the Middle East crisis—talks that include France—the French completed a deal to sell Libya more than 100 military jets. We were not consulted about this sale which is totally counterproductive to the purpose of the four-power discussions. Peace in the Middle East rests on a precarious balance and France has seen fit to tamper with that balance.

Now, we have heard from the French President that the jets sold to Libya will not be used in the Middle East conflict.

How then can he answer the statement of the Libyan Chief of State, Col. Mu'amar Qadhaafi, that "Libyan Mirages may well be used against Israel"? Clearly there is a sharp and potentially catastrophic contradiction between what we hear from Mr. Pompidou and Colonel Qadhaafi.

What we have, then, is a long history of repeated acts contrary to American interests and in general disregard of the precepts of international cooperation and world peace.

This attitude was a deliberate device of General de Gaulle when he was the French President. When Pompidou took over we held out the hope that the historical basis for cooperation between France and the United States would again be recognized.

But that hope was short lived. Mr. Pompidou has followed in the inglorious steps of De Gaulle and the substantive basis that should exist for mutual cooperation remains untapped.

As a member of the Foreign Affairs Committee I take exception to French foreign policy and I take exception to the fact that Pompidou is to address a joint session in this very Chamber tomorrow.

I have provoked the ire of some of my decision to walk out on Mr. Pompidou at tomorrow's joint session. I realize the gravity of what I propose to do; but also realize the greater problem created by French foreign policy.

By walking out tomorrow I wish to convey to President Pompidou my sincere and very deep chagrin at French actions that work against the interests of the United States and the free world. I would hope that President Pompidou would give just as sincere and serious thought to the kind of actions his government has taken in disregard of the consequences to the United States.

Perhaps then we can once again have true cooperation with France and not the erratic cooperation we have witnessed in recent years.

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

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

Mr. WILLIAMS. Mr. Speaker, for many years, Nasser and other heads of Arab States have loudly proclaimed their intentions to drive the people of Israel into the sea. At no time have the Arab States signified an intention to sit down with Israeli officials and discuss their differences. This is most unfortunate, not only because the peace continues to be violated, but because human progress is deterred. Israel has achieved great development and progress during its brief period of existence. Given peaceful relations, the knowledge which Israel has gained, the progress she has enjoyed, could be shared with her Arab neighbors for essential development of the entire Middle East and its people.

The prime source of arms to the Arab States has been the Soviet Union, whose sole purpose is to further expansion of Soviet power throughout the entire area.

More recently, however, France has joined the Soviet Union as a source of Arab arms. Curiously, this is the same France that used the 6-day war as an

alibi for backing down on its previous agreement to sell military aircraft to Israel.

To date, the cause for greatest concern for the new French conduct is her sudden selling of military aircraft to Libya far in excess of any military needs that Libya, alone, could possibly have for such equipment.

This, of course, is not the first time that French conduct has seemed strange. The United States saved France in two world wars; yet General de Gaulle, as President of France, seemed to go to great lengths to embarrass the United States and grow close to the Soviet Union. Fortunately, under President Pompidou, relationships between the United States and France seem to be improving. I hope I will be able to make this same statement a year from now.

After actively promoting a war between the Arab countries and Israel, Soviet Russia is engaging in the typical Communist tactic of trying to brand Israel the aggressor as justification for Moscow's continuing buildup of Arab forces who continue to threaten to annihilate Israel.

It should be rather obvious that we must do everything necessary to help Israel protect herself. That Israel is our only true friend in the Middle East was demonstrated, among other ways, by the riots which erupted in Turkey when the U.S. 6th Fleet attempted to put into that supposedly friendly spot.

Israel must never be compelled to relinquish any territory taken in the 6-Day War without concrete assurances that the Arab States will recognize her sovereignty and integrity. Even if Israel receives these assurances, she must never be compelled to retire to her former boundaries. New boundaries, easily defensible, must be established.

On December 31, at a meeting of the Board of Rabbis of Greater Philadelphia, I signed a resolution urging President Nixon to call for direct negotiations. On January 19, I cosponsored a similar resolution in the House of Representatives. On January 28, I cosponsored a House resolution supporting the principle that the deterrent strength of Israel must not be impaired. I reaffirm my position, now.

Further, I wish to state that I am greatly pleased by President Nixon's recent statement to the effect that he is prepared to correct any French- or Soviet-created imbalance of arms or planes which might weaken Israel's military deterrent against Arab aggression.

The sooner Moscow, Paris, and Nasser and company recognize that Israel is there to stay, the quicker we will have peace in the Middle East.

President Pompidou has described his visit to the United States as an effort to solidify traditional French-American friendship, to strengthen relations, and to support peace.

If President Pompidou is serious in his stated purpose, the most logical thing for him to do is stop aiding and abetting the aims of Soviet Russia and her world Communist allies by supplying the Arab nations with the military weapons and aircraft which France refused to supply to Israel.

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

Mr. FARBSTEIN. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, it is a real privilege and a pleasure to follow my colleague, the gentleman from Pennsylvania (Mr. WILLIAMS). Once again we shake hands so to speak across the aisle in a truly bipartisan effort which is of concern not only to Israel but to our country. It is so good to be with you, Mr. WILLIAMS.

Mr. Speaker, it has been said that the Arabs can continue to lose wars; Israel can lose but once. The implication is clear. The war Israel loses will be its last.

The fact that Israel, outnumbered and outgunned, continues to prevail on the battlefield obscures a basic fact. Despite the international clamor for peace and the agonizing search for paths to peace, the situation remains relatively unchanged.

Israel fights for survival.

The Arabs continue to fight because Nasser cannot let them stop. To reject war and to honestly talk peace would require a public concession from Nasser that his policy was and is bankrupt.

Nasser continues to fight to shore up his regime and his reputation as the leader of his world. Once the smoke of battle clears, Nasser is finished; and I suspect he knows this.

France's contention, therefore, that the 110 Mirage jets sold to Libya will not be used against Israel is particularly cynical and dishonest. Where and against whom will Libya use those jets?

The French even concede that Egyptian officers sat in on the arms negotiations in Paris. The Egyptians are interested in only one war, their holy war against the people of Israel.

French President Pompidou, now being extended every honor and courtesy this Nation can provide, has insisted that—

Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders.

We are to presume that the Mirage jets sold to Libya and denied to Israel are an instrument of that French policy.

Paris also has conceded that the sale of jets to Libya was good business. We cannot argue with that contention. War is good business and that is not a French discovery.

But we can question the cynicism that prompts such a public declaration.

We also can question the wisdom of a French policy which makes oil and commercial interests the hostage of arms sales. France has said she is concerned that Arab States will cut off oil shipments to Western Europe. The Israelis have long had an answer for that contention. The Arabs cannot drink their oil.

In 1967, the Arab States cut off oil shipments to the West, but found that course too costly and quickly resumed the shipments.

So finally we must reject the French policy.

France speaks of peace, but primes the pump of war.

France speaks of Israel's right to sur-

vive, but delivers into the hands of her enemies the instruments of her destruction.

France speaks of oil and money, but whets the Arab thirst for blood and murder.

For what else can you call the atrocity in Zurich Sunday and the machinegunning of a tourist bus in the Holy Land Monday.

It is for these reasons, and meaning no disrespect to our distinguished Speaker nor to the great traditions of this House in which I am privileged to serve, that I have decided to boycott the joint session tomorrow.

Finally, I must urge that we continue to support and shore up Israel. Her cause is morally just. Her ties to the United States are forged by long friendship and common aspiration.

But more than all this, Israel stands alone in the Middle East as a bulwark against Russian expansion through that corner of the world. Russian dreams of warm-water ports and control of the eastern Mediterranean date back to the czars.

Russia is as close as she has ever been to achieving these ambitions. All that stands in her way is Israel.

A peace settlement that guarantees Israel's freedom and survival thwarts this Russian ambition. No matter how well intentioned our pursuit of peace at two-power and four-power talks may be, they are doomed to fail because Russia seeks domination, not peace.

The U.S. course is clear. We must firmly support Israel. For, if Israel's strength, will, and courage prevails, peace will come to the Middle East.

Mr. FARBSTEIN. Mr. Speaker, I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, along with so many of my colleagues, I am bitterly discouraged with the policies of the French Government in selling planes and arms to Libya. The French Government knows, or in the exercise of ordinary judgment must know, that these arms are being sold for use in the Middle East conflict. The delivery of planes to Libya cannot be reconciled with the failure and refusal to deliver planes already paid for by the State of Israel. The French decision which singles out sales to Libya is irrational and discriminatory. This is a retreat from principle which is becoming the hallmark of French policy.

It is incredible that the French people would support the announced plans of their Government to supply sufficient airpower to supply every officer of the Libyan Armed Forces with his own personal jet. The leader of the revolutionary government of that country was quoted in the Washington Post of yesterday on page 1 as saying that there is little doubt that the Mirage Jets supplied to his government by France will be used against Israel, contrary to the assurances given the world by the President of France.

Today, French entrepreneurs are searching the face of Libya to pick up oil concessions and developments in exchange for French military assistance.

The French have yet to discover the short-range value of this inheritance in oil resources. The temporary profit in these concessions will be soon offset by the burdens of further Arab demands. The selfish pursuit of Libyan oil is a retreat from principle which is becoming the hallmark of French policy.

In making alliances with foreign countries, France must come to learn what we have learned through our bitter and costly experiences. Morality must be the keystone of alignment. We must ally with those who believe in free institutions—with those who believe in justice—with those who believe in freedom—with those who believe in human dignity and individual liberty.

In the Middle East, those who seek an alliance based on these principles must support the integrity of the State of Israel, which stands distinguished and alone as a bastion of liberty, justice and human dignity in the Middle East.

Under these circumstances, it is difficult to be warm and hospitable to the French Government. The arms sales to Libya make no sense whatsoever. It is my hope that the French Government will reconsider its actions in Libya and follow instead the long-range policies directed toward peace and the preservation of democratic institutions.

The history of French contribution to democracy and free institutions is too vivid to suffer it to be marred by military assistance to government forms which do violence to the institutions in which we believe and in which the French people must believe.

I hope that President Pompidou and the French people will come to realize the gravity and the dangers inherent in present Libyan policies; that the government will reconsider—that President Pompidou and his government will not destroy in Israel the concepts of liberty, justice and freedom which were nurtured in France.

The State of Israel has courageously demonstrated its right to survive and prosper with free institutions and high concepts of justice. Israel deserves better treatment from the French and more certain support from the free people of this world in her hour of crisis.

Mr. FARBSTEIN. Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman from New York for the privilege of participating in this most important discussion.

Concerned about this matter about what the French have done, on February 4 of this year I sent the following telegram to the French Ambassador:

FEBRUARY 4, 1970.

HIS EXCELLENCY,
CHARLES LUCET,
Ambassador of France,
Washington, D.C.

You must know that many members of the Congress and many citizens of our country will be expecting your distinguished President, if he addresses a joint session of our Congress, to clarify the recent action of his government in agreeing to provide 100 modern fighter planes to Libya, are in the opinion of many destined for use by the Arab Nations as a part of their aggression

against Israel, thus increasing the danger of war in the Middle East. I respectfully submit that this action on the part of your Government has encouraged further threats on the part of the Soviet Government to give further encouragement to Arab aggression by continuing to provide a weapons buildup for them. I believe it is the consensus of our Congress and Country that the Government of the United States cannot allow aggression to be encouraged by such buildup in Arab arms without our contributing to stability and peace by matching in arms aid to Israel whatever your Government and the Russians provide to those who declare their determination to destroy Israel.

Due to the special friendship which has so long prevailed between your country and ours, many of the Congress and all our citizens earnestly hope that your distinguished President will lessen the danger of war by supporting our Government in trying to get a negotiated peace between Israel and the Arab Nations and in your Government retracting your Libyan plane commitment and joining the United States in attempting to induce Russia to cease its aid to the Arab States which encourages the danger of war.

With respect.

CLAUDE PEPPER,
Member of Congress.

On February 6, I received the following reply from the French Ambassador:

WASHINGTON, D.C.,
February 6, 1970.

DEAR MR. CONGRESSMAN: I read with great care your telegram dated February 4, in which you suggest that the President of the French Republic take advantage of his forthcoming trip to the United States to explain, in his address to Congress, the motives of French policy towards the Middle East.

I would first of all like to thank you for the spirit of friendship towards my country which inspired your communication.

Without trying to anticipate on what the President of the French Republic might have to say on the subject, I think it necessary to remember that the French Government was the first to propose that a total embargo be imposed on delivery of weapons to the countries directly involved in the "Six day war". The French Government has also, constantly and publicly, held the opinion that the existence and the sovereignty of the State of Israel should be recognized and guaranteed. The French Government, finally, has multiplied its endeavors towards the opening of negotiations destined to accomplish these objectives. It is evident that the security of all the states in the area can only be insured on a long term basis by a general return to calm and by a peaceful settlement.

As for the more particular point having to do with the delivery of aircraft to Libya, I must recall that the conditions imposed by France on the use of these aircraft (forbidding their reexport, etc. . . .), as well as their delivery over a period of time until 1974, guarantee that Israel's security will not be jeopardized. We can besides reasonably think that peace will be reestablished before the completion of the contract. As the French Prime-Minister, Monsieur Jacques Chavan-Delmas, recently declared, the contract would be cancelled if its provisions were not respected.

With my best wishes for you and Mrs. Pepper.

Sincerely yours,

All I wish to add, Mr. Speaker, is that tomorrow, when the President of the great French Republic speaks in this Chamber, he should be aware of the grave responsibility which rests upon his

shoulders so to clarify this issue that his country will not have contributed to the devastation of war in the Middle East which might eventuate into a world holocaust in a nuclear age.

We hope that the President will take advantage of this opportunity to assure the Congress and the country that he will support us in limiting the arms buildup in the Middle East and in moving Israel and the Arab Nations into face-to-face negotiations for peace in the Middle East and the world.

I thank the gentleman.

Mr. FARBSTEIN. I thank the gentleman from Florida.

Mr. Speaker, I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, I intend to participate in the joint session of Congress to which President Pompidou has been invited.

I believe that as a Member of Congress, it is my obligation and responsibility to participate in its official functions and this is such a function.

Furthermore, I believe it is not productive nor in our national interest for Members of Congress to shun a head of a foreign state because of a disagreement with some of his policies. In this case we are objecting to the French Government's support of the Arab States to the detriment of Israel and her sale of jets to Libya while placing an embargo on such sales to Israel. Little will be gained by antagonizing or alienating President Pompidou by boycotting him. Instead we must persuade him that it is not in the national interest of France to sell out democratic governments like Israel in exchange for the transient commercial benefits that might flow for a time by supporting despotic governments, who are admittedly bent on the destruction of a sister state. We must seize the opportunity provided by this visit to persuade Monsieur Pompidou to reconsider his position toward Israel—a friend who needs his support just as France needed ours in her moment of great danger.

It should be remembered that the people of France in fact overwhelmingly disagree with President Pompidou's position on this matter and believe Israel should be supported. At the same time, however, they expect their President to be accorded the honors and respect of a head of state. It would be counterproductive to the best interests of Israel, for those of us here in Congress who support Israel to treat President Pompidou in a manner that will inflame the passions of Frenchmen.

When I discussed this matter with the dean of the New York delegation, Mr. Celler, he summed it up for me with the wisdom of experience and with that old maxim, "you catch more flies with honey than with vinegar."

I yield to no one in this House with respect to my affection and support of the State of Israel. I believe it is in the national interest as well as morally correct to support Israel and provide it with the arms needed to defend itself from the concerted attacks of the hostile nations surrounding it including those by terrorist organizations. And I urge Pres-

ident Nixon to prepare to offset the anticipated delivery of over 100 French jet fighters to Libya.

I have joined with approximately 100 Members of the House in signing a declaration of concern to President Pompidou on the French Middle East policy. And I have joined with the distinguished Senator from New Jersey (Mr. WILLIAMS), and others in writing to Secretary Rogers requesting that the administration make arrangements for a meeting between President Pompidou and congressional representatives in order to present him with a declaration urging that France cancel the jet sale. I hope that we have the opportunity to discuss with him our feelings on this matter and convince him of the error he has made and most important persuade him to change his position.

Tomorrow I will with my colleagues accord President Pompidou the courtesies of the Congress and I hope he will reciprocate by meeting with those of us who are in disagreement with him.

Mr. FARBSTEIN. I thank the gentleman.

I now yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I want to express my thanks to my colleague from New York (Mr. FARBSTEIN) for arranging for this special order.

I share the indignation of millions of Americans at the French Government's action in agreeing to sell 100 Mirage airplanes to the Libyan Government.

This action is especially deplorable in view of the refusal of the Federal Government to deliver to Israel Mirage planes that have been bought and paid for.

The government of President Pompidou professes to believe that the Libyan Government wants these Mirage planes for its own use and will not transfer them to the United Arab Republic. But the Libyan Government's assurances in this regard seem worthless in view of the fact that it is not reasonable to suppose that the Libyan Government has need of these planes for its own use. No other North African country has airplanes of this degree of speed and sophistication. Admittedly, Libya does not have the pilots to fly them or the trained crews to maintain them. For the kind of mission that the Libyan Government might reasonably want to have aircraft for, these highly sophisticated supersonic aircraft would indeed be a disadvantage.

Thus, at best the French Government's action seems irresponsible and hypocritical; looked at in a less favorable light, it seems a calculated betrayal of France's former ally and friend, Israel.

I shall not be attending any of the public meetings at which President Pompidou will appear in Washington, but I hope to have the opportunity to express these views to him at a private meeting.

Mr. ROTH. Mr. Speaker, escalation of the arms race in the Middle East will only increase the flames under that already boiling pressure cooker. As were many Americans, I was very dismayed to learn that France had decided to sell more than 100 supersonic jets to Libya—especially since it has been reported that

Libya lacks the trained manpower to fly and maintain the entire fleet. The possibility that some of the jets might end up in Egypt is, in my mind, a matter of grave concern.

I was also quite concerned about a report yesterday quoting the leader of Libya's revolutionary forces. He said:

Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt.

The visit of President Pompidou provides an excellent opportunity to clarify the conditions of France's agreement with Libya, in light of what I understand to be, in Mr. Pompidou's own words, a French "embargo on the shipment of arms to all the countries in the field of battle." I hope this situation can be resolved so that it does not pose a threat to the tenuous balance of power in the Middle East or to the security of Israel, as it would be tragic if such a matter strained our relations with France. A continuing friendship between France and the United States is in the interest of not only our two nations but the entire free world.

One thought, I believe, should be stressed. After Secretary Rogers' December 9 speech, I wrote him a letter explaining my stand and expressing the hope that he could clear up any misunderstanding that existed with respect to our diplomatic stance in the Middle East. Some of the recent statements by the Secretary and by President Nixon, affirming our support for Israel, have in my mind been most encouraging.

In my judgment, a true settlement can be reached in the Middle East only by direct negotiations between the parties in conflict. In my letter to Secretary Rogers I put specific emphasis on that point, and I would like to insert a copy of that letter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 6, 1970.

HON. WILLIAM F. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am distressed about recent developments regarding the policy of the United States toward Israel.

I am concerned that our stance with respect to the tension in the Middle East has not adequately reflected condemnation of continued Arab threats to Israel's safety and security. More diplomatic support, I believe, should be afforded to that single democracy in the part of the world most constantly beset with turmoil.

On June 20, 1967, I introduced in the Congress House Resolution 652, stating, among other points, that "it is the sense of the House of Representatives that permanent peace in the Middle East can be achieved only if the existence and sovereignty of Israel is acknowledged by the Arab nations."

On July 30, 1968, I cosponsored, with a number of my colleagues in the House, House Concurrent Resolution 808. That measure stated emphatically that "Israel is entitled to recognition by all nations of her rights to exist," and that "Israel and her Arab neighbors are entitled to automatic, ironclad international guarantees that their borders be free from the threat of aggression and the attacks of terrorist groups in return for national pledges to renounce the use of military force." I repeat these points now, because I continue to support them now.

There is only one way, I believe, that the United States can help solve the crisis in the Middle East: by encouraging direct negotiation between the Arab powers and Israel to assure that these questions are fully resolved. I hope that you will use all your ability to this end. True peace can be achieved, in my judgment, only by mutual accords among nations in direct conflict.

Sincerely,

WILLIAM V. ROTH, JR.,
Member of Congress.

Mr. HOWARD. Mr. Speaker, I rise today to express my concern, and that of my constituents in the Third District of New Jersey, over the actions of the French Government regarding the very explosive situation in the Middle East. I appreciate the generosity of my colleagues in permitting me to share this time during special orders.

I am hopeful that, by this means, President Pompidou will be made aware of the deep concern of the American people over the action of the French Government in selling 100 Mirage jets to Libya. It is my belief, and one shared by many in my constituency, that this sale can only hurt efforts to obtain a peaceful settlement of the differences between Arabs and Israelis in that troubled area.

As we stand here today, tensions in the Middle East continue to rise, and are virtually on the edge of full-scale warfare. The only hope to avert such a possibility is to bring these nations together at the peace table, in an effort to allow them to work out these differences. As outsiders, we can offer our assistance, but we cannot force an agreement upon any of the countries involved. I would hope that President Pompidou will recognize this, and that the French Government would endeavor to work in this direction with us, rather than by increasing the already lopsided arms race in that area.

The people of the United States are determined in their support of a negotiated peace in the Middle East. I do not believe it is in the best interests of either France or the United States to encourage in any way further violence in that conflict. To this end, I feel that the sale of these planes, while France has forbidden all such sales to Israel has had an unfortunate effect on these efforts toward peace.

In a further effort to convince the French Government to join our efforts to reduce the Middle East tensions, I have joined my distinguished colleague from New Jersey, Senator HARRISON A. WILLIAMS, JR., in requesting the Secretary of State to arrange a meeting with President Pompidou, in order that we may present a declaration to President Pompidou urging the cancellation of the sale of the Mirage jets.

The friendship between the United States and France has been very close and very valuable over the years. We would hope that this friendship will continue in a spirit of even greater cooperation and good will. To this end, I would hope that President Pompidou's first visit to our country, as the President of the Republic, will be successful and productive.

I would also hope that this spirit of cooperation and friendship would be a

firm basis for the development of a fair and equitable policy toward the tragic circumstances now enveloping the Middle East.

Mr. OTTINGER. Mr. Speaker, I join many of our colleagues today in voicing our deep concerns over the Middle East policies currently being pursued by both the United States and France.

U.S. commitments against any aggression in the Middle East have their foundation in the early 1950's. Nevertheless, while Israel's Arab neighbors continue to attack and harass her, the United States stands mute. Arab aggression against Israel clearly calls for our affirmative response in accordance with worldwide moral and policy positions and we can no longer remain silent. It is clear that our country must honor its commitments and assure Israel's invulnerability to continued Arab attack.

Although on the brink of renewed warfare, the Middle East's troubled waters are worsened by the selfish and ill-conceived policies of France. By withholding the delivery of jet aircraft already purchased by Israel while at the same time selling over 100 jet fighters to the Arab nations, France is simply adding fuel to the fire of discontent and increasing tension. As I have noted on countless occasions in the past, the Middle East—both Israel and the Arab States—needs bread, not bombs; it needs tractors, not tanks; it needs water, not war. Nevertheless, the French Government apparently refuses to recognize this simple truth and continues to pursue a biased policy favoring continued Arab aggression and terrorism.

For the past 5 years I have urged our Government to take meaningful initiatives to reverse the arms race, to bring Israel, the Arab nations, and the big powers together to pave the way for an eventual, lasting peace. We have no more time, and we simply cannot afford the obvious erosion by the Nixon administration of our position of support for a fair and permanent resolution of the Middle East conflict.

Mr. Speaker, I again call upon the United States to make clear now its determination to honor our commitments to support Israel and to oppose any form of aggression in the Middle East. I further call upon the Government of France to desist from its support of those Arab forces which have sworn to annihilate Israel and are daily sending terrorists across the borders to kill and wound not only Israel citizens but, now, Americans.

Mr. BUTTON. Mr. Speaker, I make this statement out of great concern over the rising temperature of conflict in the Middle East. I feel very strongly that, rather than the United States making pledges for a more even-handed policy in the Middle East—which in my view can only mean a line weighted in favor of the Arabs and detrimental to Israel's security and very existence—we must rather assume a determined hard-line position based on the imperative of the Arab nations recognizing "the fact" of Israel.

I believe that many unnecessary delays in a permanent settlement in the Middle East have been created by Big

Four capitulation to Arab threats of violence. The security of Israel rests on the geography of the area, and that geography must be determined through direct negotiation among the parties concerned.

I strongly urge our Government's sponsorship of a regional Mideast peace conference with Israel, Egypt, Syria, Lebanon, Iraq, and Jordan as the major participants. A realistic evaluation of the Middle East situation cannot avoid the conclusion that the existence and strength of Israel is the only effective guarantee that the other Arab and non-Arab states of the area have against Nasser's encroachment on their existence and independence. For this reason alone, we must have a single-minded policy based upon the insistence that Israel be recognized, that a regional peace conference be held, and that the agenda for that peace conference be determined when the major participants agree to reason together. For us to be involved in the making of international security guarantees at Big Four talks, is pointless and fruitless as evidenced by the experience of the last 20 years. Guarantees did not prevent war in 1950 or in 1956 or in 1967 and there is no reason to believe that they will succeed now even if the Soviet Union is a party to the guarantees.

In my opinion there is no compromise or negotiation possible until the Arab nations recognize Israel and at least agree to negotiate directly at a peace conference. Realistically speaking, territory is Israel's only negotiable strength at such a conference, and it was won with Israel blood spilled in protection of her homeland. We have no moral or political right to trade in another nation's blood.

I am particularly concerned about the position of France in trying to buy her way back as a major power in the Mediterranean by selling arms for oil concessions, influence, and bank deposits. It is time that the whole Western World face up to its oily hands, and not trade in short-term profits at the expense of long-term dependable friendship, peace, and justice.

Libya and Egypt are in the process of discussing some kind of federation and have announced cooperation in military matters. Selling jets to Libya is not only a threat to Israel; it also undermines the position of the United States in the Mediterranean. I urge President Pompidou to recall the heroic, historic role of France as protector of Israel as a showcase of democracy and freedom in the Middle East.

I also urge our Government to initiate an international aviation conference through the United Nations to determine what steps can be taken to bring the strength of all nations to insure that continued hijacking, plugging, and plundering and murder of people on international flights to Israel, Cuba, or whatever nation is unthinkable.

It is unconscionable to stand by while flagrant violation of international order is being exercised daily by terrorists.

We cannot hope for peace in the Middle East, in the sky, on the sea, or on

the land until the people of Israel are granted the elemental right to be a nation in the eyes of their neighbors. We can no longer censure self-defense and excuse terrorism either for reasons of morality or our own national interest for peace in the area.

Mr. MINISH. Mr. Speaker, the seething dispute between Israeli and Arab is not one of territory or politics or economics; it is a question of existence. The Arabs make no high-sounding pretensions when they express their determination to "push Israel back into the sea."

Nonetheless, it is in the interest of the free world to explore the avenues to peace in the Mideast. Next to Vietnam, the Middle East is one of the most sensitive areas of American foreign policy. Substantive peace must be our goal there. Otherwise, the great powers will all be embroiled in the ensuing strife. Israel as a bulwark of democracy surrounded by Soviet-dominated nations should receive the support of the world democracies before all-out war ensues. Such support, more than anything else, will serve as the deterrent to suppress Arab aggression.

I have espoused throughout my tenure in office a belief in the preservation and growth of a free and independent Israel. In 1965 I joined with a number of my colleagues in sponsoring legislation prohibiting the furnishing of information or the signing of agreements that would assist the Arab nations to boycott American firms carrying on trade with Israel. This measure was enacted. Last year, I joined with my colleague, EMANUEL CELLER, in a statement of strong support of Israel, which carried with it condemnation of the U.N. Security Council for its one-sided censure of Israel which side-stepped Arab terrorism as an issue. I also cosponsored legislation that would authorize U.S. assistance to Israel in constructing and maintaining a desalting installation that would greatly enhance her economic development. This, too, is now law. Moreover, I recently communicated with Secretary of State William Rogers to express my firm conviction that the United States must give meaningful support to Israel.

The simple reason behind these aforesaid actions is my sincere belief that it is in America's interest to insure that the Soviet-Nasser alliance does not gain a dominant influence in the Middle East. Only recently, 100-odd French jets were sold to Libya. Such an increase in Arab armaments threatens Israel's security, and just might tip the delicate balance of power that now prevails. Such an imbalance would only have horrendous consequences for the small State of Israel. The odds already are stacked so overwhelmingly against this State of Israel. The odds already are stacked so overwhelmingly against this stalwart nation that I cannot see how we in the Congress can condone the sale of military hardware to her sworn enemies.

The sale of weaponry to the Arabs can only set back the cause of peace in the Mideast. It is obvious that peace will only be achieved through face-to-face negotiations between the Arab States and Israel. Israel has already expressed her

willingness to negotiate. The Arab countries, on the other hand, have continued to disdain such a solution and have pursued a collision course that will eventually result in full-scale warfare. The French Mirages will certainly not convince them to sit down at the bargaining tables.

We must remember that Israel has asked only for the preservation of peace, in order to develop a prosperous and spiritual nation.

Mr. BARRETT. Mr. Speaker, tomorrow the President of the Republic of France will address a joint meeting of the Congress. Today, the Philadelphia congressional delegation telegraphed His Excellency, Georges Pompidou, asking him to cancel the sale of over 100 military aircraft to Libya and use his good office to secure a just and lasting peace in the Middle East.

Our desire, and I am certain this is the desire of the entire Congress, is to see an end to the tragic conflict in the Middle East. In pursuit of that goal, I ask permission to insert a copy of the telegram as an open letter, at this point in the RECORD:

FEBRUARY 24, 1970.

His Excellency GEORGES POMPIDOU,
President of the Republic of France, Blair
House, 1651 Pennsylvania Avenue NW.,
Washington, D.C.

DEAR MR. PRESIDENT: There is a long history of warm, friendly, cooperative and cordial relations between the governments of the United States and France. History attests to the friendship, love and respect that exists between the peoples of both nations. It is in that spirit, as representatives of the people of Philadelphia, Pennsylvania in the United States Congress that we communicate with you.

Recognizing the special interests of your government toward North Africa and the Middle East, it is in the true spirit of friendship and respect that we feel compelled to express to you our grave concern and the grave concern of the people we represent, over the current policy of your government in that area. We are particularly concerned over the effect of said policies on the continued intransigence of the Arab nations and the welfare and existence of the state of Israel.

The recent decision of your government to sell over 100 military aircraft to Libya, which is providing financial support to the Arab nations actively engaged in an armed campaign to destroy the state of Israel, does not lend itself to the efforts to bring the tragic conflict in the Middle East to an end. It is in the interest of world peace for the government of France to cancel the sale of military aircraft to Libya.

All of the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

We respectfully request that you cancel the sale of aircraft to Libya and use your good office to secure a just and lasting peace in the Middle East.

WILLIAM A. BARRETT,
ROBERT N. C. NIX,
JAMES A. BYRNE,
JOSHUA EILBERG,
WILLIAM J. GREEN,
Members of Congress.

Mr. HELSTOSKI. Mr. Speaker, this week we have welcomed to our shores the President of France.

His visit has come at a most opportune time for it affords us the opportu-

nity of placing clearly before him the American opposition to his nation's sale of 110 Mirage jets to Libya.

I do hope that during President Pompidou's visit that we can make abundantly clear to him that such sale will gravely upset the military balance in the Middle East and might well light the fuse for the outbreak of a full-scale war between the State of Israel and the Arab nations.

The sale must be canceled and when President Pompidou leaves our shores I do firmly hope that he will have deposited with President Nixon and the American people a commitment to call off the Mirage transaction with Libya upon his return to France.

In my opinion the President of France now has firm grounds on which to cancel the sale of aircraft to Libya. Some spokesmen for France have defended the sale on the grounds Libya was not a participant in the present difficulties in the Middle East.

That rationale was thoroughly demolished by the new leader of Libya at a press conference held during the week-end and which was duly and fully reported by the American news media. In his declaration the leader of Libya pledged his full support and cooperation and that of his nation to President Nasser of Egypt, the chief instigator of the many years of unrest in the Middle East.

Libya now has openly taken its place in the ranks of the aggressors and if France has a genuine interest in maintaining even an uneasy peace in the Middle East it can do nothing less than call off the sale of the Mirage jets.

The United States and the world await the decision of President Pompidou with great concern for it will have a far-reaching impact on not only the Middle East but the world in general.

Mr. ADDABBO. Mr. Speaker, I commend my colleague from New York, Mr. FARBERSTEIN, for taking this time on this important subject. I join and concur with my colleagues.

I believe the sale of 100 jet fighter planes by France to Arab nations at a time when the Middle East crisis threatens to explode into an uncontrollable war is beyond any justification. The Congress has always expressed its friendship toward Israel and its determination to preserve the ability of Israel to protect itself against the threats of destruction from her Arab neighbors. France has deliberately undermined that policy by her actions in attempting to tip the balance of military power in favor of the Arab nations.

President Pompidou adopted a one-sided policy in the Middle East at his first press conference on July 10, 1969 when he said:

France owes it to herself to defend her own moral and material interests, which are considerable and very varied, in the whole Mediterranean basin and which stem particularly from the good relations, old and renewed, that we maintain with the Arab nations.

This desire to please the Arab nations has sparked a renewed arms race in that troubled area. At the same press conference, President Pompidou said:

The French government's position is to desire that all the powers will halt all arms deliveries to all the Middle Eastern countries, which would undoubtedly be a way of tipping the scales decisively in favor of peace.

Now 6 months later, President Pompidou approves the sale of 100 fighter jets to an Arab nation. This is certainly a credibility gap to beat all credibility gaps.

I cannot in good conscience attend a function planned to pay tribute to the man responsible for carrying out this policy which is so inconsistent with our stated objectives in the Middle East. For that reason I will boycott the joint session of Congress in President Pompidou's honor.

In addition to the boycott, I have joined with more than 150 Members of the House in signing a congressional declaration stating our "dismay" at the sale of jet planes to Arab nations and asking President Pompidou to join our Nation in seeking immediate "Face-to-face negotiations between the Israelis and their Arab neighbors."

Mr. McCLORY. Mr. Speaker, it is with some concern that I note the intentions of some of our colleagues to display discourtesy and disrespect to the Honorable Georges Pompidou, President of France, on the occasion of his visit to the United States and his appearance at a joint session of Congress.

As the head of a foreign state with which our Nation has friendly relations, it is consistent with good manners and recognized standards of official conduct that President Pompidou should receive cordial and respectful attention.

Mr. Speaker, I would not undertake to analyze or to pass judgment on any of the recent acts of the Republic of France with respect to its relations with other nations. I assume that subjects of diplomacy and matters affecting both the common and individual interests of our respective countries will be covered during the discussions between President Pompidou and President Nixon.

It is my hope that in matters affecting our individual and joint interests that the Presidents of our respective nations may adopt positions consistent with the achievement of world peace—including peace in the Middle East.

Our Nation's determination to support the sovereignty and national interests of an independent State of Israel, and to help achieve other goals consistent with that objective are well known to all Americans.

President Pompidou's visit should enable us to strengthen this policy and to encourage the French Government to help restore peace in the Middle East and elsewhere.

Hostile and discourteous expressions on the part of the Members of this body would seem to me to be most inconsistent with genuine efforts to advance and strengthen our position in behalf of a sovereign and independent State of Israel.

As for me, I wish to join with the overwhelming majority of my colleagues in extending to President Pompidou a warm and cordial welcome to the United States and to the joint session of Con-

gress. I hope that the visit of President and Mrs. Pompidou, and all of the others who have accompanied them to our land, reflects the friendly and hospitable attitudes of our people. I hope further that President Pompidou's visit may promote improved understanding between the people of France and the people of the United States, and that President Nixon and President Pompidou may be enabled to work together for peace among nations everywhere.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend the gentleman from New York for taking these special orders so that a discussion could take place and a foundation laid with regard to French policy in the Middle East.

I know that quite a few of my colleagues will boycott the address tomorrow of President Georges Pompidou. I intend to be present at the joint session. But in order to make clear that attendance is not supportive of France's present policy in the Middle East, I am taking this opportunity to express my views.

I consider the sale to Libya of more than 100 Mirage jets to be an act of utter irresponsibility and a demonstration of absolute callousness to the situation in the Middle East. To pretend that Libya is not involved in the Arab-Israel conflict is to be disingenuous in a manner unbefitting a great nation; to declare that these jets will not upset the very delicate arms balance in that area is to pretend to an ignorance of all that has occurred in the Middle East for the last 2½ years.

France's attitude and policy toward Israel since the June 1967 war is incomprehensible unless one likens it to the machinations of Metternich in another age. In an attempt to gain influence with Libya and other Arab States, President Pompidou appears willing to sacrifice Israel and all her people. This is the central fact that must be faced by all nations concerned: Israel's very life is at stake, her survival depends on her ability to defend herself.

The stated goal of the Arab nations and the Palestinian terrorists is not to merely make gains, or to achieve a settled peace, or even to make some territorial conquests; their goal is the absolute and total destruction of Israel. France's aid to Libya and her denial of promised and paid-for jets to Israel make that goal much more easily attainable.

There is much talk about maintaining a balance of arms in the Middle East, but there is not now a balance. The Arab States are completely and overwhelmingly supplied with vast numbers of weapons including the most sophisticated machinery the Soviet Union has produced. In comparison, Israel has a limited supply of arms, many of them outdated and barely operable. At this moment she needs tanks, planes, and spare parts in order to obtain a semibalance of parity with the Arab States. President Pompidou's decision to sell Mirage jets to Libya has only made the gap between Israel and Arab strength that much greater.

France has reneged on her contract with Israel to supply her with Mirage jets. Israel had already paid for those

planes and her defense depended upon them. France, by increasing arms shipments to Libya, has doubled the burden upon Israel and has brought disrepute to French Middle Eastern policy.

The ties between Libya and Egypt are strong and growing. There are approximately 3,600 Egyptians now in Libya and half that many technicians from Iraq. Latest reports state that Egypt is encouraging technicians and advisers to take their families to Libya in anticipation of long service there.

President Pompidou has defended his policy with the unjustified contention that Libya would not allow the jets to be used against Israel. All evidence, as I have indicated in the above facts, points to the contrary. I hope that President Pompidou will reexamine the present situation, heed the demands of the French people and end this destructive policy that can only lead to tragedy.

Mr. BRASCO. Mr. Speaker, today the President of France, Georges Pompidou, is here in the United States, seeking American favor and support for his regime and its policies. I believe we should withhold our approval from this man and his actions. Neither reflect credit upon France and her traditions. Pompidou holds forth the bloody hand of a merchant of death in the Middle East, and I have no desire to see my country clasp such a hand in friendship.

I take basic issue with the premise that France is actually a friend of the United States. Facts that are openly available indicate the contrary. It is a fact that France votes against the United States in the United Nations Security Council more often than any other nation. It is a fact that she has waged economic war against our country—few will ever forget how she behaved when our gold drain was so severe. It is a fact that France followed an anti-American policy for years on the continent of Europe. This policy still continues. It is a fact that General de Gaulle ordered the United States out of France. This involved moving innumerable military installations elsewhere, at fantastic costs to our country. It is a fact that France has taken the side of our enemies abroad at every opportunity, and her attitude on the Vietnam situation has consistently been anti-American. We inherited the Vietnam situation from her, yet she shows no desire to help us unravel this now.

It is a fact that France owes us in excess of \$7 billion in debts from previous wars. It is a fact that Americans are treated with hostility in many areas of France. Millions of American soldiers that have served at one time or another on French territory can testify to the hostility shown them by French Governments, and individual Frenchmen.

Mr. Speaker, the list is endless. For every single evil perpetrated against America by France that I have listed so far, I could list yet another. Fine words to the contrary, the actual deeds and policies she perpetrates and follows have been basically anti-American. When she follows a policy designed to stamp out the last democracy in the Middle East, any intelligent person begins to wonder

how we can further delude ourselves that she is a friend. I prefer honest enemies to false allies any day in the week.

For a good many generations, France has stood forth before the world as a nation where conscience and morality were much more than mere words. Often she has suffered physical disaster rather than sacrifice her revered principles.

This is the same nation which promulgated the sublime ideals of the French Revolution. Diderot, Voltaire, Montesquieu, and Rousseau gave their genius to France and the world. Each revered the individual. Each spoke of the beauty and dignity of man. Each broke a path that helped shape France and all the modern western world. Their memories have been degraded by France's actions in betraying the cause of peace by escalating the arms race in the Middle East.

This is the same nation that produced a Victor Hugo, who could write magnificent literature and man the barricades of liberty. It produced Emile Zola, who fled to exile rather than show a coward's flag and desert the cause of Dreyfus. These men, and so many others like them helped make France what she once was. The red, white, and blue of her tricolor banner was a deeper red because of their blood—a more sparkling white because of their purity of spirit—a nobler blue because of their courage.

France's spirit and message allowed her to raise herself up from the dust of defeat many times. In World War I, she triumphed because men gave their bodies to the ground, their souls to God, their lives to France. It was all worth it. The Republic deserved such sacrifice, because she stood for a vindication of Dreyfus, passion for truth, love of one's fellows, the search for all that is good in man.

Today France stands alone as the most hypocritical nation in the world. This is the country that eagerly sought to be treated as a great power after her heyday had passed. She did so by playing Russia off against the United States. She gained nothing but contempt and disgust from those whose boots she licked.

Now she stands as purveyor of vast quantities of weapons of mass destruction to Arab nations who have vowed to destroy Israel to the last man, woman, and child. How easily France has forgotten the heel of Nazi conquerors on her neck. How swiftly she has forgotten the Gestapo and the Nazi legions of Hitler parading victoriously under the Arc de Triomphe. How fast she has lost the memory of hostages shot, concentration camps, forced labor, and the mass murder of millions. Then, even though the tricolor dipped in defeat on the field of battle, it waved on triumphantly in the minds and hearts of millions, for it had not known dishonor—until now.

Is not the memory of every brave Frenchman who perished in the Gestapo's torture chambers dishonored by French weapons sales to Arab dictatorships? Does Dreyfus sleep quietly under the French soil he loved so much when French planes are to be placed in Arab hands to murder Jews? Do the great French spirits who cherished liberty so passionately lie in honest repose? Can

they, as the 2½ million Jews of Israel face French weapons in the hands of bloodthirsty, murderous foes? Is the tricolor unstained by dishonor as France betrays a tiny democracy for hoped-for oil concessions? Since when does a barrel of oil count for more than a life to a Frenchman? Since when does France shine the boots of a Nasser, or the juvenile colonels of Libya?

What has happened to French decency, courage, morality, compassion, love of truth? For every Jewish life taken by Arab use of French steel, there shall appear a stain upon the escutcheon of the French Republic that a lifetime will not remove. For every child, woman, and old person, Jew or Arab, who perishes because of such sales for blood money, there shall be a deeper red on the French flag and on Georges Pompidou's soul—the red of shame. No applause will cause it to go away. No wealth will compensate for its presence. No empty honors from abroad will alter this fact of French life.

That is why I do not choose to honor this man. I do not choose to stand in this Chamber and hear him mouth empty words of friendship. What would he do to America if it were profitable or gainful to him? I do not choose to applaud him. I do not choose to lend my approval to his policies, which are an abomination in the eyes of every honest, merciful man.

I believe if the great names and voices of French history were to rise from the grave this moment, they would act similarly toward this Frenchman. What would the old tiger, Jacques Clemenceau say? Or Zola? Or Rousseau? Or Napoleon's marshals? What would Michael Ney say—the bravest of the brave—who faced a firing squad true to his salt and emperor? As one man, they would turn their back on Pompidou. They would weep with open shame at this degradation of their beloved France. They would shout in frustrated outrage at what he has done.

I sorrow for the French people who bear this stigma and shall continue to do so for a long time to come. No public relations can conceal the truth of all this. I pray there shall come a better day—a day when France's motto will cease to be "Naught is lost save honor." A day when it shall act in consonance with its national motto: "Liberty, Equality, Fraternity."

GENERAL LEAVE

Mr. FARBERSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

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

There was no objection.

VISIT OF PRESIDENT POMPIDOU

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 60 minutes.

Mr. ROSENTHAL. Mr. Speaker, no one would deny the wisdom of President George Pompidou visiting President Nixon to iron out differences between the United States and France.

But in my judgment it is ludicrous to pay high honor and tribute to a man oblivious to the interests of world peace, not to mention the will of the majority of his own constituents.

Few heads of state have been given the honor of addressing a joint session of Congress. And I cannot see including in this select group President Pompidou who has placed commercial values ahead of humanitarian concerns. The sale of more than 100 jet fighter planes to Libya is a clearcut example of blatant disregard for the delicate balance of power which has kept the Middle East from erupting into a full-scale war.

While we should not begrudge France trying to improve her financial position and widen her sphere of influence, we cannot forgive her leadership in elevating avarice above commonsense and fair play, and the need to keep the major powers from being drawn into a dangerous confrontation.

I think that any congressional condemnation of President Pompidou will not be misinterpreted by the French people. They have been made abundantly aware that American criticism of the Pompidou regime is not aimed at the French citizenry, who have themselves expressed their disapproval of their Government's Mideast policy.

We must not turn our backs on France, a traditionally loyal ally, because of its retrogressive Mideast policy. Congress must use its influence to persuade Mr. Pompidou that the sale of aircraft to Libya will only escalate the arms race in the Middle East and bring full scale hostilities closer to realization.

Mr. Pompidou's "policy of imbalance" has not been limited only to the sale of Mirages to Libya. Arms embargoes have been imposed on Israel by France while the sale of weapons is being negotiated with a country such as Iraq. This is hardly a manifestation of France's evenhanded treatment in the Middle East.

In my judgment it is specious to say that the sales contract bars Libyans from transferring the planes to a third party, and that peace will surely arrive before 1972 when the delivery of the jets is scheduled to be completed. One does not have to be a genius to see that the contract's transfer provision would be extremely difficult if not impossible to enforce. This provision is unusable as a justification for the French action in the Middle East and is, on its face, absolutely ridiculous.

Mr. Speaker, I urge President Nixon to press upon Mr. Pompidou and other heads of state the necessity to halt the flow of arms into the Middle East and to work for ways to defuse the explosive situation in that region. I also hope President Nixon will stress to Mr. Pompidou the importance of Israelis and Arabs settling their differences among themselves. An imposed solution by the Big Four would be a transient one at best.

The element of terrorism has been injected into international air travel by the

Mideast crisis. Will the French Government turn its back on Israel once again, relenting perhaps only when some airline passengers with French citizenship are killed in an Arab terrorist act?

Mr. Speaker, the United States must continue to work for negotiations between the feuding parties. It must resist the pressures of certain American business interests that would betray Israel to preserve holdings in Arab lands. A solution must be found which guarantees Israel's right to exist as well as permanent settlement of the Palestinian refugees.

Some dangerous misconceptions in certain levels of the administration jeopardize Israel's position in the Middle East and the stability of the region in general.

A number of American diplomats have succumbed to the Arabs' florid rhetoric which insists the Israelis would be able to bully the Arabs every step of the way in negotiations.

Other Western diplomats have accepted the Arab line that if the Palestinian refugees were given a choice of returning to Israel or receiving reparations, 95 percent would pick the latter alternative. The diplomats overlook the distinct possibility that the Arab governments might coerce the refugees to return to Israel and act as a fifth column.

Mr. Speaker, Arab propaganda has portrayed the United States as champion of Israel since its inception in 1948. Yet the U.S. Government embargoed military aid to Israel when the Arabs sought to destroy the fledgling state in its first year of existence.

Since that tie, the United States has provided arms to both Arabs and Israelis. Only the Israelis have regularly paid for them. And our only purpose of selling arms to Israel has been to prevent the kind of arms imbalance which French policy now produces.

Israel asks no more, and the United States can do no less, than supply weapons with which Tel-Aviv can defend itself.

Hopefully, a military stalemate will buy the time for tensions to unwind in the troubled Levant.

Mr. Speaker, it is with great reluctance that I say that I do not believe we should honor a Chief or State whose Government has engaged in these outrageous activities. It may be within the power of the President of the United States and the Speaker of the House of Representatives to invite President Pompidou to address a joint session of Congress but it is also my prerogative not to attend such a session.

I will not be in this Chamber tomorrow afternoon during the joint session of Congress.

Mr. Speaker, it would be most polite for me to attend tomorrow. It would be indulgent for me to attend tomorrow. It is not easy for one who suggests to young people that we must have an orderly society and that we must have respect for our elders and for our traditions to suggest that I shall wait outside this Chamber until Mr. Pompidou departs.

Now, one of my colleagues has made reference to the fact that it may be, and indeed be, uncivil or impolite or dis-

courteous or lacking—to use a French expression—savoir-faire not to attend the session tomorrow. But, sometimes, there is a limit on rhetoric, sometimes there is a limit on words and speeches.

Mr. Speaker, it would be most delightful for me to attend tomorrow afternoon, but it would be useless in expressing my objection to President Pompidou addressing this hallowed Chamber. As my colleague, the gentleman from New York (Mr. POBELL) suggested earlier, very few heads of state have been so honored. Many great men have been honored to stand at the podium behind me and address a joint session of Congress. I would not think I have to agree in every way and in every respect with everyone who addresses a joint session of Congress.

But on the other hand when I weigh the events of the day, where this world is going, and the enormous possibility of a major conflagration beginning in the Middle East, and the absolute assertive of Mr. Pompidou selling 100 jet planes to a country that has 10 pilots, I must go beyond cordiality. I must indeed go beyond savoir faire, and I must exercise the most expressive physical act I can and still be within the prerogatives of respectability. So I shall not join one of my colleagues who has announced that he shall stand up and walk out, because that imprecise act has a potential of reflecting on the colleagues who sit around the Chamber at that moment. But I shall restrain myself from attending. I shall read about Mr. Pompidou's remarks in the paper the following day, and I shall comment upon them accordingly.

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

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I would like to assure my distinguished colleague and friend from New York (Mr. ROSENTHAL) that we are not in disagreement on the merits of the issue; the gentleman in the well and I are of the same mind in our opposition to the French Government's policy, vis-a-vis Israel. There is a difference, however, with respect to the tactics to be employed in changing that policy. I certainly would not take the position that my tactics are necessarily better than those of the gentleman in the well and those others who will boycott tomorrow's joint session. However, I believe that it is possible if we do not use harsh rhetoric and do not use the politics of confrontation, we may yet effect a change in M. Pompidou's position.

I would like for a moment, if I may, to make an observation on the substantive aspects of this issue as opposed to the matter of tactics. I know, because we have seen it in our own country, that the major reason we find people opposing the interests of Israel and supporting the Arabs is oil. We saw this in operation when David Rockefeller, Robert Anderson, and John McCloy, representing the oil interests, went to see the President on December 9. We were fortunate in that their private meeting was made public by the New York Times and we learned that they sought to have

President Nixon change the policy of the United States so as to make it more favorable to the Arab States. A public outcry ensued and because Americans throughout the country made their views known, we were able to bring home the message to the President: That if a change in our national policy vis-a-vis Israel was being contemplated and if Secretary of State Rogers' December 22d statement was a trial balloon for this change, this new policy was not acceptable to the American people. And subsequently, we have seen a partial withdrawal of the Rogers' statement, not sufficient for my taste, but a withdrawal nevertheless.

Now, the French Government in pursuit of the same oil interests is doing what the American oil companies sought to have our own Government do, namely turn its back on Israel.

The French believe that in some way they can assure themselves oil leases from the Arab States and a position of leadership relinquished by other countries who are unwilling to knuckle under to Arab pressure.

The French and Messrs. Rockefeller, Anderson, and McCloy take the position that in some way we have to fear that the Arabs, if they are not placated, will turn off the oil lines. Well, that is nonsense, arrant nonsense. Because the fact is that the entire Arab economy is based on the sale of oil to the Western Powers and Japan and if they were to turn off the spigot, they would turn off their own economy. That is so easily demonstrable. Today Arab oil goes through pipelines that go over Israeli-occupied territory.

Indeed, on the last occasion when some Arab terrorists blew up an oil pipeline, the Arab countries condemned that act and the Arab countries paid Israel through the oil companies over \$1 million to clean up the oil damage resulting from the sabotage of the pipes. Why did they make the payment? Because they did not want to turn off their own source of income.

In addition, the Arab States know that at some time in the future, whether it be 10 years from now or 100 years, there will be other sources of energy. Obviously, the major future source will be the atom. They do not want to hasten that day. They do not want to have other sources of energy substituted for oil any sooner than might otherwise occur through ordinary technological developments. They also know that if Arab oil were denied us now we could quickly find other sources, such as those recently discovered in Nigeria, in the State of Alaska, as well as using our own proven continental reserves.

If we understand that, then we would realize that when Mr. Rockefeller and company say it is in the national interest of the United States to protect that Arab oil supply, they are in effect confusing their own economic interest with our national interest, just as Charles Wilson of General Motors did when he said, "What's good for General Motors is good for the country." Today David Rockefeller's refrain would be, "What's good for Chase Manhattan is good for

the country." Mr. Rockefeller is as wrong as was Mr. Wilson.

We can say to the American people, and rightly so, that it is in the national interest of the United States to keep firm the hand of friendship with the State of Israel which is our only friend in that part of the world. That little country seeks the arms by which it can defend itself from the concerted attacks of the surrounding Arab states. Through the two decades ever since the birth of Israel, the Arabs' goal publicly expressed was to destroy her. Now they have hired some public relations people and they have softened their harsh threats. Now instead they say—all they want to do is to live at peace, while they engage in terrorism and repudiate the cease-fire agreement, and have their agents blow up commercial airliners, and fire upon and kill tourists visiting the holy places. The fact is that for 21 years, their announced goal was to push the Israeli into the sea.

Let us for a moment look at what the Arabs and in particular what the Kingdom of Jordan did when it seized the old city of Jerusalem. They were not given Jerusalem under the original partition of Palestine. Today you hear them saying that Jordan was in lawful possession of the western bank of Jerusalem. The truth is they seized them both by an act of war, and they lost them both under another act of war.

But what did Jordan do when it occupied Jerusalem? When the old city of Jerusalem was under the rule of the Jordanians, every house of worship sacred to the Jews was desecrated and defiled and the cemeteries were uprooted with the tombstones used for building blocks, and no Jew was allowed to live in the old walled city, or pray at the western wall.

What is Jerusalem like today? That city is no longer divided but is administered by the State of Israel and Arabs come from every country including those at war with Israel. No one is refused the right to enter the State of Israel or the city of Jerusalem unless he is a terrorist. People come from Jordan, from Saudi Arabia, from every place to visit and pray at the holy places. Arabs living in the old city of Jerusalem are full citizens of the State of Israel and voted in the recent mayoralty election; they join the same labor union founded by the Jews; and they receive equal pay for equal work.

That is totally different from what was the situation when Jordan occupied the old city. And I wonder whether there is anybody in this Chamber tonight who believes that the lot of the Arabs now living in the occupied west bank area is comparable to what the lot of the Jews would have been had the Jews lost the war? Is there anyone who thinks that the Arabs would have treated the Jews had they subjugated them, in the same way that the Israelis are treating the Arabs who are living on the west bank and in Jerusalem? I do not think so. Had—God forbid—the outcome of the 1967 war been reversed, we would have seen the kind of brutality we witness regularly in Iraq where Jews are hanged in the public square.

What is it that the Israelis want? The Premier of Israel, Golda Meir has said:

All we want is to sit down at a table with the Arabs and talk peace. We are not putting any conditions on that talk. We are not saying that we have to go back to the 1967 lines or the 1956 lines or the 1948 lines. There are no prior conditions or limitations on the discussion. We will just sit down. We are not telling you what you must do or what we will not do. But only those who have fought can negotiate a lasting peace.

But, the Arabs will not do that. Why? Because they rely on the Soviet Union, a new found friend in the French, and England's crass broker position. That is why it must be so frustrating to be an Israeli today and look out upon the world and see what used to be friends—France and England now taking positions adverse to the State of Israel. And what must be the cruelest blow of all is to look to the United States and see it vacillate. While we are still friends of Israel, we do not find ourselves in that same firm position of support that existed prior to the current administration's coming into power.

In closing I say to our colleagues here in this House that not only is it in our national interest to keep Israel, a friendly country, safe and secure and prevent its being destroyed by external aggression, but there is a moral aspect that makes it doubly important to do so. We cannot let these people, who have suffered persecution in almost every country in which they have lived for the past 2,000 years since the destruction of the Second Temple in 70 A.D., and who have finally come home, to perish. I urge our President to stand fast and to provide them with the arms they need to defend themselves, and I pray that the President of France, Mr. Pompidou, will reconsider his position.

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

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

Mr. PUCINSKI. Mr. Speaker, I would like to congratulate the gentleman in the well for his leadership and initiative he has brought on this whole discussion today. The ill-timed and ill-advised visit of President Pompidou places the President of the United States in a very perplexing situation. I personally feel sorry for President Nixon. The exigencies of diplomatic protocol make it necessary for the President to play the role of the good host, and this he is going to do well, I am sure, for we Americans, of course, have a long history of good manners.

And I congratulate our President for taking that course.

But for myself, the gentleman in the well, and perhaps as many as 150 other Members of this Congress, we are going to stay away tomorrow. This is the only way I have of registering my own protest against the policies of Mr. Pompidou. We have not recommended demonstrations. We have not recommended any overt acts in the Chamber or out of the Chamber. He is a Head of State. He is entitled to certain courtesies as the Head of State. Those courtesies will be afforded him. But there is nothing that says that I have to be here, in the pursuit of my

official responsibility as a Representative from the 11th Congressional District of Illinois, to pay tribute or even to listen to Mr. Pompidou, particularly since the meeting tomorrow is only a joint meeting and not a joint session.

I suspect that there will be a large number of Members who will take the same course that I am going to take.

Of course the leadership has been very busy all afternoon lining up forces to make sure that the Chamber itself looks reasonably respectable, with bodies in the chairs. But I do not know why I should give this visit any official notice. Not only is Mr. Pompidou addressing a joint meeting tomorrow, not a joint session, but also I wonder just how official this whole visit is, when I discover that apparently the President of France and the President of the United States have agreed there would be no joint statement at the conclusion of their visit.

Now, perhaps that is just as wise, but it certainly does raise many questions as to, first, the validity of the visit to this country, and, second, the importance that we ought to place on this visit.

Nevertheless, Mr. Speaker, I believe that as long as Mr. Pompidou will be here tomorrow, perhaps the President of France would like to address himself to a number of questions which might make his stay in the United States a little more informative.

First of all, perhaps he might be able to tell us why 44 percent of his own people, 44 percent of the people of France, do not support his policies in the Middle East of selling jet bombers to Libya and Iraq.

Perhaps he might tell us whether or not his trip to America was arranged in order to strengthen and to build up and perhaps repair some of his own problems back home.

I am aware that the trip to America was planned and arranged long before the Libyan Mirage sale incident. I am also aware that a great effort was being made to build up the French President's image.

I received a very elaborate packet, and I imagine all of my colleagues received the same sort of packet, that looks about half like a Sears Roebuck catalog, with all sorts of interesting pictures, speeches, analyses, opinions, and editorials. One would almost think that the President of France is running for some public office here in the United States. I envy the fact that they have that kind of money to spend on that kind of literature. I wish I had in a political campaign.

There are those, of course, who would argue that there are more important problems the United States and France have, and therefore we ought not put quite so much emphasis on the French relationship with Libya on the sale of the Mirages, and how this affects the fortunes of Israel.

I would say those people make a very serious mistake. We have every reason to believe, and hope and pray, that indeed we will in some manner extricate ourselves from Vietnam in the very near future. Certainly we have reason to believe that a large number of our combat

forces can be removed from that theater or continent.

But I tell you, the clouds of war now hovering over the Middle East can make Vietnam look like child's play, and we lost 40,000 American sons in Vietnam.

This is a tough business in the Middle East, and I am astounded and amazed that the President of a great nation like France can give this whole subject such cavalier treatment.

Mr. Pompidou is playing Russian roulette with the survival of peace in this world.

That is why I say those who say, "We have other more important things to talk about," should consider there is no more important challenge than to find a solution to meaningful peace in the Middle East.

I submit that Mr. Pompidou is this generation's architect of another Munich. His sale of Mirage bombers to Libya only intensifies the arms race and escalates the prospects for war in the Middle East.

What excuse do the French give for the Mirage sale to Libya? Well, excuse No. 1 is that they have made a very large capital investment in their airplane factories and that the French cannot absorb enough Mirages for their own defense to justify the capital investment, so they must seek markets wherever they can. What a ghoulish and bloody business that is.

Second, they say in order to have a flow of French currency in exchange for oil, the sale of the Mirages to Libya improves their balance of payments. What a cynical approach that is.

Finally, Mr. Pompidou says, "But none of these airplanes are going to be used by the other Arab nations." Now, how naive does he think we are? Libya has an air force of 13 pilots. Nobody at this late date can deny the fact that our best intelligence shows—and it has been confirmed—that Egypt is now sending 800 technicians into Libya every month.

No, Mr. President, your excuses don't hold water.

Another question Mr. Pompidou might address himself to tomorrow as he speaks in this Chamber is this: What assurance do we have that when we abandon Wheelus Air Force Base on July 1, that tremendous installation will not be used to house the French Mirages and to train Russian, Egyptian, Libyan, and Arab pilots, to wage aggression against Israel and ultimately against the Sixth Fleet in the Mediterranean.

The behavior and conduct of the French Government headed by Mr. Pompidou gives us the right to ask today whether France is in a conspiracy to drive America out of the Mediterranean. After all, we find Mr. Pompidou in strange company today when he does business with those dedicated to our ultimate destruction.

Another thing Mr. Pompidou might address himself to tomorrow is this: How does he view the statements made by the Libyan Government that the terrorist attacks being waged against aircraft in other parts of the world are justified? How does the French President view the admission by the Libyan Government that Mirages which are going into Libya

may find themselves in service against Israel? How does the French President view the announcement by the Libyan Government that it will gladly shut off the whole flow of American oil if Mr. Nasser so desired and if it will help him?

Yes, I tell you the President of the United States is in a very difficult position tomorrow. He has to play host to a man who ignores so patently the lessons of history. We all remember a great American President in 1937 calling upon the whole world to embargo the first post-World War I aggressor—the great quarantine speech of Franklin Delano Roosevelt, when he saw the clouds of war moving across the Mediterranean and called for an embargo after the attack on Abyssinia. The world kept quiet. The Congress of the United States itself passed the Neutrality Act. Nobody wanted to disturb the status quo of economics. As a consequence, we found ourselves embroiled in a titanic World War II, with huge losses, one which finally led to our major problems of today with the Soviet Union emerging as a great world force for evil and destruction. Mr. Pompidou completely closes his eyes to that and comes to America expecting the American people to put out their arms and say, "Welcome. You come here as a friend," when he is part and parcel of that vicious conspiracy in the Middle East to destroy the only friend we have there, the State of Israel.

So, Mr. Speaker, I do not think there is anything wrong with so many of us who having taken the position that we are not going to be in this Chamber tomorrow. It was the most polite and gentlemanly way I know of showing my objection to his policy.

Mr. Pompidou could repair a few things if he had the courage. More importantly, if he had the understanding. Yes, he might join with our President in announcing to the Soviet Union that the survival of Israel is not a sentimental journey for the Jewish people alone. The survival of Israel is not a "Jewish" question. The survival of Israel stands in the highest interest of American security and French security and free world security. For too long, too many people have treated the case of Israel as a "Jewish" question.

Mr. Speaker, we have seen the Soviet Union rearm every one of the Arab states. Every terrorist that is captured in the Middle East bears Soviet arms. We have seen the Soviet Union's military staff move in and take over command of every Arab country. They are today developing plans and techniques and training the Arab soldiers.

The Soviet Union is determined to drive Israel into the sea. Why? Because this tiny little nation stands in the way of another Soviet cordon sanitaire. The Soviet Union has a cordon sanitaire of more than 180 million people through the middle of Europe, the captive nations of Europe, and now the Soviets want a cordon sanitaire in the Middle East.

Mr. Speaker, Israel's people for more than 2,000 years have fought, struggled, pleaded, prayed, and suffered the worst type of persecution so they could today

have a home of their own; an identity, and a recognition of a national spirit. Israel today stands in the way of Soviet expansion which would destroy the dream that took 2,000 years to be realized. So, Israel must be destroyed. That is the edict from Moscow. And the irony is that that edict is inadvertently being supported by the President who will stand in this Chamber tomorrow as a representative of France.

Why does the Soviet Union want to destroy Israel? Because the Soviet Union wants to get her hands on that rich-in-natural-resources continent of Africa. That is where the future battle is going to be fought.

Mr. Speaker, there is an old saying that he who controls Africa controls the world. The United States cannot economically move to a \$2 trillion economy by 1980, if we do not have access to those rich natural resources of Africa. That is why Secretary of State Rogers just came back from Africa last night, to try to bolster our position there because he sees Soviet missions in every one of the African countries.

The Soviet Union has to get rid of Israel; must destroy little Israel, because Israel today stands in the way of Soviet expansion into Africa. That is another thing that the President of France ought to be addressing himself to.

He also ought to join our American President in a call for a world embargo against the Arab countries for exporting in a new kind of terrorism. What these Arabs are developing in the way of terrorism for the rest of the world will make the Vietcong look like kids' play when their wanton destruction of airplanes and communications and terrorism is exported all over the world. And the President of Libya says such terrorism can be justified.

The President of France can make a great contribution tomorrow if he will address himself to these problems.

I submit the time has come when the free world ought to call upon the seafarers unions of every free country to refuse to handle surface transportation out of Arab countries. There is not enough aircraft flying into Arab countries to make an air carrier embargo fully effective.

There are not enough aircraft going into the Arab countries, there are not enough airplanes going into Egypt, Syria, and other countries, but the way to bring these people to their senses, in my judgment, is to call upon seafarers all over the free world to say that they refuse to handle goods going into and out of the Arab countries, and bring them to an economic standstill.

Mr. Speaker, the time has come for greater understanding in this conflict. Those of us who are going to stay away from this session tomorrow are doing so because we want to exercise our silent protest. Thoreau once wrote about the masses who suffer in quiet indignation. We see the President of France coming to America tomorrow, a President who has been part and parcel of an agreement which will destroy the only friend we have in the Middle East. No matter how much President Pompidou may

want to justify his policy, it is obvious it just can't stand up to righteousness.

Mr. Speaker, I want to thank the gentleman for yielding.

Mr. ROSENTHAL. Mr. Speaker, I want to thank the gentleman for a very articulate and expressive statement of a very important event.

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

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I am glad we are having this discussion today. The arrival of President Pompidou coincides with the worsening situation in the Middle East, and the conjunction of these events makes it more important than ever that there be no wobbling or vagueness in America's commitment to Israel. Forty-seven innocent passengers have died in the sky and scores more are miraculously alive, an American minister's wife has been shot to death while visiting holy sites in the Holy Land, and the French Government has confirmed the sale of scores of sophisticated warplanes to a government that hailed these events and praised their perpetrators. In this situation, and at a time when the President of the United States is conferring with the President of France while the terrible problem of how to respond to murder in the sky is being weighed in the airports and capitals of the world, there must be no confusion about the feelings of the American people.

First, let it be clear that if the result of the attacks on planes bound for Israel is to diminish air traffic to Israel, murder and piracy will have been rewarded and those who have engaged in murder and piracy will have new incentive to expand their grisly operations. I include in the RECORD at this point an editorial from the New York Times, which I am sure speaks for the vast majority of the Members of Congress and of the American people:

[From the New York Times, Feb. 23, 1970]

TO STOP MURDER IN THE SKY

One of the most severe crises in the history of the world's civil aviation has been touched off by the Arab guerrilla sabotage that last weekend destroyed a Swiss airliner flying to Israel and almost destroyed an Austrian plane. At any given moment, this planet has innumerable national quarrels, miniwars and other conflicts of varying degrees of intensity. When and if partisans in such disputes have reason to believe that the sabotaging of airplanes is an effective means of pursuing their causes, then murder in the sky might become so common as to paralyze the air transport industry. This vulnerability of airplanes makes it particularly important that those who try to profit by such sabotage learn quickly and unequivocally that this tactic is self-defeating.

These considerations are self-evident. Nevertheless, the initial reaction of several European airlines to last weekend's sabotage could, if continued, please the saboteurs. One line simply canceled its regularly scheduled flight from Copenhagen, while other firms which continued flying to Israel banned mail or freight. Unless these stoppages were temporary moves made to improve security, they can only encourage those who planted the bombs.

In the long past history of Arab attacks against Israeli aircraft or against planes bound to Israel, the objective has been to

isolate that country by cutting it off from normal transport connections with the rest of the world. If the Arab terrorists see that the latest outrages are advancing their purpose, they will only escalate their effort to blow other Israel-bound planes from the sky. And any evidence that these crimes are hurting Israel will give fanatics devoted to other causes and hating other states reason to employ similar sabotage tactics widely.

If the air transport industry is to avoid committing suicide, its reaction to last weekend's tragedy must not be ruled by panic. The need is for continued normal air traffic to Israel, and for intensified security measures to protect the planes.

In the past, Arab states have exalted as heroes those terrorists who attacked Israeli or Israel-bound planes. Yesterday Libya's strongman, Col. Muammar el-Qaddafi, publicly defended such attacks. But some Arabs are beginning to understand these outrages may be counterproductive. This is evidenced by the sudden shift last weekend from the first jubilant claim of guerrilla responsibility for the Swiss plane's destruction to the later unconvincing denial. And yesterday a Beirut newspaper denounced the attack on the Swiss airliner as "the most irresponsible, unforgivable and outrageous act that has ever been committed in the name of Palestine."

The need now is to convince the great majority of Arabs and the rulers of their states that such criminal acts hurt rather than help their cause. This can be done by applying sanctions against the Arab countries which finance, harbor and encourage the terrorists and provide the bases for these murderers. A worldwide airline boycott of those Arab states would be the best means to punish the perpetrators of these foul and cowardly deeds and those behind them and to put pressure on both groups to halt their crimes.

Second, we must not allow the dismay and disgust most Americans feel about French policy in the Middle East to be obscured by disagreements about how to convey these feelings to President Pompidou during his visit. I am accordingly sending the following telegrams to President Nixon and President Pompidou.

DEAR PRESIDENT NIXON: I would like to add my voice to those of millions of Americans who hope and trust that you bring home to President Pompidou clearly and forcefully the deep concern of the American people about French policy in the Middle East and the consequences of that policy both to the peoples directly involved and to the rest of the world.

President Pompidou should not leave Washington unaware of the deep resentment felt by the vast majority of dedicated friends of France in this country.

DEAR PRESIDENT POMPIDOU: I wish to join in welcoming you to Washington in the spirit of friendship between the French and American people that has played so significant a role in the history of our countries during the past two centuries.

You will understand how deeply troubled millions of Americans are by French policy in the Middle East, a policy we are convinced encourages aggressor states at the expense of both peace and justice and that cannot help but undermine the historic relationship between France and the United States. As one who has opposed American foreign policy in Vietnam and elsewhere when I felt it to be wrong, I must urge you to reconsider French policy in the Middle East while there is still time to avoid the dire consequences to all concerned that will result from continued discrimination against Israel. Such discrimination only adds to the already existing difficulties involved in encouraging the nations in this area to resolve their differences

through negotiation rather than through resumption or extension of hostilities.

The great democratic nations of the West ought to be able to work together to create an atmosphere more conducive to peace and justice in the Middle East. The price to the whole human race of our failure to do so may be incalculable. I hope you will address yourself to this situation when you speak in the House of Representatives today.

Finally, if there is to be any hope of reversing the tragic drift of events in the Middle East, we must end all doubt that the United States will supply Israel with all armaments necessary to maintain her deterrent power until the Arab States are prepared to negotiate a peaceful settlement. The President's declaration in his report to Congress on American foreign policy provided welcome assurances on this point. The Congress must now speak and thus clear up any confusion about the unity of the American people on this matter that may have arisen as a result of other recent statements by high officials. We must press for favorable action on House Concurrent Resolution 479 and on House Concurrent Resolution 511, the resolution introduced by Mr. WOLFF and myself, among others, that would insure that Israel will be able to buy the weapons she needs to protect herself in the ugly situation created by the continuing flow of Soviet and French armaments to some of the Arab States.

I am inserting in the RECORD at this point the text of the aforementioned resolutions, together with a statement signed to date by 248 Representatives and 68 Senators.

H. CON. RES. 479

Whereas deep concern has been aroused by the statement of the Secretary of State of the United States of December 9, making certain proposals for peace in the Middle East between the State of Israel and the Arab States, and

Whereas such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

H. CON. RES. 511

Whereas five successive Presidents have seen the relationship between Israel's integrity and survival and United States national interests; and

Whereas the Soviet Union and France have sharply escalated the Middle East arms race; and

Whereas a balance of power is the best available deterrent to full-scale war; and

Whereas the President has said "The United States is prepared to supply military equipment necessary to the efforts of friendly governments, like Israel's, to defend the safety of their people;" and

Whereas the Government of Israel has asked to purchase jet aircraft (beyond cur-

rent sales) essential to its defense: It is hereby

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should take such steps as may be necessary, as soon as possible after the adoption of this concurrent resolution, to negotiate an agreement with the Government of Israel, providing for the sale to Israel, on a cash basis, by the United States of military aircraft, commonly known as Phantom jets and Skyhawk jets, in amounts necessary for her security.

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace. The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittably appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

I am also including in the RECORD an article by the distinguished columnist, Mr. Clayton Fritchey, and an editorial from the New York Post:

[From the New York Post, Jan. 14, 1970]

EVEN-HANDED ROGERS

(By Clayton Fritchey)

WASHINGTON.—Secretary of State Rogers justifies the Administration's new policy of arms-length relations with Israel on the grounds that "we have to conduct our foreign policy in a way that we think is best for our national interests."

Quite so, but this seems to suggest that the previous U.S. policy on Israel had to be altered because it was not in our national interests. This will come as news to most Americans, who for years have thought our long friendship with a democratic and resolute Israel was the best thing—perhaps the only thing the U.S. had going for it in the troubled Middle East.

Putting aside other considerations, where would the U.S. be in that area if Israel collapsed, and the whole region was taken over by the hostile Arabs and their great patron, Soviet Russia? The answer suggests that our ties to Israel rest as much on self-interest as on anything else.

Reliable friends like Israel, willing and able to defend themselves without the help of U.S. troops, don't grow on trees, and no government should know this better than our own. If we had only been able to find more allies in Asia as dependable as Israel, we would not have had to send armies to Vietnam and Korea.

Rogers talks of being "even-handed" toward Israel and the Communist-backed Arabs. He is being even-handed at the wrong time, the wrong place, and with the wrong countries. The place for even-handedness

was Asia, but instead the U.S. was getting American troops to win wars the Asians couldn't win themselves.

What have Chiang Kai-shek, Syngman Rhee, Ngo Dinh Diem or Nguyen Van Thieu ever done for the U.S. or the cause of democracy? Nobody in the Administration is talking about being even-handed toward South Vietnam or Taiwan.

The only silver lining is that Russia's record of embracing ineffectual and expensive proteges is almost as disastrous as ours. At least the U.S. is not yet stuck with Nasser. The Soviets have invested untold billions in him; they re-equip his armies as fast as Israel destroys them; they let him drag them into humiliating and compromising situations. And after all these years they have little to show for it; they can only look forward to further costly rescue operations.

Russia's effort to establish a secure foothold in the Middle East through the quicksand of make-believe Arab governments may be as fruitless in the long run as America's effort to establish itself on the Asia mainland through equally untrustworthy satellites.

For once, in Israel, the U.S. has a friend it can depend on—a democratic nation which is devoted to peace, but has the courage to fight its own battles. Yet now the Administration wants to cultivate Nasser, despite his long record of being anti-American and pro-Russian. Just how this translates into a policy that is "best for our national interests," is something Rogers needs to explain more clearly.

If the Administration wants to promote peace in the Middle East, it should back Israel's desire for direct negotiations with the Arabs.

[From the New York Post, Feb. 9, 1970]

UNENDING CRISIS OF THE MIDDLE EAST

Leaders of five Arab countries are meeting at this moment to draft a new manifesto in their war of words against Israel. Any pronouncement they produce is unlikely to contribute to a diminution of the rising tensions; this is essentially a council of beligerence, and no serious new formula for peace can be expected to emerge from such a meeting regardless of strategic differences that may exist behind the scenes. What really matters now is not what is said but what is happening to escalate the level of hostilities—and how far the Soviets are prepared to promote a major confrontation.

In these dangerous hours UN Secretary General U Thant has issued a call for a complete embargo on arms shipments to this explosive area. In principle he once again spoke as a voice of reason and sanity. But he clearly has little expectation that his plea will be heeded now.

As long as the Soviets multiply their arms commitment to Nasserism (and the French emerge as Libya's plane factory), how could any balance be preserved by a one-sided American adherence to the principle of embargo? How could the cause of peace be enhanced by encouraging the delusion in Cairo that the Israelis are finally isolated and alone?

In a sense what is taking place is a battle for time—time, above all, in which new forces in the Arab world may arise to respond to Israel's repeated calls for negotiated peace among equals.

These are complex, unresolved rights and wrongs in such grave matters as the treatment of Arab refugees, the redefinition of boundaries and other conflicts rooted deep in the agony of history. We have never minimized these problems. But on one issue the record remains clear: Israel's reaffirmation of its readiness to negotiate all issues, and Nasser's evasion of that challenge.

As long as this remains his stand, and Arab spokesmen thunder their resolve to

destroy this democratic island, any attempt to "halt" the arms race by a unilateral U.S. boycott of Israel could only set the stage for a blow-up that would shake the world. Until or unless there is a break in the deadly diplomatic stalemate, the proposed sale of additional U.S. jets to Israel becomes a symbolic act to maintain a fragile psychological balance. There will be no real prospect of solution before the day of serious negotiations, in one form or another, finally arrives.

I thank the gentleman for yielding. If this discussion helps to demonstrate—and mobilize—American opinion at this critical moment in the Middle East, it may turn out to be one of the most useful discussions in which any of us has participated in a long time.

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

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

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

Mr. Speaker, I wish to commend the gentleman from New York and his colleagues for taking these special orders this afternoon concerning very important events that will take place in this Chamber tomorrow.

Mr. Speaker, I would like to say that back in 1967 in the spring I had the honor of visiting the nation of Israel just a few days before the 6-day war. At that time in the city of Tel Aviv, although the dark clouds of Arab aggression were hanging low over the city of Tel Aviv, the people of Israel were confident and were determined. This was just the day before Israel's birthday. Israel was to be, the next day, 19 years old, still a teenager, but a nation of people who could truly be called the chosen ones.

The people of Israel knew at that time that they were about to engage in battle and defend their land and to keep their nation alive. For thousands of years fathers had told their sons, and they in turn their sons, that some day there would be a State of Israel and that it would have to be defended.

Mr. Speaker, I also had the pleasure of going a little bit north of Tel Aviv and visiting the town of Herzlia to see a magnificent accomplishment made by the Jewish people in Israel. It was in a sense just a small medical clinic, but it was a place where anyone could go if they were sick or ill, whether they were a citizen or not, and at no cost be treated and become well. I was proud because this particular small clinic had been established mainly through the efforts of the Jewish community in my area of central New Jersey, and the Histadrut organization of central New Jersey, and I was proud and surprised to see the beautiful hospital on a hillside just outside of the town of Herzlia, a large, efficient, modern hospital which just a few years before had been created to take care of the tuberculosis patients—the whole hospital—to take care of the tuberculosis patients for just that area of Israel.

But at that time in 1967 it had gotten to the point where only one wing of the hospital was used to handle its tuberculosis patients, of the entire nation of Israel. They were proud that Israel had

become an oasis of hygiene in that desert of disease that is the Middle East.

I also visited a small kibbutz at Ein-Gev in the northern part of the country on the eastern shore of Lake Tiberias. There I could see a young nation, a teenager at work—productive work—work that involved farming primarily. But they also had time for the important things, like good education for the young people. There was a tremendously large building to promote the arts, one of the finer things in life.

But there were some discouraging things also. There was a statue outside the art center that had been blown apart, to a small degree, by the bombs which already before the war had been floating down on this poor little kibbutz from the Syrians. A few hundred yards away near the top of an adjoining hill, part of the Golan Heights, I also saw the classroom that had been half blown apart when without any warning—perhaps on a whim—a bombing had taken place just a few days before I arrived there.

I saw other educational facilities. I also saw beneath the playground a dark damp room with little cribs that had the ominous name of the "Kindergarten Bomb Shelter." It was not a rusty relic from World War II. Unfortunately, it was a necessary piece of educational equipment in Israel today.

But despite the ominous threats of millions of Arabs around them—and despite its tiny size—and despite its vulnerability—being on low ground everywhere along that area of the country, except for one very small place north of Lake Tiberias—the people were determined. The people were confident. The people had that something extra that makes for a great nation—that something extra—like the ordinary farmer who on weekends is a concert violinist—and the seamstress who paints—and the laborer who is a tank commander.

We have heard so much about the future of Israel, and what it shall be. After defending their country in the late 1940's and after a battle in the 1950's, some of the older and so-called wiser nations gave Israel their advice—back off, in two 10-year periods they were told. Make concessions. Do not insist upon being recognized as a real nation—and everything will be all right.

Everything was all right for 10 years. Then Israel found itself in a position where it had to fight again. And again against overwhelming odds, Israel was victorious. Let us hope the mistakes of the past 10 years do not reoccur again in the next 10 years.

Some people say that maybe the United States should decide what Israel shall do in negotiation. Some people may say that France should decide what Israel should do. Some people say that perhaps the United Nations should decide what Israel should do.

Mr. Speaker, I wonder what is wrong with letting Israel decide what Israel shall do. What is wrong with the whole world listening to Abba Eban and to Golda Meir in their insistence that the negotiations will only come face to face, nation to nation, recognition of one nation for another nation, and let the

Arab nations know that Israel is here to stay.

Certainly all of us would like to know for sure what the policy of the Government of France is concerning Israel and, Mr. Speaker, I would also like to know, if I could, for sure, what is the U.S. Government's policy concerning Israel. There have been many conflicting statements made in this area. So in these troubled times, for a great democratic nation in the Middle East let all of us hope that the American people will be able to feel that when democracy is threatened in the Middle East, our Government, our President, and our Congress will always be on the side of justice, and in the Middle East today the word "justice" is pronounced "Israel."

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

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

Mr. REES. Mr. Speaker, tomorrow will be the occasion for French President George Pompidou to address a joint meeting of Congress. I have joined with other of my colleagues in a declaration of concern to President Pompidou on French Middle East policy. The text of the declaration is as follows:

DECLARATION OF CONCERN TO PRESIDENT POMPIDOU ON FRENCH MIDDLE EAST POLICY

On the occasion of your first visit to the United States as President of the Republic of France, we welcome you on behalf of the American people whom we represent. We understand the desire of our President to extend you the courtesy accorded to a visiting dignitary, and we share with him the hope that your visit will be a pleasant and productive one.

However, we feel compelled to express to you our grave concern over French policy in the Middle East. Recognizing that the situation there borders on yet another full-scale war, we feel reason and caution to be of paramount importance in so far as the policy of all parties involved is concerned.

Specifically, we are greatly dismayed by your decision to permit the sale of over 100 jet fighters to the Arab Nations while at the same time forbidding all such sales to Israel.

We ask that you join with this country in seeking immediate face-to-face negotiations between the Israelis and their Arab neighbors in an effort to settle this tragic conflict. We want to make it perfectly clear to you that the people of the United States will not condone a state of war in the Middle East and that we persist in the search for negotiated peace as a major goal of American policy.

We ask that you utilize the great power of your office to help achieve such a peace and urge that you refrain from a reckless and irresponsible course of action which your government seems to have been pursuing with regard to the Middle East.

Mr. Speaker, I am very disturbed over what the French sale of jets to Libya will do to the precarious arms race in the Middle East. The French sale presents a serious escalation which might well signal the point of no return in a resumption of full hostilities.

I am also disturbed at the direction which our own American foreign policy has taken in regards the Middle East and our attitude toward Israel. I believe that the United States should return to its previous policy of urging direct nego-

tiations between Israel and the Arab States.

The abrupt change in American policy was evidenced by Secretary of State William Rogers' proposals to the four-power conference in December regarding boundaries, refugee settlements and withdrawals from occupied territories. His proposal that negotiations between Israel and the Arab States need not be direct but could be held indirectly based upon the Rhodes formula is a sudden reversal of our previous policy and could seriously erode the Israeli bargaining position.

Rejection of the new U.S. position by the Russians demonstrates that four-power enforcement of a Middle Eastern peace essentially would mean a Soviet-Arab peace at the expense of Israel and shows that the Soviet Union is willing to accept no less than total Israeli surrender.

I believe that America must continually reaffirm her previous position of encouraging direct negotiations between the involved parties so that a true and lasting peace in the Middle East may one day be attained.

America's reliance on four-power talks is risky not only because of the Soviet commitment to the Arab cause but also because of the mercurial policies of France and Great Britain. The sale by France of 100 Mirage jets and an undisclosed amount of tanks and other weapons to Libya while at the same time continuing an arms embargo against Israel demonstrates an attitude openly biased toward the Arabs. One also wonders how deeply the attitudes of Great Britain and France might be influenced by their interests in Arab oil development.

I was shocked by this abrupt shift of American foreign policy as it runs directly counter to the April 28, 1969, congressional resolution sponsored by 68 Members of the U.S. Senate and 280 Members of the House of Representatives endorsing face-to-face Arab-Israeli negotiations. The resolution, which I cosponsored, declared in part:

We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace if the leaders of the Arab states would agree to meet with the Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.

To ensure direct negotiations and to secure a contractual peace settlement freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

The proposals of Secretary Rogers appear to fly in the face of this congressional policy statement.

I believe that any four-power—United States, Soviet Union, France, and Great Britain—action in imposing a peace in the Middle East is doomed to failure. Former President Lyndon Johnson stated as U.S. policy after the 6-day war that "the parties to the conflict must be parties to the peace." It is the Israelis

and the Arab nations who must sooner or later settle with each other.

The need for the parties to themselves negotiate their differences was well illustrated after the 1956 Suez crisis. The subsequent 1957 settlement was imposed by outside powers and the Arabs were not required to negotiate to enter into a direct peace commitment with Israel. That political settlement conceived by the United States soon fell apart because of the failure of the Arab states to honor the guarantees and set the stage for the events which led to the precipitation of the 6-day war in 1967.

President Johnson on June 19, 1967, set forth the essentials of peace in the Middle East—the recognized right of national life, justice, for the refugees, innocent maritime passage, limits on the wasteful and destructive arms race, political independence, and territorial integrity for all. The President said in regards to his point on independence and integrity that—

The principle can be effective in the Middle East only on the basis of peace between the parties . . . what they need are recognized boundaries and other arrangements that will give them security against terror and destruction and war.

It is this principle reinforced by the congressional resolution of April 1969 which should be the policy of our country in her efforts to create a lasting peace in the Middle East.

Mr. ROSENTHAL. What I would like to pursue for just a moment with the gentleman from Illinois and the gentleman from New York, a thing that disturbs me so deeply, is that we have such a long history of warm and deep affection for the French people. I think all of us, without having to say it, understand and feel it. We do not have to say the names of Lafayette and so many others who played such an integral part in the development of democracy. I wonder if the people of France understand that what the French Government is presently doing by selling 100 jets to a nation that has 10, 11 or 12 pilots, and clearly these planes are going to be used in a conflagration that can lead to the destruction not only of the immediate neighbors there but they involve all the great world powers, what a great disservice the French Government is doing not only to the American people and to the other nations involved, but to the French people. It is kind of leading down a blind path.

I am personally distressed because my remembrances of being in France on so many occasions during the war is that there is a great body of affection and understanding, a great love, friendship, warmth and brotherhood between our great peoples, and the sad thing is that governments occasionally stray from truth and righteousness, and I would hope that the people of France would somehow understand this and help to correct what appears to be a real deficiency of their present Government's policy.

Mr. PUCINSKI. The gentleman, I think, stated the case correctly in his opening remarks when he underscored the fact that our objections to the Presi-

dent of France, Mr. Pompidou, in no way alters our deep affection for the people of France, and I think he can find another answer in the fact that 44 percent of the Frenchmen do not support Mr. Pompidou in his policy. So it seems to me that when such a large percentage of his own people do not support him, really I do not know why I should be here tomorrow, or that anyone else should be here tomorrow, indicating by our presence some sort of support for his position.

Finally, I would like to add we have many similar situations all over the world. We have, for instance, a Communist-dominated government in Poland. I am sure most Americans do not recognize that government or do not have any great affection for it. Yet there is a friendship between the people of Poland and the people of America which is deep and historic. Likewise, we can go right across the whole belt of the captive nations.

I might also say that in the Middle East, when the Israeli people and the Arab people are together, they get along. I was in Israel a few weeks ago. I saw them getting along. It is the leaders, as the gentleman properly has said, who provide the turmoil and chaos and stray from truth and good judgment.

I do not think the fact that so many of us do not intend to welcome Mr. Pompidou will in any way affect the friendship of the people of France and of America. I think the people of France will respect us because they are going to be encouraged by the fact that we at this end of the world are pretty much corroborating what they have said themselves, if the public opinion surveys are correct—and I have no way to doubt that—but the most recent public opinion survey in France shows 44 percent of President Pompidou's own French people do not support his position.

THE AMERICAN NURSING HOME: THE COMMERCIALIZATION OF OUR AGED

THE SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the Chair recognizes the gentleman from Arkansas (Mr. PRYOR) for 60 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, the problem of human obsolescence is not new to Western society. For too many years we have rejected our poor, our old, our sick, and sent them to die in workhouses, poor farms, lunatic asylums, and hospitals.

Since 1959, Congress has recognized this problem and made numerous attempts to help our elderly. We have done this because we felt the force of a new "national conscience" for our aged citizens. Many of us have asked for a reordering of national priorities. Near the top of these priorities, we must, in this House, list care for our aged citizens. We have not yet done so. For all of our good intentions, we have created not humane, dignified places where our aged may spend their last days, but in some instances, coldhearted business empires that maximize profit while minimizing human life.

Care has suffered and profit has conquered while two-thirds of the money fueling the nursing home boom has been public tax money.

It is the treatment and the care for our elderly—or the lack of it—which is my subject today, Mr. Speaker. I am concerned about the direction our Government is now pursuing, the very philosophy it has adopted over the years, with regard to the kind of final days we will provide for our elderly.

I feel we are trying, but we have missed the mark. If we continue our present policies toward the aged much further, we may well be judged by history as a rather calloused people.

My subject today is American nursing homes where almost 1 million of our citizens are confined. Some and probably most find that this is where they have been sent—not to live, but to die. Some of these 1 million Americans will spend those last few days of life on this earth in comparative comfort; but many will find lives of horror, filth, loneliness, and despair. Too many of those confined to an American nursing home will feel that they have been sentenced to a halfway house—somewhere between society and the cemetery. There are 20,000 nursing homes in our country today. We have made some progress, yes. But the basic standard or quality of care is not rising commensurate with the amount of dollars the American taxpayer is now putting into the nursing home industry, nor with the exploding prices that are being charged the patient or their relatives.

In the last two decades, we have adopted a basic theory that if we could funnel more money into the nursing home industry, the quality of care would rise in commensurate proportions. This is a basic fallacy which has been perpetuated not only on the American taxpayer, on governments at State and Federal levels, but on the patient himself. In fact, it is a fallacy to such a degree that it approaches the definition of fraud.

One out of 10 Americans today is 65 or older. Through science and a better quality of life, the average age span has been lengthened to the extent that most of our older Americans will some day be candidates themselves for nursing home care. There is no more critical need in America today than good nursing homes—homes which really care—homes which are staffed and owned by individuals or groups in which the patient—and not profit—is its very reason for existence. But today, we are “dehumanizing” the American nursing home because the patient has taken the back-seat to a rather thirsty quest for big profits in the industry which can only result ultimately in poorer and poorer service and care for the patient.

This is where our Government made its mistake: It made nursing home care a profitmaking industry, a housing program and not a health program.

Our Nation has no goal, no policy, with regard to where the nursing home industry is heading today.

The Associated Press produced a series of thoughtful and provocative arti-

cles on the nursing home industry some months ago and found that:

Physician care for the nursing home patient is so scarce that it is a national scandal.

One-seventh of drug prescriptions to nursing home patients are administered wrong.

Drugs are commonly used to make patients “easier to handle.”

The average food cost per patient in many nursing homes today is less than \$1 per day.

In a Topeka, Kans., home three-fourths of the patients checked had not been seen by a doctor in 6 months.

In Minnesota, the average amount of physician care per patient in 100 nursing homes was 2½ minutes per week.

In a California study it was revealed that more medicare money was spent on tranquilizers than any other group of drugs.

The National Fire Prevention Association shows nursing homes at the top of unsafe places to live.

Other news media findings:

A New York Daily News reporter was hired as a nurse's aide, and she found the food in several New York homes abominable, filthy rooms, roaches in glasses, dirt in water pitchers and indescribable conditions in bathrooms.

That today a nursing home administrator may well have as his only qualifications that he was a junk dealer.

Ethical controls within the nursing home industry are not protecting the nursing home patient and neither is the purchaser of his care, the Federal Government.

Tough Federal regulations have been much slower reaching the nursing homes than the Federal dollars.

That 87 nursing homes which failed to meet Federal standards were paid \$398,000 in the last half of 1968.

In Tennessee, a hospital administrator states:

If the State of Tennessee would be as firm as it could be, I would wager that 30% to 50% of long-term care facilities would be closed down overnight.

“We never had the appropriations to enforce the law,” stated a Florida official, where there were several hundred nursing homes with only two inspectors.

In Wisconsin, a 317-bed home went without regular State inspections for almost 3 years, although a 1967 check resulted in a four-page list of violations.

And the Associated Press quotes a Los Angeles administrator as saying:

You tighten up on nurses . . . but if you cut your staff too short, you keep the patient snowed on drugs.

It will be recalled that 32 persons recently died at Marietta, Ohio, in a “good” nursing home which had been allowed to operate with “deficiencies.”

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. PRYOR of Arkansas. I yield to my friend from West Virginia.

Mr. HECHLER of West Virginia. The gentleman from Arkansas is performing a signal service in bringing to the attention of the House the scandalous conditions in some of the nursing homes

throughout the Nation. He mentioned the fire in the Marietta, Ohio, nursing home in which many of my West Virginia constituents perished. That is right on the edge of my congressional district.

I know that the gentleman from Arkansas has done a massive amount of research on this subject. I would particularly like to commend him because he has done research not only with regard to facts and figures but he has personally taken the time to go out and inspect these nursing homes and to talk with the patients and those who administer the homes and really has collected a down-to-earth and practical set of materials that enable him to appraise the conditions of these homes and also make recommendations based on his practical experience.

As a matter of fact, the gentleman from Arkansas, I understand—is it not true?—did a good deal of this work also when he was in the Arkansas Legislature prior to coming to this House.

I am particularly interested in the recommendations which the gentleman mentions. We have discussed them on frequent occasions.

Mr. Speaker, I would like to ask the gentleman if it is not true, also, that there are a number of companies that have even gone to the extent of floating stock issues, companies that run these homes, and these stock issues are actually as important and as remunerative as any stocks on the larger stock exchanges.

Mr. PRYOR of Arkansas. I say to the gentleman that is true. We have some 70 chain operations now in the United States which are selling their stock publicly. I should say, as one of our Wall Street bankers or lawyers in the investment world said, that the nursing home stocks are the hottest stocks on the market today. We see this situation has created a dilemma, which is that the patient himself is taking a back seat to the profits. The patient in the American nursing home today, especially in those homes in which they are subject to stock sales and where they are listed on stock exchanges, with mutual funds, and so forth—the patient in those homes has in many cases become a ping-pong ball on the stock market every time it opens each morning. I do not think that is the way it was intended to be in our great country, I say to the gentleman from West Virginia. We can do a better job and we need to look into the entire situation in its entirety.

Mr. HECHLER of West Virginia. I would further ask the gentleman from Arkansas this question: I am familiar with the condition of inspectors in the coal mining industry where the companies always know when the inspectors show up and a cake is always baked for these inspectors when they come in to inspect conditions in the coal mines. I wonder if a comparable condition exists as far as inspections in nursing homes are concerned.

Mr. PRYOR of Arkansas. I will answer the gentleman by saying that I cannot speak to that point directly, but from some indications we have received at this time it does appear there might be a

"cozy" relationship between some of the nursing home inspectors in this country and some of the owners of the profiteering firms.

Mr. HECHLER of West Virginia. If the gentleman will yield further briefly for another observation, we are all prisoners of time in the House of Representatives. We tend to be limited by papers, letters, phone calls, radio broadcasts, television broadcasts, as a means of communication. We tend to face too many issues from the standpoint of what does this organization feel about this issue or what is the political position on this issue.

I think the gentleman from Arkansas has served the highest function of a true Representative by his concern for people, because it is people after all that we, the Members of the House of Representatives, represent. We too often forget the fact that we are dealing with people and I believe in the way in which the gentleman from Arkansas has presented his approach to the patients and the people concerned, that he is serving the highest function of a Representative in the Congress of the United States.

Mr. PRYOR of Arkansas. I wish to thank the gentleman from West Virginia for those generous remarks. I would say that there is no man in this House whom I would rather have coauthoring this resolution to create this Select Committee on Nursing Homes and Homes for the Aged than the very distinguished gentleman from West Virginia, the Honorable KEN HECHLER.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I can add no substantive information to the comprehensive and devastating report that is being submitted to us this afternoon by the gentleman from Arkansas.

There is no man in this House whose integrity and initiative have gained him more respect over the years. He is one of the best men in this body—quiet, persevering, and compassionate—and I only wish we had more people like him in public life. We are indebted to him again today for this contribution.

There are no votes for Mr. PRYOR in nursing homes. But there is plenty of tragedy for the old people who are there and plenty of shame for this country. I hope this resolution will get the support it deserves, and that all of us who are concerned about suffering will join with the gentleman from Arkansas in his effort to alleviate these conditions. It should be obvious by now that unless we do something here nothing will be done.

Mr. Speaker, I want to join with many of my colleagues, and with concerned citizens throughout the Nation, in thanking the gentleman from Arkansas for the enormous effort he has put into documenting the shameful exploitation of the elderly that goes on in many of the Nation's nursing homes today. I hope we will proceed forthwith to act favorably on his resolution.

Mr. PRYOR of Arkansas. I thank the

gentleman very much for his generous remarks.

I want to also say that I am very proud and I know that 20 million elderly American citizens are proud that the gentleman from New York is also one of the cosponsors of this resolution to create a select committee in this House on nursing homes and homes for the aged.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, I wish to commend the very able and distinguished gentleman from Arkansas for his superb presentation here this afternoon. The gentleman has given us a most provocative and most vital report on one of those human issues in our Nation today. The gentleman deserves the undying, unqualified appreciation of all the Members of this House for focusing attention on this most important issue. It is a pleasure and a privilege for me to associate myself with his remarks.

Mr. PRYOR of Arkansas. I thank the gentleman from New York very much.

Mr. Speaker, the list could go on and on, but our Government has lost control of the nursing home industry and we are today impotent in attempting to achieve a higher standard of care for the patient.

It is time, and past due, for this Nation and this Congress to look at where we are and where we are going in the treatment of our elderly.

Mr. Speaker, we are commercializing our aged. Our citizens in nursing homes today have become in some instances mere human ping-pong balls on Wall Street. Rather than reading about the elderly in health care manuals and medical journals, we find them now the subject of great discourse by such financial publications as the Wall Street Journal, Barron's, and Business Week. One Wall Street firm executive made the statement recently that "in the nursing home business—there is no way to lose."

A maze of pyramiding new Government programs such as medicare and medicaid, new methods of financing nursing homes, new formulas adopted by social security and welfare agencies to reimburse the proprietor of nursing homes, together with a lack of interest in both the enactment and enforcement of tough regulations which protect the patient—all this adds up to not only new and booming profits for the owners but also explosive and rising costs for the patient, their relatives and the American taxpayer. In recent months some 70 nursing home chains have been established which now sell their stock to the public. Mutual fund companies now own approximately 6 million shares of stocks in these nursing home chains. Nursing home securities in recent months have been referred to as "the hottest stock on Wall Street." The new play on the stock market today and interest in this unique stock—predicated on the expectation of an increasing number of old and sick human beings—has caused such magazines as Time to call a recent article, "Gold in Geriatrics" and Barron's

Weekly to entitle a 1969 article, "Unhealthy Growth?" The New York Times just last week in a front page story labeled nursing homes for the elderly, "a booming industry." Business Week recently entitled an article, "Nursing Homes Offer an Investment Lure." The same publication featured another article explaining a novel financing plan whereby several nursing home chains induced doctors to find patients for them by selling a major interest in each home to a group of local physicians. Nat Caldwell, a Pulitzer prize-winning reporter from the Nashville Tennessean, lived incognito for several weeks in nursing homes and wrote a revealing series entitled, "The Abandoned Generation."

Yes, Mr. Speaker, our elderly residents of nursing homes have not only become a financial but also a political football. They are the common denominator of what is termed "a glamour stock issue." Nine out of 10 nursing homes in America today exist for a profit. Yes, only 10 percent are nonprofit institutions, and these as a general rule are operated for the benefit of the patient by communities, locally supported hospitals, churches, religious organizations, fraternal groups, and well-motivated individuals who have formed nursing homes with the idea that the patient and not the profit must come first.

Thus, we see in the profit-inspired institutions that the patient or his relative or the American taxpayer must continue paying the bill to keep the earnings of these institutions rising. And to keep these profits rising, and to permit them to sell their stock publicly, they must continue to further increase their price to the patient, or diminish their services, or both.

When these so-called "hot" nursing home stocks begin to diminish, it will be the patient who will suffer the consequences. Those individuals who are entering the nursing-home-for-profit arena today according to many of the prospectus now on file with the Securities and Exchange Commission are generally builders, contractors, restaurant operators, fast buck entrepreneurs, and a multitude of others who seek only a monetary profit for their investment.

Although the new nursing homes in many instances are an improvement within the brick-and-mortar concept, the ultimate price per bed is zooming upward at such an alarming rate that only the affluent in our society can afford to grow old. It is not uncommon to find the price per month in a nursing home to be upward of \$700. Oftentimes in addition to the basic room and board fee, there are extra costs which add still another burden on the patients or their relatives who foot the bill. It is true that when a patient is enticed into a particular nursing home that these extra costs are sometimes in effect without their knowledge until the first statement arrives.

Mr. Speaker, I have obtained an additional-charges list from a nursing home in northern Virginia which I include as part of my remarks. I urge my colleagues to examine it carefully to see if they

feel such charges are fully justified as "extra":

ADDITIONAL CHARGES FOR A NURSING HOME IN NORTHERN VIRGINIA

(It should be noted that these are charges in addition to the \$595 (single room) per month cost)

Admission sets, \$3.50.
 Air mattress, \$45.00 per month.
 Air worms, \$3.50.
 Alcohol, \$0.50 per pint.
 Aspirator, \$5.00 per day or use.
 Baby oil, \$1.00.
 Bed sore care, \$3.00 per day.
 Bibs, plastic, \$2.50.
 Bladder irrigation tray, \$1.50.
 Body lotion, \$1.00.
 Catheters (Foley), \$3.50.
 Catheterization sets, \$2.00.
 Chest restraints, \$10.00.
 Denture cups, \$0.25.
 Diabetic diet, \$15.00 per month.
 Disposable chux, \$0.15 each.
 Drainage bags and tubing for catheterization sets, \$1.00.
 Emesis basin, \$1.50.
 Enemas: Fleet/oil, \$1.00.
 Foam cushion or ring, \$4.85.
 Guest trays: Luncheon or breakfast, \$1.00, evening meal, \$1.50.
 Hand feeding, \$45.00 per month.
 Hand restraints, \$3.00.
 Hypodermoclysis sets, \$2.00.
 Intravenous sets, \$2.00.
 Incontinent care (including chux), \$80.00 per month.
 Intensive nursing care—terrace floor, \$90.00 per month.
 Irrigation set, \$1.50.
 Levine tubes, \$2.00.
 Litter cytol urologic irrigating fluid, \$2.50 per 1 liter.
 Medicated powder, \$1.40.
 Nasal catheters, \$1.00.
 Oxygen: ¼ tank or less, \$10.00, ½ tank, \$15.00.
 Oxygen mask, \$1.00.
 Personal laundry, \$10.00 per month.
 Plastic gloves, \$0.10.
 Posey restraints, \$6.00.
 Rectal tubes, 1.00.
 Restraining chair, N/C.
 Shampoo, 1.00 per pint.
 Sheepskin (synthetic), 10.00.
 Solutions for clysis & I. V.'s, 5.00 per bottle.
 Spray deodorant, 1.30.
 Suction machine, 25.00 per month.
 Suction tube, .50.
 Television in room, 21.00 per room.
 Tissues, .25.
 Trapeze, 15.00 per month.
 Tube feeding, 30.00.
 Rubber pants, 5.00.
 Walkers, 3.00.
 Wheel chairs, 15.00 per month.
 Senile care, 90.00 per month.
 Syringes, 1.00.

I would call your attention to the item: "Air Mattress, \$45 per month." How many times over would a bedridden patient pay for this product?

Here's another: "Bed Sore Care, \$3 per day." This could well add \$90 a month to a patient's bill.

Here is "Hand Feeding, \$45 a month." Is this an honest "additional charge" for a bedridden patient who may be unable to feed himself?

On the surface, this particular home bills its patients a reasonable fee—\$595 per month for a private room—but the "extra charges" above could quickly bankrupt an unsuspecting son, daughter, or patient.

Mr. Speaker, for a relative newcomer to this Congress, it is sometimes frustrat-

ing to see an issue within our overall spectrum of government which needs attention; yet, because of the voluminous problems which daily face us as a Congress, that one single issue may tend to get lost in the shuffle.

I became interested in the nursing home industry several years back while serving as a freshman legislator in the Arkansas House of Representatives.

At each legislative session we found ourselves voting additional welfare payments for the local nursing home industry. Upon asking questions as to why these continual appreciating payments from our State treasury to the profit-making nursing home institution, we were told that the additional moneys would be spent for additional care.

What additional care? What services would be improved? How would the patient benefit?

There were no answers.

Again, our basic theory—this illusion, fostered by the industry, "that more money meant better care"—prevalled, as it has throughout the recent history of this highly subsidized and extremely profitable industry.

Personal inspections by a legislative committee on our State level at that time reported conditions which were not pretty or pleasant to read about—but again, the issue, as issues tend to do, came and went.

Since coming to Congress, I have received an increasing number of letters not only from constituents, but also from other areas that have whetted my interest in this issue and my frustration to do something about it.

One of these letters tied in closely to what the owner of a nursing home chain said:

In our operation, we must give people satisfactory quarters and food.

A daughter of a patient in that particular home wrote that some meals "consisted of two spoons of pork'n beans, a cup of milk, and three slices of carrot". Is this, I ask, "satisfactory food"?

Another letter came to my attention:

I was under the assumption that only a nurse could dispense medicine. On one occasion a maid came into one of the rooms; had a handful of pills and capsules and asked one of the elderly women there if she knew which medicine was hers.

Another patient's relative wrote that the sheet on her grandmother's bed was changed only once a week:

The top sheet is transferred to the bottom for the second week, before it is changed.

Another letter reads:

On September 21, 1969, (Sunday, 3 PM to 11 PM shift) I reached our nursing center at 5:05 PM and found my Mother, who is completely paralyzed except that she can swallow and move her eyes, bathed in perspiration and moaning violently. I lifted her sheet and found her leg suspended with no support, the support pillow being under the leg next to the bed which needed no support. Her leg was quivering violently. As soon as I moved the pillow to properly support her leg, my Mother's pain stopped and she dropped off to sleep. If I had not gone by at that time, she would have suffered until nearly 6:30 when the aide came in with her dinner.

Another letter read:

These three people (aides) were making a valiant effort to care for approximately 90 people about 25% completely bedridden, another 25% in wheelchairs (many having to be tied in their chair). One elderly lady who has great difficulty walking and handling herself because of an old broken hip injury tried to get up from her chair and fell in the floor. No matter how she tried she could not get up. She scooted along the floor almost to the door, but was unable to open it. She called and begged for help for over an hour before a friend happened to come by and open the door. Two of the elderly men patients finally got her up and on to her bed. This all happened while the aides and nurse were down on the East Wing. It was some two hours later before the aides returned to the West Wing about 9 p.m. All the old people sitting or tied in the wheelchairs were crying and moaning and begging to be put to bed; none of the bed patients had been turned or tended to for more than three or four hours on the West Wing. I stayed at the home until after 9, fed my Grandmother, turned her twice and gave her the medicine the nurse gave me for her. The little aides as they finally arrived said they had never worked so hard in all their lives.

They were ready to drop but still had practically the whole West Wing to care for. Checking both patients for bowel movements, they stated they were glad both had clean beds because there was not a clean sheet left in the home . . . by the last week or 10 days of the month the home runs out of meat. Sometime they attempt to grind up leftover beef or chicken. This is so stringy and coarse it is impossible to feed it to the patient and it goes back to the kitchen. Many meals toward the end of the month consist of a small amount of baby carrots, baby beets and applesauce and peas mixed with one small glass of milk. . . . I reported these conditions to the local welfare office and they assured me that they were well aware and deeply deplored the existing conditions and that they had made out reports and sent them in without any results whatsoever. At their suggestion I contacted our local State Representative, he advised me to write this letter to you, and send copies to the Senator and other Congressmen.

A colleague from another State brought to my attention a letter he had received from a constituent stating that the home from her hometown in which her mother was a patient charged her \$15 a month for laundry. To alleviate this charge the daughter had attempted to take her mother's laundry home and bring it back to the nursing home but the owner said that that was part of the "deal" and "would not let me do my Mother's own laundry." She concluded her letter to my colleague by stating:

I do not know that my complaint, along with others, will do any good but I feel, at least, I am doing the right thing and I am standing for the right thing. This is all I can do. This sort of thing ought to be given special attention and controlled some way to protect loyal Americans.

Mr. Speaker, the list of complaints from nursing homes in not only our State but in our 50 States could proceed ad infinitum. When these complaints are brought to our attention, and we send them to the Department of Health, Education, and Welfare, they are usually merely "bucked" back to the State from whence they came. Last week, when I asked an official in the Department of

Health, Education, and Welfare how these complaints were generally investigated, his reply was, "They aren't."

The patient today in American nursing homes is voiceless. True, we have the stockbrokers and the big business interests who protect the value of their stock, some nursing home associations who constantly lobby for greater Government subsidies to make them even richer, who fight off most movements for legislation which would provide legislation to protect the patient—but the patient himself has no lobby, no association, or no one speaking in his behalf.

It is time we spoke in his behalf, Mr. Speaker. It is time we took note of the fact that this new and booming and highly profitable industry is truly commercializing, dehumanizing, and exploiting the older people of this great land.

Will we continue to let this happen? Will we continue, in what we say is the greatest of all civilized nations, to let our elderly in many instances become the mere pawns for some selfish individuals and organizations looking for profits through patients?

Mr. Speaker, I have spent the last 4 weekends as a volunteer worker at nursing homes in the Washington area. I did this not for the reason of becoming an instant expert in the field, as certainly I am not, but merely to better acquaint myself with some of the problems not only of the patient but of the nursing home industry itself. My experience in these homes has shown me a new dimension that I had not seen before: Seeing older citizens being placed in homes which, in some instances, were excellent, bright, cheerful, and well managed, but also some which could have been created within the pages of a Charles Dickens novel. I saw loneliness and despair. I saw filth and anxiety—but more than any of these other characteristics, I think the word that describes the typical patient in many of our homes today is boredom—total, absolute boredom—the only relief from which oftentimes comes when the attendant brings a meal into the room. I saw in one home of 14 beds, the proprietor of the home woke an elderly lady, asked her how she was feeling and then told me that this particular patient had had a "slight heart attack" early in the day, but that they did not make a practice in the home of calling the doctor on Sunday.

In another home, as I was clipping the toenails of an 80-year-old veteran, he told me not to let the attendant see me do this, as they charged him \$7 when they did it.

Another fine old gentleman told me that every day he begged the attendants to just let him put his suit on, but that no one ever had time to do it.

A little silver-haired lady said:

I hate to see dark come because I know that mean night attendant will be on duty and I always try to play like I am asleep when she comes into the room.

On several occasions at mealtime, I saw old and toothless patients served big slabs of cold meat and because of their physical condition were not capable of cutting into bite-size portions. Had I not been there, I can only assume

that they would have eaten it with their hand, if at all.

One man told me that when he was a young boy growing up in Cleveland, he was known as "The boy with a thousand songs" and in telling me this, broke out at the top of his voice singing, "Nearer My God to Thee."

In one Washington, D.C., home of 80 patients, there was only one attendant on duty. In the hall I saw four old and helpless people sitting in wheelchairs, three of whom were sitting in their own human excretion. The attendant then told me:

We just don't have enough help and the owners don't pay us enough to live on.

"Who shaves your older men?" I asked the proprietor of one home in which I was spending the afternoon writing letters for patients. "About every 3 days, when they catch up with their other work, that is the job for the maintenance crew," was his reply.

"How much does it cost to have a patient in here?" I asked the attendant on duty one Saturday afternoon in a Maryland home, and she said:

It depends on their income.

Also, in trying to ascertain some of the real conditions that exist within the nursing home industry, a friend of one of my staff members who is a registered nurse worked on weekends in nearby nursing homes to supplement her income. She reported to me:

I had heard about some of the nursing homes but I did not believe it until I actually did some work there.

She stated that one nursing home owner had told her that the county had required bells in each room and, rather than buzzers, the owner had installed small, tingling, dinner bells to save on expenses. The nurse asked to see the emergency light setup, and the manager of a home tried to demonstrate how the lights worked and upon closer inspection found none to be plugged in. When the manager plugged in one of the lights to show her, it still did not work because the light bulb was burned out. Then the manager said:

Oh, well, if they need us they can just yell.

Noticing no air-conditioning system of any nature, the nurse inquired only to be answered:

Old people don't want air conditioning.

In one nursing home in which she worked, to make the home come up to the standards of the bathroom ratio for patients, the owner had built extra bathrooms in the new part to make up for the lack in the old part. The nurse added that in one home of 96 patients in which she worked, there was no way to get the medication to the patients at the right time as she and one other aide were the only ones on duty—and that the patients were bathed only once a week.

A member of our staff served as a nurse's aide recently and recalls vividly the conversation between the proprietor of the home and one of the patients. "What's for lunch today?" someone yelled. "Hot dogs and pork and beans,"

was the reply. It was only 3:15 in the afternoon. "They get their supper at 4," an aide told our staff member. "You mean they are setting up those trays already?" "Yes, that's all they think about. They don't do nothing but eat and sleep here," was the answer.

A friend of mine in Connecticut recently visited four nursing homes in his immediate area with the idea of placing his father in an extended care facility. In a letter which I received on February 10, 1970, he wrote:

David, I saw attendants ignore one old woman's call for help; I saw one owner talk in an insultingly derogatory way about a patient, in front of that very patient; I saw incredible filth and signs of neglect; and I heard things that seemed to me to evidence a callousness and crudity that I certainly would not want any parents of mine exposed to. The owner of the home said to me, "Look, your Father is getting old and he is hard to handle, right? You bring him right here, maybe in a few weeks you can take him home on a Sunday afternoon but the first thing you've got to show these old people is who's boss." While talking with the proprietor, an old man came over and asked him for a cigarette. The owner answered, "No, the doctor said you could not have any cigarettes." The old man said, "The doctor told me to cut down on smoking, not to cut it out completely." The owner turned to me and said of the man, "He has been nothing but trouble ever since he got here. He is a real trouble maker, that one." For the record, David, I note that the brochure the owner handed me refers to "pleasant home atmosphere".

My friend concluded his letter by saying:

All in all, it made me think that when the time comes, there's really no substitute for a nice clean head-on collision.

Although some phases of the nursing home industry are today making a conscientious effort in trying to provide homes which care about patients, and which attempt, if possible, to restore them to the mainstream of life, some homes have become only human warehouses. It is my own thinking that today the nursing home industry might to some degree parallel the early days of our hospital development in America, when they, too, tried for a while to operate for a profit. As a nation, we changed our direction and tried to implement and encourage community owned and locally sponsored and nonprofit hospital groups which have to a great degree been highly successful. Possibly, it is in this field of nursing homes for our aged, that it is time to redefine our thinking and to take a look as to where we actually are at this time and to see if it is not, in fact, too late to attempt to find some reasonable method of caring for our elderly, absent the profit angle.

Some in the nursing home industry have fostered several myths and illusions which have been successfully sold to the American public. One of these myths is that all nursing homes or homes for the aged are strictly licensed, duly inspected, and that a health team is physically present at all times or at least nearby to serve the patients. It is not true.

Another illusion, which the potential candidate for a nursing home is led to believe, is that if that particular institu-

tion states that it is "approved for medicaid and medicare" then, as a result, it is a home which provides the apex of good service to the patient.

It is time that we lance the boil and are told the truth about what licensing, inspection, certification in actual practice means.

Mr. Speaker, there is no control in the nursing home industry today. What little jurisdiction there is over this booming and highly important business is fragmented to the extent that there are only small slivers of jurisdiction or authority today. This is an odd paradox, especially when we see that government is the largest provider of nursing home care in America today. In fact, two out of three of all patients in nursing homes and homes for the aged in our country are maintained there through some Federal or federally assisted program. One chain nursing home owner said in a recent newspaper article that 85 cents of each dollar which flowed into his business came from government sources. It is quite astounding to learn, Mr. Speaker, that the American taxpayer is today paying at the rate of \$2 billion a year into the nursing home industry, and that this outlay is constantly rising to such proportions as to still lure the fast buck entrepreneur into this highly subsidized but loosely controlled industry.

All controls over where this money is going and what it is buying are fragmented, it is disjointed, self frustrating, and ineffectual. Again, the patient suffers the consequences. His complaints go unanswered. His plea for help is unheeded.

Both the medicaid and medicare agencies in the Department of Health, Education, and Welfare issue standards for nursing homes participating in their respective programs; however, neither agency applies their standards. In the case of medicaid, which is a State administered program, nursing homes are certified for participation in the program by State agencies. Often their approvals are on the basis of surveys and reports by county agencies. The Federal administrative agency, the Social and Rehabilitative Service, has virtually no control over the quality or frequency of these surveys and does not even receive information on the number of homes certified by the States. As a practical matter the Federal agency has no way of knowing that its standards are being met. If a patient or his family writes to his Representative in Congress to complain of conditions in a medicaid nursing home, we ordinarily refer the complaint to HEW for investigation. But from the Federal agency it is referred to the State agency and from there to the county agency which probably is responsible for permitting the condition to exist in the first place.

The patient again has nowhere to turn. No one is really in control.

The medicare agency, the Social Security Administration, must approve nursing homes for participation as extended care facilities. Here, too, the medicare standards, which in many respects are vague and subject to a wide range of interpretation, are actually applied by

State and county agencies. These reports are sent to the regional offices of the Social Security Administration where the certifications are signed, but with little or no knowledge of actual conditions in the homes. In a hearing before the Intergovernmental Relations Subcommittee of the Committee on Government Operations only last week it was brought out that social security officials have no information on the qualifications of surveyors doing medicare inspections. They did not even know to what extent medicare inspections are done by county personnel rather than State agencies.

The Federal medicare administrators know how many extended care facilities are deficient under their standards—about three out of four are—but they have little information on the number and seriousness of these deficiencies. The quality of extended care facilities is not really under their control.

The Public Health Service has several different activities concerned with nursing home care but none of these are regulatory in nature. Although three major agencies of the Department of Health, Education, and Welfare have heavy responsibilities in this area, none is able to move effectively to protect patients or the taxpayer's dollars.

Mr. Speaker, the tremendous sums which Federal programs are pouring into nursing home care is profoundly affecting the development and growth of the industry. This huge infusion of money has stimulated a building boom in nursing homes which is completely out of control. This Congress has supported and appropriated funds to assist State and regional planning agencies in their efforts to rationalize the numbers, types, and distribution of new health facilities; to curtail waste and duplication, and to provide our communities with a balanced complex of facilities which can deliver modern medical care in an effective and economical way. With the other hand, Mr. Speaker, we frustrate their plans by enticing investment capital into the industry on a huge scale with a virtual guarantee of business and profits. But where we actually need to be encouraging nursing home activity—in the non-profit sector—we turn our backs.

I have mentioned earlier, Mr. Speaker, the recent phenomenon of the growth of public stock companies operating nursing home chains. These companies have gone public to tap the investor public for capital to cash in on the medicare-medicaid bonanza.

The Securities and Exchange Commission is charged with serving the investor public. Here are some of the facts the public needs to know. Are the nursing homes listed as properties of a particular company good or bad? Are they properly staffed; do they give good care? The prospectus does not say and the SEC does not know. Are some of these newly formed public companies simply devices for paper transfer of ownership and inflating the capitalization of the properties? The SEC does not know. What are realistic expectations of the profit potential in a market dominated by Federal health care programs? Are the SEC and HEW working together to assess the

phenomenon of the burgeoning growth of public investment in nursing home chains? I can report to you that they are not. Mr. Speaker, a myriad of Federal and State agencies are pursuing narrow, routine, and traditional concerns, and no one is protecting the public, no one is protecting the tax dollars, and no one is protecting the patient.

The formation of public law and policy concerning nursing homes by the Congress is equally fragmented. In the House of Representatives, the Committee on Ways and Means has jurisdiction over medicare and medicaid programs. The Committee on Interstate and Foreign Commerce is concerned with health facilities planning and funding of construction. The Banking and Currency Committee deals with sections of the National Housing Act which provide mortgage insurance for various types of nursing homes and other facilities for care of the aged.

The Small Business Administration has its own criteria for making loans for nursing home construction. The Committee on Veterans' Affairs oversees a program providing nursing home care for thousands of veterans in private nursing homes. The Committee on Government Operations is concerned with the quality of administration of nursing home programs and the effectiveness of Federal and State Government relationships in carrying out these programs.

But for each of these committees, Mr. Speaker, the subject I am discussing today is a small fraction of their total responsibilities. Within the constraints of jurisdiction, time, and staff, none of these committees can thoroughly explore this complex and difficult subject. No one committee can attack the whole problem. This is our dilemma.

Mr. Speaker, I have discussed today at length, and undoubtedly too much so, a brief history of the American nursing home industry. The fact that we are proceeding on a course without guidelines or goals; that 2 billion tax dollars a year go into the nursing home industry; that commercialization of our aged has reached the point that something must be done; that gross irregularities and poor treatment are not uncommon in this industry; that both costs to the patient and profits to the owner soar at an alarming rate; that fragmentation of authority and administrative chaos, which spell the lack of controls and regulations to protect the patient and the taxpayer, exist to an alarming degree.

It all adds up to the basic fact that the patient has no voice and must lead us to ask ourselves: "What can be done?"

I am not sure that I have that answer, but I do know that before we go any further along the trail of complete disorganization and frustration of purpose, it is now imperative that we examine fully and completely the entire spectrum of the American nursing home and all homes which house our senior citizens.

There is only one way to do this, Mr. Speaker, and that is to establish a Select Committee on Nursing Homes and Homes for the Aged in the House of Representatives. I am proposing such a committee

today, and I am offering a resolution which I hope will be met with favor by our colleagues.

This is the only route by which we can make sure that a comprehensive study can be made to investigate thoroughly the situation today, and to explore the alternatives and various viewpoints on the care and treatment of America's aged.

It is my thinking that such a committee should be composed of nine Members of this House; that it should be adequately staffed; that a moderate sum for travel into the various States should be appropriated; and that full powers necessary to conduct a proper and thorough investigation should be granted.

No, Mr. Speaker, the mere creation of a select committee such as I have proposed today will not solve the problems overnight of this complex American dilemma.

But at least it will afford us an opportunity to ascertain where we are to seek new ideas and to hopefully provide meaningful recommendations in plotting our path for the future.

Mr. Speaker, speaking in behalf of 20 million senior citizens of America, all of whom are potential candidates for a nursing home or a home for the aged, the creation of such a select committee is the very least we can do.

The resolution is as follows:

RESOLUTION

Resolved, that there should be and is hereby created a Select Committee on Nursing Homes and Homes for the Aged, of the House of Representatives to be composed of nine members to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the Committee shall be filled in the same manner in which the original appointment was made.

The Select Committee is authorized and directed to conduct full and complete investigations and studies of the characteristics of nursing homes and other institutions for long-term care of the aged, trends in the growth and development of the nursing home industry, the impact of Federal and Federally assisted programs on the development of the nursing home industry and on its role in the spectrum of health care resources for the aged, the quality of service rendered to the aged by such institutions, and the effectiveness of Federal and Federally assisted programs in protecting and promoting the interests of patients in such institutions and of the public. The Select Committee shall not be authorized to report by bill or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution the Select Committee, or any duly authorized subcommittee thereof, is authorized to sit and act during the present Congress at such times and places, within the United States including any Commonwealth or possession thereof; whether the House is in session, has recessed, or has adjourned; to hold such hearings and to require by subpoena or otherwise the attendance and testimony of such witnesses and the production of books, records, correspondence, papers and documents as it deems necessary; except that neither the Select Committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpoenas may be issued under the signature of the chairman of the Committee or any member of the Committee designated by him, and may be served by any person designated by such chairman or member.

The Select Committee is further author-

ized to employ such full-time or part-time professional, technical and clerical personnel and consultants as the Committee deems necessary to carry out this resolution; and to obtain through reimbursable or non-reimbursable loan the services of employees of executive departments or agencies with the consent of such departments or agencies. Salaries and expenses of the Select Committee shall be paid from funds of the House upon vouchers signed by the chairman but shall not exceed \$250,000.

The Select Committee shall report to the House as soon as practicable during the present Congress the results of its investigations and studies together with such recommendations as it deems advisable. Any such report which is made while the House is not in session shall be filed with the Clerk of the House.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from Arkansas yield briefly?

Mr. PRYOR of Arkansas. I shall be happy to yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would only challenge one sentence of the gentleman's exposition which has been so eloquently set forth, and that is his statement that the patient today in American nursing homes is voiceless.

I would say that on the 24th day of February 1970, 1 million patients in 20,000 nursing homes throughout this Nation have a most eloquent voice in the gentleman from Arkansas.

Recently, one of our colleagues made a rather critical comment to the effect that the Congress was irrelevant in its approach to modern pressing problems. The gentleman from Arkansas has helped make the Congress very relevant to this problem. I know he will succeed in his efforts and I know he will gain great support in the Congress and the Nation.

Mr. PRYOR of Arkansas. I thank the gentleman from West Virginia very much for his kind remarks. I must say to my friend from West Virginia, however, that throughout the voyage of this investigation I have had from the very beginning not only the help but the encouragement of my wife and a great staff of people as well as a lot of friends who have helped us in this endeavor.

And we are just beginning on this course now, and I am looking forward to counting on working with the gentleman from West Virginia and others who joined us today in introducing this resolution into the House.

Again I thank the gentleman for his very generous remarks.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I would like to commend the gentleman from Arkansas for his very splendid presentation this afternoon, and for the study, thought, and effort which he has given to this subject. I am sure it will all be of great benefit to the Members of the House as they consider legislation which must be enacted in this field.

Mr. PRYOR of Arkansas. Mr. Speaker, I thank the gentleman from New York very much for his generous remarks.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I would first like to commend my colleague, the gentleman from Arkansas (Mr. PRYOR) for his analysis and in-depth investigation of a problem that is affecting an increasing number of Americans and their families. If we are to effectively provide solutions to the increased need for nursing home facilities and care, as well as the best methods of achieving our goals, then a complete assessment of the present situation—its causes and potential for improvement—is essential. Thus I am pleased to join in cosponsoring my colleague's resolution to create a Select Committee on Nursing Homes and Homes for the Aged.

Serving as a member of the board of directors of the Lutheran Home in Oshkosh, Wis., I am well aware of the many homes for the aged in Wisconsin which offer quality care, both nonprofit and proprietary. These homes, however, face rising costs, increased demands to provide more beds and services, and the continuing problem of accommodating the resident who needs minimum care, as well as the patient who requires a great deal of personal attention.

Two articles which I would like to include at the end of my remarks from the Fond du Lac Commonwealth Reporter outline many of the problems nursing homes in my district face as they strive to provide quality care. I would hope that the select committee in its investigation of the impact of Federal and federally assisted programs on the development of the nursing home industry and its role in the spectrum of health care resources for the aged would pay particular attention not only to how medicare and medicaid have been abused by some, but how we might improve the guidelines and operation to have a positive impact on nursing home care which was our original intent.

A question that has been raised by several of my constituents, and one which I feel the select committee should also address itself to, is the alternatives to hospital and nursing home care for our senior citizens. One writes:

We need more flexibility in finding living arrangements for the person who needs more than room and board, but less than skilled nursing home care. In Fond du Lac and Winnebago counties, we have been working to develop adult foster homes as a partial answer to our problem.

Another important aspect of the problems we must confront is evident in a recent incident which occurred in my district.

In Sheboygan County a much respected home for the elderly, the Anna M. Reiss Home, recently closed its doors after 50 years of service. The Reiss home placed its emphasis on compassion for the elderly, providing quality and personal care for its residents. On the other hand it was in great need of remodeling, including electrical, and plumbing, as well as a sprinkler system. These improvements were required to meet the Wisconsin standards. The cost was estimated at about \$150,000. Unable to meet these expenses the home closed. The

tragic fire that recently occurred at a Marietta, Ohio, nursing home attests to the need for the safest facilities possible, but should we not be able to have both safe facilities and personalized care, and is this not what we should be striving for?

Care for our elderly is a relatively new area of concern which has developed only in the last decade. It will become increasingly important, however, as our senior citizens face rising property taxes and have greater and greater difficulty in living in their homes and caring for themselves.

The select committee would be instructed to look into quality care and the effectiveness of our programs in protecting and promoting the interests of patients in such institutions. The patient should be uppermost in our mind and what we do to meet this problem is of the utmost importance.

The two articles from the Fond du Lac Reporter follow.

[From the Fond du Lac (Wis.) Commonwealth Reporter, Nov. 28, 1969]

NURSING HOME STANDARDS ABOVE AVERAGE (By John Green)

Fond du Lac's nursing homes are using every available means to bring moments of hope and happiness to the long, lonely days of the aging.

Clean, comfortable and well operated facilities are provided the 582 residents of the city's seven nursing homes, building inspections and interviews with administrators indicate.

Equipment and employ standards in nursing homes here surpass minimum requirements set and enforced by the state and federal governments, according to reports of nursing home officials.

Goal of home administrators is to care for and bring some measure of cheer to society's elderly—while operating within a limited financial budget. They feel they are attaining that goal.

"I think the majority of them like it," said Mrs. Yvonne Waldbillig, administrator of Maple Manor Nursing Home. "In the beginning when they are first put in, there is a reluctance to leave home. But they do adjust pretty rapidly. Some would rather be here than at home."

Mrs. Carol Paradis, administrator of Care Center and Pioneer Nursing Homes, spoke of the philosophy in handling nursing home patients:

HELP WITH ADJUSTMENT

"I don't think anybody wants to come into a nursing home and admit that they have to have care," she said. "I feel it is up to the home to make it as easy as possible for the patient to make the adjustment by treating them with kindness and as individual patients and not just let them get lost in a crowd."

Still rows of the elderly—many in wheelchairs—spend hours staring gloomily across rooms and out of windows of Fond du Lac nursing homes. Administrators consider this a fact of growing old—not the result of inadequate care.

"Some see an old person and say this is a deplorable condition," said Donald Idzik, administrator of Grancare Nursing Hospital. But he asked: "What's deplorable about old age?"

"These new medicines are the key to the whole thing," declared Idzik. "They not only extend their (patients) lives but they make them more comfortable."

Fond du Lac nursing homes have either registered nurses or licensed practical nurses working around the clock. Some homes build

their staffs around the LPN. Others concentrate on a large number of RNs.

Maple Manor, with 108 patients, has 12 RNs. At the Catholic Home for the Aged, the nursing staff consists of two RNs. But of the home's 33 residents, only one is a bed patient and only two are wheelchair victims, according to Sister M. Collette, C.S.A., home administrator.

"This accounts for the low number of nursing personnel," she explained. "Because when the need is there we increase our staff—on a temporary basis."

Nurses' Aides make up the bulk of the employe roster at many nursing homes. At the Lutheran Home for the Aged, where 147 patients reside, 45 of the 96 employes are nurses' aides. At Rolling Meadows, the county's nursing home which accommodates 165 patients, 40 of the 115 employes are nurses' aides.

Five of the city's nursing homes employ part-time dietician-consultants to plan meals for patients requiring special diets.

The Catholic Home coordinates its diets—as it does many other medical services—with physicians at St. Agnes Hospital. The head cook at the Lutheran Home carries out diets prescribed for patients by physicians.

Recreation and hobby rooms—called "occupational therapy" centers—are found in all of the city's homes. They offer relaxation, television, sewing, woodwork and a host of other programs geared for the elderly.

The Catholic Home uses the St. Agnes Hospital physical therapy department for massage, infra-red and ultra-violet light, exercises and other physical treatment programs. All other homes in the city have physical therapy rooms. Some employ part-time therapists.

Fond du Lac nursing homes have chapels where church services are conducted.

All homes except Maple Manor and the Lutheran Home provide transportation to residents for periodic trips to downtown shopping stores, the Senior Center and other points.

There is no regular pattern for trips from the Catholic Home, but Sister Colette says, "I've offered to take anybody to the Senior Center anytime he wants to go. And I go downtown at least three times a week and they are always welcome to ride along."

Nursing homes keep track of their patients by providing registers for them to sign before they leave.

Signing is not always mandatory. At some homes a physician's approval must be given before a patient can leave.

"No one leaves unless he goes with a relative," said Mrs. Waldbillig. "They don't leave to begin with unless we have a doctor's order that they can leave."

At Rolling Meadows the policy is more lenient.

"They are actually free to come and go as they want," said Mrs. Merlin J. Schabel, who with her husband manages the county institution. "We do ask them to let the nurse in charge know when they are leaving the premises—where they are going and when they are expected back."

Residents of Care Center and Pioneer Nursing Home wear arm bands at all times for emergency identification.

In all Fond du Lac nursing homes, the "confused" patient gets closer supervision by nurses.

More than one nursing home administrator here wishes elderly persons weren't so reluctant to leave their homes and begin living in nursing institutions. Patients could adjust to the new life more easily, they feel, if they wouldn't wait until they are bedridden.

"They connect nursing homes with the end of the line," declared Sister Colette, "instead of thinking of it as a new home that will provide all the services they need."

"They can make an adjustment to the

home a little easier when they can participate in the programs," said Mrs. Schabel. "If they are already bed-ridden, they don't look at it as a home but as a hospital."

Pastor A. M. Jenkins, administrator of the Lutheran Home, said "They should come in when they can walk on their own power." He said patients, wanting to remain at home with relatives as long as possible, sometimes delay too long and, when admitted, don't receive the special programs they want or aren't accepted at all.

Idzik, however, disagrees with this philosophy.

"I feel there is no reason to institutionalize a person who is able to take care of himself," he said.

Idzik indicated he has few problems with patients attempting to adjust to the nursing home, pointing out that "Sometimes a change in environment is good for a person. Sometimes they stop worrying about themselves and start feeling sorry for someone else."

Grancare specializes in the care of patients whose condition is too bad for them to live in other nursing homes. "Our activities are geared for the severely handicapped person," Idzik said.

Persuading a resident to participate in activities—and not just pass away his time in front of a window—is a problem of concern to nursing home administrators and nurses.

"They are encouraged to participate," said Mrs. Schabel. "The girls work very hard to get them up. We practically insist that they go to church on Sundays."

[From the Fond du Lac (Wis.) Commonwealth Reporter, Nov. 29, 1969]

NURSING HOME CARE IS EXPENSIVE: PROBLEMS WITH MEDICARE, MEDICAID (By Harley Buchholz)

Growing old can be graceful but expensive in Fond du Lac.

Nursing homes here, hit by inflation and government requirements for expensive facilities and personnel, have raised their rates one to four times in the last four years.

The range is from \$8 to \$18 per day, depending on the home and the level of care needed.

But all of the city's nursing homes are full and all have waiting lists, some of them lengthy, possibly because there is a universal feeling among Fond du Lac nursing home operators that they stress care of the patient over monetary return.

"I don't believe people in the nursing home business are in it for profit," said Donald Idzik, operator of Grancare Nursing Hospital here and president-elect of the Wisconsin Association of Nursing Homes.

Compassion and a feeling for the happiness of patients suggestive of a "Good Samaritan" philosophy was expressed by administrators in each of the city's nursing homes.

"The administrator in any nursing home is concerned first with the patient," Idzik declared. "Then," he added, "the problem of where the money comes from is simply a bookkeeping problem."

This can be quite a problem in itself.

Nursing home bookkeeping is a maze of reports, papers, care level classifications, carrying accounts receivable and general "red tape" as a result of government programs for Medicare and Medicaid.

FORCED TO DECERTIFY

In testimony last month before hearings of the House Ways and Means Committee, Idzik said: "One of the facilities which I administer was a charter member of the Medicare extended care program in 1967. However, we were forced to decertify in mid-1968 when after 18 months of providing extended care benefits under Medicare, my first audit revealed I could no longer effi-

ciently and responsibly administer it and provide benefits under the law and regulations."

Mrs. Merlin Schabel, wife of the Rolling Meadows superintendent, explained that Medicare only pays what it costs an institution, plus a percentage for profit. A Medicare audit later rechecks the charges and in some cases will bill the institution for what it considers overcharges.

Medicaid pays charges based on its own classification of care level after any of the patient's own funds, including all but \$9 of their monthly Social Security checks, are deducted.

Two other Fond du Lac nursing homes certified for Medicare—the Lutheran Home for the Aged and Maple Manor Nursing Home—no longer participate in the program. Maple Manor was the first in the state and the second in the nation to be certified.

Administrators say they gave up because of lateness of government payments and failure to receive payment for all charges. Pastor Allan M. Jenkins, administrator of the Lutheran Home, complained that the government still owes Medicare charges to his institution dating back to 1966.

WELFARE UNSATISFACTORY

The entire welfare system is unsatisfactory to Pastor Jenkins and his counterpart at the Henry Boyle Catholic Home for the Aged, Sister Colette, C.S.A.

The pastor said, "The government worked up a set of rules for the whole country, but they don't apply to the whole country."

His words were echoed by the nun: "The government has blanket standards but these are not needed in all places and we end up paying for the standards the government insists on. It's too inflexible."

She feels the government programs are not financially or psychologically sound.

"I feel today we can do more for our people in helping them pay for their own way," she said. By not being in Medicare, she feels, we're saving the government money because to meet their standards we would have to double our charges and still provide basically the same services."

Five of the home's 34 residents are welfare recipients.

At the Lutheran Home, where Pastor Jenkins remarked, "I can't see all these first class facilities for medical assistance persons when people in the community are struggling," 69 of 147 residences receive medical assistance.

He cited the difference between a community resident who pays his own way but has to wait a day or several days to see a doctor while a nursing home resident, whether on welfare or not, "has a nurse 15 seconds away."

A number of nursing home operators also contend that paying residents subsidize Medicaid patients because of requirements for ratings on care levels and individual home negotiations with the state to fix rates.

One nursing home operator said privately paying residents subsidize those receiving aid there by \$20,000 per year.

USE POINT SYSTEM

Medicaid classifiers use a point system to determine the level of care for which the state, through Blue Cross, will pay. The state allows a 6 per cent maximum rate increase per year, according to the county department of social services.

"When a person comes into a nursing home it is because he can't be cared for any other place," Mrs. Yvonne Waldbillig, administrator of Maple Manor pointed out. "Often it's on a doctor's order. But this is not considered Medicaid."

Idzik is a member of a Wisconsin Association of Nursing Homes "Title 19 Committee" which is attempting to work out a reasonable charge formula for Medicaid.

Despite possible subsidies by privately paying patients, welfare individuals receive the same levels of care, administrators stressed. In all homes, only the office staff and the recipients themselves know who they are.

Of the 582 nursing home residents in Fond du Lac, about 298 are paid for under provisions of Medicare or Medicaid.

Nursing home patients are classified according to levels of minimum, moderate and maximum care and are charged accordingly. Maple Manor also has a classification for extended care.

In a minimum care, a patient is fairly independent, able to eat in a dining room and needs only partial help in dressing. The moderate care patient receives meals in his room, might be somewhat confused, often is bed-bathed and requires physical therapy. The maximum care patient is bedridden, might be noisy and belligerent and generally is completely incontinent.

CURRENT RATES

Current rates charged at Fond du Lac Nursing Homes, listing minimum, moderate and maximum charges in order, are as follows:

Rolling Meadows.....	\$9.00	\$11.00	\$15.00
Catholic Home ¹	250.00	280.00	310.00
Lutheran Home.....	8.42	10.60	12.72
Care Center.....	13.00	14.00	15.00
Pioneer.....	9.00	11.00	13.00
Grancare.....	13.00	14.00	15.00
Maple Manor.....	12.00	14.50	16.00

¹ Monthly rate.

The rates are for semiprivate rooms on a daily basis except for the Catholic Home charges which are by the month. Rates for the new Care Center addition have not been approved as yet and are not listed. Maple Manor also has a rate of \$18 per day for extended care patients.

Figures include most normal services with such things as haircuts, hairsets, oxygen, and some medical supplies extra in most homes.

Corresponding average costs for patient care range from less than \$8 per day to more than \$15. Of those institutions supplying average per capita costs, Rolling Meadows is listed as \$60.88 per week for 1967-68; the Catholic Home, \$7.52 per day; the Lutheran Home, \$10.28 per day; and Maple Manor, \$15 to \$17 per day.

Differences in the operating philosophies of homes account for much of the variance in figures. The Boyle Home, for instance, is more of a residential home for the aged than a nursing hospital like Grancare and Maple Manor. Catholic Home residents generally are ambulatory and long term. In contrast, around half of those at Grancare are short term patients who have been transferred directly from St. Agnes Hospital.

All of the nursing homes accept patients on a first come, first serve basis, with qualifications depending on the operation and sometimes on which care level area of an institution has an open bed.

Because of costs and what home operators contend is a low margin of profit, beds cannot remain open long. New construction of nursing homes is estimated at \$10,000 per bed.

GENERALLY LOWER RATES

Debt service plus the high costs of professional personnel, special foods and special facilities required result in rates that are high, yet generally lower in Fond du Lac than in most areas of the state.

And, too, because of Medicare and Medicaid supervision in Wisconsin, abuses are difficult to start or continue. Some operators say unscrupulous homes could "get by" for a short time with overcharges or charges for nonexistent functions but they pay dearly in the end.

Mrs. Carol Paradise, administrator of the two Care Center homes and Pioneer Nursing Home, said flatly that "it is impossible in

Wisconsin to come up with abuses. Any abuse can cause forfeiture of your license and it's very easy to lose a license in Wisconsin."

She noted that the state "has a code to cover practically everything," involving nursing homes.

But in Milwaukee, a social worker friend of the writer said, homes often classify a Medicaid patient at a higher level of care than a Medicaid classification would so higher rates can be charged.

He told the story of a resident classified as maximum care and supposedly bedridden who dropped in on his social worker in the Milwaukee County Welfare Department "for a chat after shopping."

The proliferation of nursing homes in recent years proves there are good profits being made, is the argument of some.

Care Center opened a new addition, certified for Medicare, earlier this month. The Lutheran Home completed a new addition several years ago and Maple Manor, Grancare and Rolling Meadows all are relatively new institutions.

Operators of the three privately owned institutions, Care Center, Maple Manor, and Grancare, also operate homes in other cities.

Generally, although good relationships exist among local nursing homes, officials in religious and municipally owned operations feel the privately owned are making money while private operators take issue with the ordinarily lower rates of the others because they do not have to show a profit, sometimes have less expensive help and receive outside support through gifts and grants.

Although none is considered major, common problems exist at all of the nursing homes.

GIRLS GET TRAINING

Staffing is one. Mrs. Waldbillig said it is difficult hiring "people who are interested in the older person, the elderly." She has started a program of hiring girls and sending them through vocational school training.

More complex care is another. Schabel related that his institution is receiving fewer of the minimum care residents since the opening of the Rosalind Apartments.

Doctors sometimes are hard to find when needed. Schabel stressed, though, that homes run into their biggest medical troubles when they are understaffed.

"We have enough professionals," he said, "to tell when a person really needs a doctor and then there is not a doctor in town that won't come."

And there is a feeling that some children literally "dump" their parents in nursing homes and then forget them until Thanksgiving and Christmas. Some nursing homes take patients only on a doctor's order and will not take the word of family members who insist a relative should be placed here.

Idzik took a different viewpoint: "A nursing home is the most humane way of fitting the elderly person into society because most elderly can't cope with living conditions outside a supervised environment."

Problems, according to him "are really what we're here for; this is our job."

Mr. PURCELL. Mr. Speaker, it is always a personal source of satisfaction for me to be able to associate myself with my gifted young colleague and friend, the gentleman from Arkansas (Mr. PRYOR).

This effort is no exception, and I think the gentleman should be commended for involving himself so completely in assuring that American families and their elderly members can look with confidence to professional care available in nursing homes and other institutions which assume the responsibility for care to the aged.

We need to give attention to the entire

problem of care to the aged as a matter of developing technology. Advances are being made every day in medical care, in teaching new skills to various age groups; yet officially, we seem to know relatively little about the extent the government can aid toward pushing back this barrier to a healthy productive life—an incapacity due to age to perform a useful function in life, or even enjoy the remaining years of life.

It is shocking to learn that in many areas operating a nursing home is viewed as a strictly "commercial" relationship, and subject to the laws of the marketplace. The physical and emotional necessity for sufficient care in nursing homes is too critical for us to fail to exercise some degree of responsibility. I do not believe that cosponsorship of the measure implies that anyone is "against" nursing homes, but we are concerned about the possibility for unscrupulous operators to take advantage of what is obviously a position of trust.

Establishment of a committee as the resolution envisions could go a long way toward ultimately answering the hard questions we must ask ourselves about the proper role of the Federal Government in this area. I urge its favorable consideration.

GENERAL LEAVE

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include their own extraneous matter on the subject of this particular special order.

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

There was no objection.

OUR FOREIGN POLICY CONCERNING ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

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

FRENCH SALE OF JETS TO LIBYA—PERIL TO ISRAEL

Mr. RYAN. Mr. Speaker, I need not dwell on my dissatisfaction with the course of action France has followed—levying an arms embargo on Israel, while selling 110 Mirage jets to Libya. It takes no penetrating analysis to discern that these jets whether flown by Libyans or by their Egyptian allies, are a dire threat to Israel.

Only Sunday, Col. Muammar Qadhafi, the Libyan leader, announced at a press conference that he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so. The February 23 edition of the Washington Post quoted Colonel Qadhafi as stating:

We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine.

Equally as perilous, and directly in point so far as the French jets are concerned, was Colonel Qadhafi's response to a query as to whether the Mirage jets which Libya has obtained from France might be used against Israel:

I believe the motive for the question is America's fear regarding the protection of Israel. Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libya Mirages may well be used against Israel, even if they are not made available to Egypt.

France's conduct is unprincipled. At the least, the French Government has acted unwisely and foolishly. At the worst, it is willfully worsening a situation which can only bring despair to those who are seeking peaceful resolution to a conflict steadily increasing in intensity, with no apparent respite, let alone cessation, in sight.

I trust that my colleagues have effectively declared our opposition to the French Government's action. I would, therefore, take this occasion to speak chiefly to two other matters. There are two problems, one an internal one, and the other a matter of foreign affairs, which, to my mind, must be addressed, but which, thus far, have either been skirted or ignored. These are the role of the Jewish segment of our population, and the reasons behind the U.S. support of Israel. It is totally wrong to ascribe U.S. support of Israel to so-called pressures levied by the American Jewish community, and it is totally accurate to view America's interests as requiring support of Israel.

In recent months I have noted stories in the news media about "Jewish leaders" and "Jewish groups" protesting the State Department's underground diplomacy—its submission of peace proposals to the Soviet Union which undermine Israel's insistence on direct negotiations. The stark fight for survival being waged by Israel naturally stirs the concern and sympathy of American Jews. They, particularly, feel the tragedy of 6 million dead in World War II. They, particularly, know the history of a people who have, for 2,000 years, been homeless.

But, it must be made eminently clear that U.S. support for Israel is premised on the fact that the American people—Jews, Christians, whites, blacks—are, to a very large extent, persuaded of Israel's claim for sovereignty and survival.

I think this is made clear by virtue of the fact that 247 Congressmen, including myself, joined Congressman CELLER in signing the declaration in support of Israel.

America's posture must be firmly pro-Israel, not only because Israel requires our support but, as well, because our national interests dictate that we stand by Israel.

First, traditional U.S. foreign policy—as articulated by four successive Presidents—Truman, Eisenhower, Kennedy, and Johnson—has been one of firm support of Israel. To, at this juncture, modify that policy is to declare bankrupt our promises. Granted, if promises alone bound us, I would perhaps be less rueful of change. But, compelling factors justify

those promises, and mandate meeting their measures.

Second, the United States has supported Israel because we support the principle of self-determination. Sometimes, the assessment of that principle's operation is tragically misplaced. Vietnam is the best example. Israel, on the other hand, clearly is a prime example where support for the principle of self-determination requires firm American support of Israel. The threat to her existence is not an internal one, but one created by her neighbors.

There are those who point to Israel's possession of occupied territories as flouting the self-determination of the Arabs of these areas. I think nothing is further from the truth. Israel has never annexed these territories. Her sole reason for retaining them after the 6-day war of June 1967 is that this is the only card she holds with which to bargain for recognition of her right to exist in peace. As Ambassador Rabin recently told me:

We have nothing which is not negotiable but the existence of Israel as a sovereign and independent country.

In sum, our support for the principle of self-determination—a principle integral to our foreign policy—requires our firm support of Israel.

Third, the United States endorses the principles of democracy and freedom, which Israel upholds. Israel is, in the finest sense of the concept, a true Western democracy. This may appear ethnocentric or chauvinistic. I do not mean it to be so. I am fully cognizant that other nations have devised political systems which, while not conforming to the American conception of government, well serve the desired ends of their citizens. But, inasmuch as I am convinced that our form of government maximizes the opportunity for individual freedom and social welfare, so am I thereby committed to Israel because her governmental form does the same.

In contrast, I would point to the Arab nations, several of which have not met the test of a democratic form of government. Syria is ruled by a xenophobic, repressive Baathist regime, as is Iraq. Jordan, whatever the intentions of King Hussein, is in the grip of terroristic guerrilla organizations not bent on bettering the lot of the Jordanian people, but only on perpetuating bloodshed and diversion of vital resources, which inevitably perpetuate poverty and deprivation. Libya has undergone a coup, and the Sudan is conducting a brutal suppression of its black population in the south.

Fourth, the United States must firmly support Israel because of the staunch friendship she has offered us. Again, this factor alone would not justify U.S. support. Trujillo offered us friendship. But, because Israel asks only to be allowed to survive in peace, because her institutions embrace self-determination as basic, her friendship should be reciprocated.

Moreover, Israel has never called upon one American soldier to defend her soil. She has fought her own battles, and, as I need not mention, fought them brilliantly. She has not required the positioning

of U.S. troops at foreign bases. She has not asked for a nuclear umbrella. She has not asked of us free military aid. This is not to say that, had she done so, or should she do so, we should then not respond favorably. It is only to point out that hers is a friendship without strings.

When Israel obtains American armaments, she pays for them. When we vote \$20 million to develop a desalinization plant in Israel, that small nation, with a gross national product of only \$4.8 billion, is required to put up a much larger amount. I do not endorse the stringent strictures the United States imposes, but I do applaud the independence of Israel, which asks only to be allowed to pay her own way for survival.

Fifth, we must support Israel because she is an example to her neighbors of how to bring the benefits of modern technology to their citizens. The Israelis have, literally, brought the desert to life. And they have created a vital, viable economy based on diversified industrial and agricultural production. The lessons Israel has to offer are especially meaningful to the third world nations, beset with soaring populations, undeveloped resources, and minimal capital. The success of the Ivory Coast's Service Civique, as detailed in the Washington Post's February 23 edition, in an article by Prof. Ross K. Baker of Rutgers University, is only one example. I think Professor Baker's assessment of the role Israel has played in helping those underdeveloped nations willing to accept that help is not exaggerated:

The longer one spends in Africa, the more he is struck by the enormous impact that the minuscule Jewish state has had in Africa. Despite a colonial past which saw England, France, and Belgium dominate the continent, and a decade in which there has been intense American involvement, Israel, with the slenderest of national resources, has amassed political credit there to such a degree that the great powers have been forced to concede that their own programs come off second-best.

Instead of warfare, the interests of the Arab peoples would so much better and more productively be served by emulation.

Because the United States supports the development of third world nations, and seeks to bring the benefits of 20th century technology and science to their peoples, we are required to support Israel, which so well affords an example to these nations, and so well can help them.

I can make no clearer, then, why it is the national interests of this country which require support for Israel. Cultural affinity, emotional affinity, and political affinity make Israel of prime importance to all Americans, non-Jew and Jew alike.

The events of recent days particularly call upon us to make clear that U.S. support must be rendered promptly and firmly. The Libyan leader has announced to the world that the jets his country is obtaining from France may be used against Israel. Previous reports have made clear that Egyptian officials participated—in the guise, perhaps, of Libyans—in the purchase of these jets. Only a few days ago, two planes, one

Swiss and the other Austrian, were bombed. It appears that these were the work of Arab terrorists.

Continual actions such as these cannot be allowed to continue. To this end, I have today joined in a request to Secretary of State Rogers requesting a meeting with President Pompidou, so that Members of Congress may tender a declaration to the French leader calling upon him to cancel the sale of the military aircraft to Libya.

I now call upon President Nixon in his talks with President Pompidou to urge, in the strongest terms, that France cancel that sale which further imperils Israel's survival.

In addition, I call upon the administration to respond to the Arab attacks on Israeli-bound aircraft. The bombings last week, if perpetrated by Arab terrorists, are only the latest in a series of similar events. The administration should immediately take the following steps:

First. Bar flights to any Arab nation that does not denounce and dissociate itself from the violent acts of the fedayeen; and

Second. Propose and expedite an international agreement permitting the arming of pilots.

I further call upon the administration to declare that the United States will hold the Arab governments giving succor to the Palestine Liberation Organization, and other fedayeen groups, accountable for the loss of any American lives—a loss which has been suffered three times in the past year, the killing of Mrs. Barbara Ertle yesterday being the latest in this series of atrocities.

When freedom of the skies, and freedom of movement of Americans, become barred by terrorists, the United States must respond.

The past months have seen a tragic escalation in the Mideast conflict. Where the blame is to be laid is clear. The Arab nations continue to espouse a war of attrition, aimed at Israel's destruction. The Soviets support them. And France's action in selling 110 Mirage jets to Libya has not only exacerbated the tense Middle East situation. Inexcusably, it has seriously endangered Israel's survival.

France's action can still be rescinded. President Nixon should strenuously urge this. But whether or not France undertakes to now act responsibly, it is clear that the United States must support a strong and viable Israel, shielded by the armaments she needs to survive. We can settle for no less. We will not settle for any less. Israel's existence is at stake, and U.S. interests require her survival.

THE DEFENSE BUDGET AND PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 10 minutes.

Mr. RHODES. Mr. Speaker, last Friday, Secretary of Defense Melvin Laird presented his Defense report to a joint session of the Senate Armed Services and Appropriations Committees. This report addresses the first Defense budget and

program prepared entirely by the Nixon administration. Mr. Laird carefully summarized the progress realized during 1969 and projected the picture for 1970. It is a most encouraging report.

I feel it would be well for each Member of the House to note some of the facts and observations contained in Mr. Laird's report. Since the Defense program and budget comprises a major portion of our national program, we are obliged to analyze very carefully where we have been and where we are going.

In submitting the fiscal year 1970 Defense budget, it is obvious that Mr. Laird has taken a great step toward the reordering of national priorities—a goal most Americans support. The new Defense budget calls for a lower percentage of the GNP than in any year since before the Korean war. It reflects a reduction of 682,000 in civilian and military manpower during fiscal years 1970 and 1971. It reflects major defense economies through internal reorganization, proposed base closures, and continued disengagement from combat activities.

Mr. Laird has demonstrated unusual leadership in drastically reducing our financial commitment for defense while at the same time assuring an adequate defense posture which reflects changing world conditions. He has properly noted the continued military research and expansion of our adversaries and has attempted to evaluate the types and volumes of defensive manpower and armaments we will need to defend against these military advances.

As we all know, defense is expensive. In this era of rapidly changing state of military technology, it is even more expensive than ever to maintain a modern and effective defensive posture. Mr. Laird's program seems to have effectively meshed the realities of national defense, the need for diversion of national resources from defense to other internal requirements, the determination of the President to scale down our manpower involvement abroad while still upholding our commitments to our allies, and the need to reduce national expenditures in order to curb inflation.

It is significant to note that the proposed Defense budget reflects a decrease during the Nixon administration from 40.6 percent of the Federal budget to only 34.6 percent. This is a decrease of 6 percent. In terms of actual buying power, however, the new budget is a decrease of 16 percent compared to the dollar value of the fiscal year 1969 budget.

I think Mr. Laird and the Nixon administration are to be complimented for this effort to redirect our national resources without impairing our security. I trust that the Defense budget and program will receive a truly objective, bipartisan review when it comes before the House.

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES AND THE QUEST FOR PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from New York (Mr. HALPERN) is recognized for 30 minutes.

Mr. HALPERN. Mr. Speaker, I wish to commend our distinguished colleagues for their bipartisan participation in the dialog today to focus attention, on the eve of French President Pompidou's appearance before the joint meeting of Congress, on American concern over developments in the Middle East.

As Congress prepares to officially greet Georges Pompidou, the architect of France's disastrous new arms policy toward the Middle East, we should bear in mind that his precipitous actions are a serious threat to world peace. The acquisition of these sophisticated French jets by Libya, whose new regime is dedicated to the hard-core Arab bloc, is obviously a vital move toward the paranoic goal of those states determined to destroy Israel. The history of the Middle East has tragically indicated for over 20 years, the Arabs will not rest until Israel is wiped out.

For Israel, with its 2.5 million people, is an island of freedom in the Middle East surrounded by feudal, repressive military dictatorships who, supported by the Soviet Union, have the ability to absorb military punishment. The Israelis cannot afford this luxury. The rumor that has become an obsession for the Arabs is that: "The Arabs can lose any number of wars, the Israelis lose only one."

To think that after Israel has had to fight for its right to survive three times in recent years—1948, 1956, and 1967 and has been subjected to stepped-up warfare along its borders, guerrilla atrocities and ruthless international terrorism almost constantly in the past year.

I have tolerated and encouraged dissent all my life as a healthy development toward creating an open dialog with those who oppose a particular policy— at home or abroad. The audacity of France in sending Libya 108 jetfighters smacks not only of disagreement with U.S. policy toward Israel, it is a calculating, cold-blooded indifference to Israel's security and is a serious blow to world peace.

I believe a vast majority of the American people from north to south, from east to west, whether Republican or Democratic, conservative or liberal, abhor this defiance by the French Government of international propriety as well as France's repeated insults to the United States.

The procrastination of French administrations through the years in meeting its war debt to the United States is a lasting blot on our relations with a country to which we have repeatedly evidenced warm friendship and close cooperation.

The insults of President de Gaulle will long be remembered by the American public. And when the aged President retired and Georges Pompidou was chosen the new head of state, his election was universally hailed as a new era of French leadership for peace and friendship.

This anticipation has now been dashed by the French Government's sale of the 108 jetfighters to Libya. This despite the fact that France welched on its delivery

of jets and other arms contracted with, and paid for, by Israel. The audacity of this is that such sale comes while France is engaged in the four-power talks aimed to recommend a formula to resolve the Middle East crisis.

Since France startled the world with its disclosure that it changed its order to send Libya's revolutionary military chieftain not 50 but 108 Mirage jetfighters, men of decency have asked: Why? Libya has only 13 pilots, no navigators and no ground crews.

It is impossible to accept President Pompidou's answer that the planes are only to be used by Libya, and are not for Egypt or any other Arab State. Who does he think he is kidding? Libya's total Armed Forces number less than the New York City Police Department.

President Pompidou is here for official talks with the administration. Despite the French President's present policy of irresponsibility in the Middle East, I fervently hope that the occasion of his visit will result in a new attitude and proper perspective of the enormity of the damage his policy has caused not only with his relationship with the United States but toward world peace.

I trust that our President will use the occasion of his visit to confront him four-square with the realities of the Middle East situation and will urge Pompidou to join the United States in seeking immediate face-to-face negotiations between the Israeli and the Arab States in the effort to settle the Middle East conflict.

It is in this perilous state of international brinkmanship that France's President has come to visit our country. If it is not clear to President Pompidou, it is clear to us that the Arabs have decided to wage a war of attrition against Israel. The shocking explosion of a Swiss airliner by Arab commandos killing 47 people this weekend, the daring escapades of the Syrian Air Force daring to dart across Haifa's skyline and the steadily mounting Egyptian forays across the Suez Canal are all ominous indications that the Arabs are bent on isolating and wearing down Israel.

The fear is whether these raging airplane, tank, and artillery attacks can be contained because it will not take much to ignite the Middle East fuse, setting off another major conflagration.

This is probably the precise aim of the Soviet Union which has rearmed the Arabs since their defeat in the June 1967 war. Every gesture by the United Nations peacekeeping force and the United States to reduce hostilities and bring both parties to the negotiating table has been refuted because the Russians are not interested in conciliation. Arab nationalism is being conveniently manipulated in the interests of Soviet expansionism.

Perhaps if the Soviet Union did not arm the Arabs, there would not have been a war in 1967. And if Moscow did not nod its approval, the Arabs would not have dared state at their so-called Khartoum summit meeting in August 1967, that their policy toward Israel is "no peace, no negotiations and no recognition."

Is it any wonder then that Israel's

friends are just a little exasperated when some diplomats suggest the Jews would rather exercise their military superiority against the Arabs than negotiate with them? As Israeli Premier Golda Meir has summed it up:

I refuse to play chess with myself.

All questions of borders, access to the Suez Canal, the status of Palestinian refugees and the other explosive matters that must be resolved if the Middle East is to live in tranquility, cannot be negotiated in New York, Washington, or Moscow. The Arabs must agree to sit down with the Israelis in the quest for peace. As Mrs. Meir notes:

There are not negotiating partners.

This was the implication of the U.N. Security Council resolution of November 22, 1967. It called on Israel and the Arab nations to negotiate a resolution of their conflict to secure a genuine peace. It is the Egyptians—tacitly supported by Russia—not the Israelis, who have rejected procedures for negotiation.

It is my fervent hope though that despite the provocation, the guerrilla warfare, and the escalating flow of Soviet and French armaments to the Arabs, there still is time for peace.

But one thing is certain, the Arabs will not drive Israel into the sea and Russia cannot isolate and wear down the Jewish state.

The present administration, as every American administration since 1948, has reiterated its unequivocal loyalty to the security of Israel.

I welcome President Nixon's statement to Prime Minister Golda Meir. It is clear. He affirmed:

The United States stands by its friends. Israel is one of its friends.

And the President has refuted allegations that we will not supply Israel with the necessary arms to maintain its deterrent. The President is expected to shortly announce his decision on how many more weapons America will sell to the Israel Government. As the Arabs escalate hostilities, Mr. Nixon has made it very clear that the United States would weigh Israel requests against Arab threats.

The President says:

We will honor these requests to the extent that we determine that Israel needs additional arms to meet that threat.

Israel wants to purchase 100 additional A-4 Skyhawks and 50 more F-4 Phantom jet bombers.

But these modern, sophisticated planes cost money. I am asking Congress to ease these costs of offsetting the flow of Soviet and French arms to the Arabs by setting up special U.S. financial arrangements for Israel. The beleaguered Jewish state has had to pay hard cash for every plane and arms shipment received from America, although the United States has in the past given military aid to Iraq, Saudi Arabia, and Jordan.

Israel will survive, but the financial drain for its defense is crippling its economy. It is costing \$3 million daily to defend Israel, and Tel Aviv may have

to devalue its currency if the steady drain on Israel foreign currency reserves continues. Last year the small nation's imports cost \$2.1 billion, while exports equalled only \$1.2 billion, creating a whopping imbalance.

Somehow the Israel economy will manage itself—it is part of this tiny state's will to survive that matters of economic development have a way of creating self-sufficiency. But the essence of that will to survive depends more importantly on maintaining Israel's physical security. Dependence on military deterrence is no way for decent people to live. But as long as the Arabs adamantly refuse to resolve their differences with Israel so that all the people of the Middle East can work together to abolish deprivation and want, then the world must know that the United States stands loyal to Israel toward these goals.

Peace is possible and necessary for Israel and the Middle East, but time is working against them. The situation is growing worse each day. The Soviet Union must be made to realize it cannot control the belligerent emotional forces it has loosened in the Arab world. And somehow, the great powers, including France, must realize that in the interests of world peace, they must cease intervening in the Middle East. And the Arab States must realize Israel will not and cannot be destroyed. Then, and only then, will it be possible for them to realize it is in their own best interests to negotiate a just and lasting peace with Israel.

Mrs. HECKLER of Massachusetts, Mr. Speaker, that the Middle East again shudders on the brink of war cannot be complacently accepted. Irrespective of outcome, the brief Israeli-Arab conflicts of 1948 and 1967 were inimical to the cause of world peace.

The deterioration of the situation in the Middle East is all too obvious so that new urgency must be attached to a solution. United Nations Secretary General U Thant has recently warned that strong measures will be needed to avert a catastrophe. The recent threat of more Soviet aid to Arab States, and the proposed sale of military equipment by other countries, adds fuel to a smoldering fire which at any moment could burst forth into a raging holocaust.

To rescue Israel from this dire situation, and to establish a real basis for a peaceable settlement in the Middle East, I believe, urgently requires that the United States undertake new and forceful initiatives. I believe this requires the pursuit of U.S. policies which are based on principle, rather than predicated on fear.

It is commendable that Members of Congress have introduced strong resolutions expressing our concern that there be resolute action by the United States to insure direct negotiations and necessary arms for Israel's defense. I have gladly joined in support of several of these.

I have written the Secretary of State to urge that the United States not deviate from its past allegiance to policies assuring Israel's survival and the direct

negotiations concept, and I was delighted that the President several days later enunciated these as U.S. commitments. But we must now respond to dangerous new developments in the Middle East.

I feel that U.S. initiatives should be chiefly restricted to achieving direct negotiations between the parties and to removing the cold war implications of the Middle East crisis.

The character of the Middle East crisis has increasingly assumed the fearsome countenance of a cold war confrontation since the Soviet Union moved a naval fleet into the Mediterranean and began to compete with the Western powers for the allegiance of Arab nations. A typical balance-of-power struggle has evolved in the Middle East as the United States sent its 6th Fleet to the Mediterranean to offset the Soviet move, as the Soviets sent arms and military advisers to Egypt, as French and British policymakers have countered Soviet political gains by moving from pro-Israel stances to sell or promise military hardware to Arab nations, and as the competing big powers have balanced air strength against air strength—approximately 1,000 Soviet-made planes in Egypt, Syria, and Iraq versus some 200 French and U.S.-built planes in Israel. The United States has promised Phantom Jets to Israel, while France sells jets to Libya which may give them to Egypt. Then the Soviet promise "necessary" help to the Arabs.

I think the unfortunate fact remains that the Soviet can only be deterred by strength, Little Israel, through its military strength and moral strength as a strong and viable democracy, has deterred both Soviet and Arab expansionism and tipped the scale of the balance-of-power contest to the advantage of the United States. Accordingly, it is vital that Israel remain strong and capable of maintaining its security.

The Soviet Union, of course, would prefer an imposed settlement in the Middle East in an effort to legitimize its own Mid-East presence. But there may be better hopes for peace today on the assumption that the Soviets share our own apprehension that the crisis can spark a third world war. It may be wishful thinking, but the possibility should not be overlooked.

Nor should U.S. policy be heavily influenced by the need to protect its oil interests in the Middle East.

In recent years, the United States has received less than 2.5 percent of its total oil supply from the Arab countries, including those of North Africa. Oil income, on the other hand, is a matter of paramount concern to the Arab nations, comprising an estimated 90 percent of foreign exchange receipts for most Arab countries, and a greater part of national income in these countries.

It should not be forgotten that after the six-day war in 1967, when certain oil-producing Arab nations severed diplomatic relations with the United States, they nevertheless continued selling oil to their best customer, the United States. The shoe is on the other foot.

I believe there must be no retreat from

the policy, to which the President committed this Nation in his speech of January 25, 1970, that—

The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them.

The United States must take the lead in securing world pressure for direct negotiations in the Middle East.

In this reference, it must not be forgotten that Israel is the only democracy in the Middle East. She is a model of self-government, whose individual nationhood and right to negotiate on her own behalf should be respected by all powers. Of course Israel realizes that compromises should be made. My point is that she should be allowed to act in her own behalf and make her own compromises.

The reason for direct negotiations was explained by former U.S. Ambassador to the United Nations, Arthur Goldberg, when the U.N. Security Council adopted its November 22, 1967, resolution on proposals to bring about a "just and lasting peace" in the Middle East. He said:

History shows that if boundaries are to be secure, they cannot be . . . imposed from the outside; they must be worked out and recognized by the parties themselves in the process of making peace . . . It was a clear premise of the U.S. vote on the November 22 Resolution that the parties to the conflict must be the parties to the peace . . . It is they who, sooner or later, must make a settlement . . . Other countries can help; but the time when even great nations can impose their will on small ones is long past . . .

"The Resolution is not self-executing . . . it states general principles and envisions "agreement" on specifics; the parties must put flesh on these bare bones . . ."

If the four Powers, either singly or in combination, seek to impose a settlement on the parties, then I fear their efforts will fail. No good can come from any attempt to impose a settlement. On the contrary, much mischief may result from such an enterprise. This is the lesson of the last twenty years, particularly of the Suez crisis in 1956-57 when our country took the lead in imposing a settlement. We were singularly unsuccessful in achieving the just and permanent peace we sought, and even the make-shift arrangements of 1957 fell apart in May 1967.

In his recent report to the Congress, President Nixon declared:

The policy of this Administration is to help strengthen the freedom of other nations to determine their own futures.

The cold war must be scaled down, and no cold war power should develop the peace plan.

If other neutral and uninvolved nations such as Iran, Turkey or India can usefully participate as mediators in the negotiation process, and are acceptable to the negotiating parties, then I think this should be considered. But the parties to the dispute, and they alone, should be permitted to develop the terms for compromise upon which a peace settlement in the Middle East will stand.

Any "even-handed" U.S. policy toward the Middle East must certainly nurture friendship and cooperation with those Arab nations which wish to reciprocate the friendship and live in peace. Building an economically strong and stable

Middle East will insure that peace. But it must never be forgotten that Israel, to whom we have had long ties of friendship, respect and love that have deep roots here in the United States, has proven its worthiness to stand at our right hand.

In this spirit, I applaud the President's strong pronouncement of January 25 that—

The United States stands by its friends. Israel is one of its friends.

I applaud his commitment in that speech to direct negotiations and to arms for Israel which will permit it to defend the safety of its people.

The President has also declared that the objective of the United States is that of "helping the people of the Middle East build a peaceful and productive future." I believe we all share this goal, and that our full efforts must be directed to its achievement.

But peace in the Middle East will never be achieved without full recognition of the nationhood and integrity of the State of Israel. This must be the key concern in our future endeavors.

GENERAL LEAVE TO EXTEND

Mr. HALPERN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

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

There was no objection.

THE GATES COMMISSION REPORT ON AN ALL-VOLUNTEER ARMED FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, on March 27, 1969, President Nixon created an Advisory Commission to develop "a comprehensive plan for eliminating conscription and moving toward an all-volunteer Armed Force." The Commission was chaired by former Secretary of Defense Thomas Gates, and its members represent a wide cross section of age, race, sex, religion, political affiliation, and occupation.

Thomas Curtis, our former colleague; Frederick Dent, president of Mayfair Mills; Milton Friedman, professor of economics at the University of Chicago; Crawford Greenewalt, chairman, finance committee, E. I. du Pont de Nemours & Co.; Alan Greenspan, chairman of the board, Townsend-Greenspan & Co.; Alfred Gruenther, former Supreme Allied Commander, Europe; Stephen Herbits, Georgetown University law student; Rev. Theodore Hesburgh, president of Notre Dame; Jerome Holland, president, Hampton Institute; John Kemper, headmaster, Phillips Academy; Jeanne Noble, vice president, National Council of Negro Women; Lauris Norstad, former Supreme Allied Commander, Europe; W. Allen Wallis, president, University of

Rochester, and Roy Wilkins, executive director, NAACP, made up the Commission membership.

The Commission submitted its report and recommendations to the President on February 21.

I strongly urge my colleagues to read the report in its entirety. It will be available from the Superintendent of Documents at \$1.25 per copy, but I feel it is extremely important that it receive each Member's personal attention, and thus I plan to place the complete report into the RECORD over the next several days.

Today I include chapter I which sums up the critical questions about the feasibility of a volunteer army:

PROTECTING THE FREE SOCIETY

Since the founding of the Republic, a primary task of the Government of the United States has been to provide for the common defense of a society established to secure the blessings of liberty and justice. Without endangering the nation's security, the means of defense should support the aims of the society.

The armed forces today play an honorable and important part in promoting the nation's security, as they have since our freedoms were won on the battlefield at Yorktown. A fundamental consideration that has guided this commission is the need to maintain and improve the effectiveness, dignity and status of the armed forces so they may continue to play their proper role.

The commission has not attempted to judge the size of the armed forces the nation requires. Instead, it has accepted a range of estimates made for planning purposes which anticipate maintaining a total force in the future somewhere between two million and three million men.

VOLUNTEER FORCE URGED

We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction, and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed forces.

The United States has relied throughout history on a voluntary armed force except during major wars and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote efficiency of the armed forces and enhance their dignity. It is the system for maintaining standing forces that minimize Government interference with the freedom of the individual to determine his own life in accord with his values.

The commission bases its judgments on long-range considerations of what method of recruiting manpower will strengthen our society's foundations. The commission's members have reached agreement on their recommendations only as the result of prolonged study and searching debate, and in spite of initial division.

We are, of course, fully aware of the current and frequently emotional public debate on national priorities, foreign policy, and the military, but are agreed that such issues stand apart from the question of when and how to end conscription.

RECRUITMENT PROBLEM

To judge the feasibility of an all-volunteer force, it is important to grasp the dimensions of the recruitment problem in the next decade.

If conscription is continued, a stable mid-range force of 2.5 million men (slightly

smaller than pre-Vietnam) will require 440,000 new enlisted men per year. To maintain a fully voluntary stable force of the same effective strength, taking into account lower personnel turnover, we estimate that not more than 325,000 men will have to be enlisted annually.

In recent years, about 500,000 men a year have volunteered only because of the threat of the draft, the best estimates are that at least half—250,000 men—are "true volunteers." Such men would have volunteered even if there had been no draft, and they did volunteer in spite of an entry pay that is roughly 60 per cent of the amount that men of their age, education, and training could earn in civilian life.

The often ignored fact, therefore, is that our present armed forces are made up predominantly of volunteers. All of those men who have more than four years of service—8 per cent of the total—are true volunteers; and so are at least a third of those with fewer than four years of service.

The return to voluntary means of raising and maintaining our armed forces should be seen in this perspective. With true volunteers now providing some 250,000 enlisted men annually, a fully volunteer force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year from the 1.5 million men who will annually turn 19 and who will meet the physical, moral and mental requirements.

A voluntary force of 3 million men would require 400,000 enlistments each year, or 150,000 additional volunteers from the 1.5 million eligible 19-year olds. Smaller forces would require fewer than 75,000 additional volunteers annually. Reasonable improvements in pay and benefits in the early years of service should increase the number of volunteers by these amounts.

EQUALITY IN PAY SOUGHT

In any event, such improvements are called for on the ground of equality alone. Because conscription has been used to provide raw recruits, the pay of men entering the services has been kept at a very low level.

It has not risen nearly as rapidly as the pay of experienced military personnel, and it is now about 60 per cent of comparable civilian pay. Similarly, the pay of first-term officers has not been kept in line with the pay of more experienced officers, or with comparable civilians.

Correcting this inequity for first-term enlisted men and first-term officers will add about \$2.7-billion to the defense budget in fiscal 1971. Regardless of the fate of the draft, the commission strongly recommends elimination of this discrimination against first-termers.

If the commission's recommendations are put into effect for fiscal 1971, they will entail a budget increase of an estimated \$3.3-billion for the following expenditures:

[In billions]

Basic pay increase.....	\$2.68
Proficiency pay.....	.21
Reserve pay increase.....	.15
Additional Medical Corps expense.....	.12
Recruiting ROTC and miscellaneous.....	.08
Total	\$3.24

The additional proficiency pay is required to attract individuals in the first term with special skills and talents. The additional Reserve pay extends the increase in pay provided for the active-duty forces to the Reserves, and is called for as a step toward a voluntary Reserve.

CHANGES IN MEDICAL CORPS

The additional outlay for a voluntary Medical Corps is for increased pay to medical officers, for medical student fellowships,

and, where possible, for contracting with civilian physicians to provide medical services now rendered by military physicians.

Because most of this budget increase takes the form of personal income . . . \$540-million of it will be recovered by the Treasury in Federal income tax collections. The net increase in the budget in fiscal 1971, after taking these tax collections into account, will be \$2.7-billion.

The commission recommends that these additional funds be provided effective July 1, 1970. We believe, on the basis of our study, that the increased pay and other recommended improvements in personnel management will provide enough additional volunteers during the transition to achieve an all-volunteer force by July 1, 1971.

When force levels are stabilized, the additional expenditures needed in the transition to a voluntary force will be partly offset by savings engendered through lower turnover and a reduction in the number of persons in training status.

BUDGET ESTIMATES

Combining the expenditures to eliminate the present inequity for first-termers and other steps necessary to move to an all-volunteer force with the savings that will accrue, the commission estimates that the added budget required to maintain a fully voluntary force on a stable, continuing basis is: \$1.5-billion for a 2-million-man force; \$2.1-billion for a 2.5-million-man force; \$4.6- * * * force.

These are net amounts, reflecting the personal income tax collections that would be recovered.

Although the budgetary expense of a volunteer armed force will be higher than for the present mixed force of volunteers and conscripts, the actual cost will be lower. This seemingly paradoxical statement is true because many of the costs of manning our armed forces today are hidden and are not reflected in the budget.

Men who are forced to serve in the military at artificially low pay are actually paying a form of tax which subsidizes those in society who do not serve. Furthermore, the output of the civilian economy is reduced because more men serve in the military than would be required for an all-volunteer force of the same strength.

This cost does not show up in the budget. Neither does the loss in output resulting from the disruption in the lives of young men who do not serve. Neither do the costs borne by those men who serve, but who rearrange possibility of being drafted. Taking these hidden and neglected costs into account, the actual cost to the nation of an all-volunteer force will be lower than the cost of the present force.

ROLE OF RESERVES

The commission has attempted to allow for the uncertainties of the future. In the event of a national emergency requiring a rapid increase in the number of men under arms, the first recourse should be to Ready Reserves, including the National Guard. Like the active their lives in response to the duty forces, these Reserves can and should be recruited on a voluntary basis.

Whatever advantages may be claimed for it, conscription cannot provide emergency forces; it takes many months of training for civilians to become soldiers. However, to provide for the possibility of an emergency requiring a major increase in forces over an extended period, we recommend that machinery be created for a standby draft, to take effect by act of Congress upon the recommendation of the President.

The draft has been an accepted feature of American life for a generation, and its elimination will represent still another major change in a society much buffeted by change and alarmed by violent attacks on the established order. Yet the status quo can be

changed constructively, and the society improved peacefully, by responsible and responsive government.

DRAFT CALL COSTLY

It is in this spirit that the commission has deliberated and arrived at its * * * conscription may have been in World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable and divisive procedure for recruiting men for the armed forces.

It has imposed heavy burdens on a small minority of young men while easing slightly the tax burden on the rest of us. It has introduced needless uncertainty into the lives of all our young men.

It has burdened draft boards with painful decisions about who shall be compelled to serve and who shall be deferred. It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enables a free society to exist.

These costs of conscription would have to be borne if they were a necessary price for defending our peace and security. They are intolerable when there is an alternative consistent with our basic national values.

STEPS ARE LISTED

The alternative is an all-volunteer force, and the commission recommends these steps toward it:

1. Raise the average level of basic pay for military personnel in the first two years of service from \$180 a month to \$315 a month, the increase to become effective on July 1, 1970. This involves an increase in total compensation (including the value of food, lodging, clothing and fringe benefits) from \$301 a month to \$437 a month. The basic pay of officers in the first two years should be raised from an average of \$428 a month to \$578 a month, and their total compensation from \$717 a month to \$869 a month.

2. Make comprehensive improvements in conditions of military service and in recruiting as set forth elsewhere in the report.

3. Establish a stand-by draft system by June 30, 1971, to be activated by joint resolution.

YEAR-ROUND DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, the idea of year-round daylight saving time is attracting considerable attention around the country, principally because of growing public apprehension about walking the streets of our crime-infested cities after dark.

Crime statistics clearly show that the incidence of street robberies and muggings increases significantly after dark. In Washington, D.C., for example, the peak hours for street crimes in July are 8 to 10 p.m. In October, as darkness comes earlier, the peak hours move forward to 7 to 8 p.m. And in December, the hours are 5 to 6 p.m.

This verifies the opinion of most law enforcement officers that criminals wait until dark to attack people on the streets. During the winter months, millions of Americans must leave their offices and travel home after dark. Unfortunately, many of these—particularly women—will be victims of attack—crimes which might be avoided if they could reach home at an earlier hour.

If daylight saving time were in effect on a year-round basis, instead of just

during the April through October period, the great bulk of our urban workers and shoppers could be safely home before full darkness sets in. In mid-December, for example, sunset would be postponed from 5 until about 6 p.m.

Today, I am introducing for myself and 10 colleagues a bill directing the Secretary of Transportation to conduct a 3-month study of the desirability and feasibility of year-round daylight saving time. If that study indicates the concept is attractive, the bill would permit the Secretary to institute a 2-year trial period of year-round daylight time.

Great Britain is now in the second winter of a 3-year experiment with year-round daylight time. One of the principal objectives of the study proposed in this bill would be to gain detailed information on the British experience to date.

Joining me in cosponsoring this measure are Mr. CLEVELAND, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GUDE, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. OTTINGER, Mr. PETTIS, Mr. WHITEHURST, and Mr. HALPERN.

There are other advantages to year-round daylight saving time which need examination. Among these would be increased traffic safety as a result of having the peak evening traffic hours during daylight rather than after dark. There also would be social benefits to the public in terms of more leisure time for families during daylight hours, and more after-school playtime for children. Winter daylight time also would eliminate the nationwide confusion and expense which surround the twice yearly readjustment of communications and transportation schedules.

We believe that this concept is worthy of a detailed study and hopefully trial period.

HOUSE CONCURRENT RESOLUTION 485

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 20 minutes.

Mr. HOGAN. Mr. Speaker, since its birth almost 22 years ago, Israel and America have been the closest friends and allies. Setting aside our longstanding friendship with this small, but hardy, outpost of democracy, we must keep in mind that Israel is America's most valuable asset in the Middle East, consistently withstanding Soviet and Communist efforts for domination. Bearing both thoughts in mind, I have become increasingly concerned over the recent trend of events in the Middle East, the possible change of policy of our Government toward Israel, and the effect it may have on the future of this ally.

Following Israel's birthday last spring, I was happy to be among the majority of the Members of the House of Representatives supporting a "declaration for peace in the Middle East," which affirmed the support of those Members for direct face-to-face negotiations between the Arab States and Israel as the only way by which a true lasting peace can be achieved in the Middle East, and ex-

pressed our opposition to "any attempt by outside powers to impose halfway measures not conducive to a permanent peace." That declaration went on to read:

To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

After the statement by Secretary of State Rogers on December 9, 1969, in which our administration's policies appeared to be wavering from our position of noninterference and direct negotiations, and went so far as to suggest areas of settlement, I felt compelled to join with colleagues in sponsoring the following resolution:

H. CON. RES. 485

Whereas deep concern has been aroused by the statement of the Secretary of State of the United States of December 9 making certain proposals for peace in the Middle East between the State of Israel and the Arab States; and

Whereas such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

Also, on January 29, 1970, I signed a declaration in support of direct, unhampered negotiations, which further expressed my sentiments that "It is not in the best interests of the United States or in the service of world peace to create the impression that Israel will be left defenseless in the face of the continuing flow of sophisticated offensive armaments to the Arab nations" and adhering to the principle that the strength of Israel must not be impaired.

The recent sale of over 100 jet fighters by France to Libya, following France's refusal to deliver jets to Israel after receiving payments, should certainly make it clear to all of us that America may be the only nation Israel can look to for assistance in her effort to remain an independent and democratic nation.

With further deterioration of the situation, particularly the latest terroristic tactics of Arab forces in sabotaging airliners carrying passengers, including Americans, bound for Israel, Israel is, today, very much in need of and deserves America's reassurance that we will stand beside her.

Therefore, I strongly urge the President to take positive and immediate steps to provide Israel with the assistance she needs, material and otherwise, to keep the spirit of democracy alive in that part of the world.

CXVI—290—Part 4

PANEL OPPOSES TIMBER SUPPLY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today, a distinguished panel of environmental experts issued a thoughtful statement in opposition to the Timber Supply Act which this House will consider on Thursday, February 26, 1970. The panel includes:

Prof. Stuart Udall, visiting professor, Yale School of Forestry.

Mr. Julien McCaull, program coordinator, Center for Biology of Natural Systems, Washington University, St. Louis, Mo.

Prof. Paul Ehrlich, professor of biology, Stanford University.

Mr. Eugene P. Odum, director, Institute of Ecology, Alumni Foundation, University of Georgia.

Prof. Donald Aitken, professor of physics, Stanford University.

Prof. John Hewlett, associate professor of forestry, University of Georgia.

Prof. Kenneth Watt, professor of ecology, University of California at Davis.

Prof. E. W. Pfeifer, professor of plant physiology, University of Montana.

Prof. Douglas Chapman, director for Quantitative Science in Forestry, Fishery, and Wildlife, University of Washington.

Prof. Richard Gale, vice chairman, environmental specialist, department of sociology, University of Oregon.

Prof. Richard Sill, associate professor of physics, University of Nevada.

The panel stated that we shall pay the dear price of environmental degradation if we acquiesce in the improvidence of those who manifest little concern for our national forests.

Their statement is as follows:

This week Congress shall consider H.R. 12025, the Timber Supply Act, a bill which gravely threatens the preservation of a most precious national treasure—our national forests and wilderness areas.

The bill requires all receipts from the sale of National Forest Timber to be deposited in a special High Yield Timber fund, the proceeds of which may be used solely to increase logging in the National Forests. The desire to increase National Forest timber production is bought at a high price. Specifically:

(1) The bill is in flagrant violation of the Multiple Use Sustained Yield Act of 1960 (16 U.S.C., 528-531) which wisely provided that the National Forests serve equally as areas of outdoor recreation, range lands, timber growth, watershed, and wildlife and fish conservation. Supporters of the bill estimate that in 1970, \$229 million would be fed into the High Yield Timber Fund, a figure which represents 62% of the total Forest Service budget estimate of \$372 million. Thus only 38% of the Forestry Service budget would be available for the four other purposes which Congress designated the National Forests to serve.

(2) The bill represents a dangerous threat to some of our most scenic wilderness areas. It defines as "commercial forest land" (Section 3) *de facto* wilderness areas hitherto protected by their inaccessibility. The Secretary of Agriculture is directed to develop these lands into "optimum timber productivity" (Section 7).

(3) Intensive forestry to be practiced in all areas designated as commercial forest lands threatens irreparable ecological damage. The harvesting of timber for short-run maximum yield may well add another disgraceful chapter in this country's history of exploiting its natural resources.

The High Yield Timber Fund purports to solve a national timber shortage crisis. The bare facts are that no timber shortage exists at the present time. Although fears of such a shortage were raised during the first 6 months of 1969, when timber prices rose precipitously, the rise in prices was never traced to a timber shortage. Current prices are normalized at 1968 levels. Fears that high timber prices will handicap the nation's housing program are unwarranted. The highest costs of housing are tight money and labor. Lumber constitutes less than 10% of the costs of the mass-produced, multi-unit dwellings on which the present administration proposes to concentrate its efforts to solve the housing shortage.

The Timber Supply Act sacrifices the environmental quality of an area equal to approximately 10% of the surface area of the United States in return for supposed "economic benefits." Painfully, we have borne witness to these "economic benefits" on the tarnished faces of our cities, on the fouled sands of our beaches, in our polluted rivers and streams, and in the air we must breathe. *An area in our National Forest the size of the entire state of New Jersey remains in a state of deforestation.* With every passing year, this denuded land becomes increasingly difficult to salvage; yet the present bill, by diverting funds to commercial logging, may well seal its fate.

As the President recently stated in his State of the Union Message, "The answer is not to abandon growth, but to redirect it." Thus, while we realize the economic necessity of sustained timber production, we insist that these economic goals are not incompatible with environmental quality. Incumbent upon us is a long term National Forest timber policy consonant with the Multiple Use Act that provides both for the timber needs of the nation and the preservation of our National Forests. The Timber Supply Act provides neither. Should we acquiesce to the improvidence of those who manifest little concern for our National Forests, we shall pay the dear price of environmental degradation.

Mr. VANIK. Mr. Speaker, I further wish to insert in the RECORD at this point a splendid analysis of H.R. 12025 which was competently prepared by the Yale Legislative Services of the Yale Law School.

This document is but one of many which the Yale Legislative Services has prepared to assist legislators on every level of government better deal with the complicated issues which daily confront them. These knowledgeable and competent young men and women demonstrate clearly the opportunities which exist today for meaningful contribution to the governmental process here in Washington and in every State house and city hall. In many cases, this group of men and women has provided the very best evidence required by any fair-minded legislator, to assist in formulating his judgment upon a particular piece of legislation. This example of their work provides to every Member of this House ample material upon which to base his judgment when the debate and vote occurs on Thursday of this week.

The Yale Legislative Services study of H.R. 12025 is as follows:

ANALYSIS OF H.R. 12025, S. 1832

This bill appears to involve the conflicting interests of protecting the National Forests and of providing adequate supplies of materials for the housing industry and other users of wood. The bill therefore may appear to present the dilemma of having to choose between legitimate and unreconcilable public interests. This is, however, a false dilemma, for future lumber needs can be provided without damaging the National Forests in the ways this bill would.

I. THE BILL

The object of this bill is to increase the harvest of timber from the National Forests; its main provisions are as follows:

It establishes a High Yield Timber Fund into which will be paid all receipts (save those already committed elsewhere) from sales of timber on the national forest. (est. 229 m in 1970)

Money from the fund will be used to increase the yield of the National Forests through "intensive forestry practices" which are detailed in the bill.

The money is to be spent on "commercial forest lands". "Commercial forest lands" are defined by the bill to be all those lands not currently withdrawn from lumber use by statute or administrative order.

The Secretary of Agriculture is directed to revise the allowable cut (the quantity of timber allowed to be harvested each year from the National Forests) to take into account the increased timber yields expected from application of the measures authorized by the bill.

Money spent under the bill is to be spent subject to and in conformity with the provisions of the Multiple Use Act.

II. THE ARGUMENTS FOR THE BILL

A. Price increases

The original impetus for this bill was the sudden rise in the price of lumber in early 1969 by levels of 15% to 75% depending upon the kind of lumber.¹ The two principal groups which claimed to be injured were: (1) the users of wood products such as the construction industry, and particularly the home-builders; (2) the timber companies, who complained of various dislocations connected with the price increases. These included lack of adequate supplies of timber and excessive mid prices at federal timber sales.

The bill rests on the presumption that a principal cause of the price rise was a shortage of timber available for cutting.² This presumption is subject to major qualification which the supporters of the bill conceded. It was admitted at the hearings on the bill and elsewhere that a number of factors coincided to contribute to the price increases: extended bad weather which impeded logging, a boxcar shortage which prevented supplies from reaching markets, a temporarily low capacity of producers to process timber (attributable to an earlier industrial recession which forced out many smaller producers), increased exports, and other factors.³ Witnesses were unable to evaluate the relative effects of each of these admittedly important causes.

However, in the past nine months lumber prices have fallen nearly as far and as fast as they rose. At the end of 1969 the prices were at or near their 1968 levels.⁴ The fall in prices is attributed to the measures which were taken to cure the short-term causes of the price rise, and also to a decline in construction attributed to the credit squeeze.⁵

B. Long-term timber prospects

Much of the testimony before the House and Senate Committees on this bill concerned the long-term prospects for the supply and demand of timber. The significance

of these estimates, vague as they were, is that with the funding which this bill seeks to provide, the National Forests will only be able to provide approximately half of the projected increase in demand. In 1968 the United States domestic economy used 40.9 billion board feet (BBF),⁶ which was met by a supply of 37.0 BBF from domestic production and a 3.9 BBF excess of imports over exports.⁷ Different witnesses made different estimates about timber needs in the future. The Forest Service estimates that demand will increase close to 50% by 1985 and nearly double by the year 2000.⁸ This is a level of increase between 17 to 20 BBF feet by 1985 and close to 40 BBF by the year 2000. The largest part of the predicted increase in demand is based on the assumption that new housing construction will double to meet the goals of the 1968 Housing Act, vastly increasing timber demand. While the Chief of the Forest Service in his testimony avoided making a clear cut prediction of the effect of the bill's funding, he estimated a maximum of increased production eventually resulting from the bill of 5.8 BBF.⁹ In addition the bill might make possible salvage of up to 5 BBF annually of fallen or diseased timber, according to other Forest Service testimony.¹⁰ This means an eventual maximum increased production, if all goes well, of 10.8 BBF, a level double that of the present production levels within the National Forests. Put against a projected 17 to 20 BBF of need it is clear that this bill, even if it is optionally successful, would not bring about attainment of projected future timber demands.

As seen from above, the bill is based on an assumption that major increases in the rate of housing construction will vastly increase demands for timber. As has been shown, even if that assumption is true, it is doubtful that the bill will meet the stated need. But it is also highly doubtful that this major increase in demand will materialize. While the nation's critical need for more housing cannot be doubted, the level of building that supporters of the bill based their projected demand on (2.6 million new units a year) has never been approached in this country. Failure to attain it in the future could easily result from all sorts of reasons having little or nothing to do with materials shortages, lack of skilled construction labor, site and design problems, and most crucially, lack of adequate construction credit, the culprit in the present housing construction squeeze.

Moreover, there is some question that even if this level of construction is met it would result in that significant an increase in total consumption of wood products. For the past seventy years, the total annual consumption of timber has been almost static: in 1967 it was two BBF less than in 1900.¹¹ Further, Housing and Urban Development is committed to a program of changing over housing construction techniques to mass production and pre-fabrication and much of the need for new housing is for multi-unit, not single family dwellings. Mass produced and multi-unit dwellings utilize less than half as much timber as single family houses.¹² Considerable opportunities exist for eliminating waste of wood in both the logging and the construction industries and it is technologically possible to make use of parts of trees such as crowns and limbs which are now discarded.¹³ It is also argued by opponents of the bill that it is possible to use metal and other wood substitutes in place of wood in housing construction. That particular argument, however, is less compelling, wood is a renewable product while metals and other substitutes generally are not, making wood an ecologically preferable material for construction assuming that it is readily available.

In general what this analysis shows is that the demand for timber projected by the housing and timber industries has been

created by using the worst possible set of assumptions; that is, that there will be no change in construction techniques and that the nation will construct housing at an annual rate of 2.6 million units through 1980. A more realistic set of assumptions as to levels of housing construction and future building techniques would undoubtedly show a much less pressing future timber demand and a much less pressing need for the bill that need supposedly demands.

III. THE NATIONAL FORESTS

A. Introduction

There are, however, some real needs for investment in the national forests. At the same time, however, there are major environmental dangers to be guarded against, particularly the environmental consequences of this bill. To understand both, some background is necessary.

B. Background

The Forest Service, of the Department of Agriculture, administers 183 million acres of publicly-owned National Forest lands in the United States.¹⁴ 97 million acres are considered potential commercial forests and the remainder is unavailable for timber harvesting mainly because of the inability of the land to produce commercially usable timber. While these 97 million acres are 19% of the nation's total commercial forest land, they provided approximately 30% of its domestic timber production in 1968.¹⁵

The Multiple Use—Sustained Yield Act of 1960 (16 USC 528-531) is the key statute governing the administration of National Forest lands. It names five uses which the National Forests are to serve—outdoor recreation, range, timber, watershed, and wildlife and fish—none of which are to be accorded preference over another. The Act also requires the harvest of timber from the National Forests to be on a sustained—yield basis—meaning roughly that it may not be cut at a faster rate than it is replaced. The Forest Service procedure for selling National Forest timber is first to determine what timber may be cut and then to establish a minimum bid and offer it for sale at auction.

C. Timber production in the national forests

Witnesses at the hearings criticized the Forest Service as inefficient because its commercial timber harvest is proportionately less than on the lands of private timber companies.¹⁷ This inefficiency is attributed in part to the failure of Congress to provide sufficient funds to make the necessary investments—road building, thinning and pruning, etc.—to increase timber production.¹⁸ Admittedly, timber production in the National Forests could have been greater with larger Congressional appropriations for just that purpose. But timber productivity is only one of five equally important purposes under the Multiple Use Act which the National Forests must serve. It is inappropriate to compare the Forest Service, under the express duty to provide necessary recreation, watershed, wildlife and grazing uses all of which may be contrary to timber productivity with private timber companies whose primary purpose is to maximize lumber production. The Multiple Use Act specifically states that its object is "... not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."¹⁹ While the Forest Service may preserve a stand of timber to provide a wildlife habitat a private timber company will cut the stand to increase timber productivity.

A second reason for lower Forest Service timber productivity is that much National Forest land is in low productivity areas such as high-altitude locations which private companies would not purchase.²⁰

D. Actual forest service needs

Nevertheless the lack of funds has handicapped the Forest Service in optimally man-

Footnotes at end of article.

aging the National Forests. The Forest Service estimates that it has a backlog of unfinanced investment opportunities of \$866 million in timber stand improvements which would yield a very favorable rate of return.²¹ There are two main needs here, the need to reforest millions of acres currently unreforested or unsatisfactorily stocked and the need to carry out thinning and pruning to improve site quality. The need for and the desirability of these two steps, assuming they were not used as a justification for increasing the allowable cut, was unchallenged in the hearings.

IV. WHY THE BILL SHOULD BE DEFEATED

A. The threat to multiple-use

The principal fault of the bill is that it is destructive of the multiple-use concept for the National Forests. In fact, some of the witnesses who favored this bill objected to the Multiple Use Act and urged that the National Forests be managed mainly for timber production.²² Although the bill was worded to require that measures taken under the Act be in conformity with the Multiple Use Act the bill is still *hostile* to the Multiple Use concept in several important ways: (1) By segregating 61.5% of the Forest Services estimated budget for the exclusive use of only one of the five values, leaving the remaining 38.5% to the other four, the bill gives timber sales a large actual priority over the four other purposes combined. (1970 budget estimates for the Forest Service programs in the national forests totaled \$372 million²³ while estimated income to the high yield timber fund is \$229 million.²⁴ Thus the 61.5%.) The Secretary of Agriculture stated in a letter to the House Agriculture Committee that if funds were earmarked in this manner for a specific purpose there could be difficulty in financing the other programs for outdoor recreation, wildlife, forage and water production.²⁵ While some supporters of the bill expressed the hope that the segregated funds would be in addition to normal Forest Service appropriations²⁶ this position is at best a pious hope. It is impossible to believe that in this year of tight inflation, anyone is seriously contemplating an increase in the total appropriation to the Forest Service of \$229 million or anywhere near that amount. Consequently, if the timber fund does lead to a major increase in monies devoted to intensive forestry purposes, it will have done so by reducing funds available to the Forest Service to spend on other purposes. (2) The bill, by enacting a special financing mechanism for promoting timber production, is in effect a statement by Congress that as a matter of policy timber production is a favored value. (3) The bill puts enormous pressure on the Forest Service to increase timber production. These pressures cannot avoid making it very difficult for the Forest Service to rationally and impartially consider the claims or increased timber production versus other multiple use values. The bill puts these pressures on in two ways: first, by the direct command to revise the allowable rate of harvest to take account of *increased yields* resulting from implementation of the bill.

Second, and more importantly, funding for the Forest Service is now directly tied to the amount cut so that *the more that is cut the more money the Forest Service receives*. The best intentions in the world cannot be relied on to protect against such a clear temptation to bureaucratic aggrandizement. The Forest Service has a large backlog of extremely worthwhile projects demanding funding. They would be solely tempted to take advantage of such a built-in funding mechanism, particularly when Congress had given such clear approval to more cutting. With such pressures it would not be

at all surprising if multiple use values were gradually lost sight of over time, and increasing budget needs.

B. The threat to wilderness areas

The bill would probably lead to the destruction of certain areas, whose recreational and other values are more important than the timber which could be harvested from them. These are the areas termed by the Sierra club de facto wilderness areas because like those areas formally designated as wilderness they are virgin timber land that has remained roadless. However, since the bill defines all lands not already receiving some official protection as commercial timber lands these lands would now be open to exploitation for timber purposes and in fact the Forest Service would be required to do so. This would mean that old growth, which has stabilized and is not adding anything to the timber supply should be cut so that seedlings could be planted whose annual growth would add each year to the timber supply. Such a step would obviously destroy the enormous recreational and scenic values of these areas for almost no purpose. The thirteen areas specified by witnesses as most in need of protection²⁷ contain *only 1%* of the total timber in the national forests and they are not particularly appropriate for timber production because of their relatively high altitudes, fragile soils, and slow growth, while cutting may seriously diminish the watershed values of an area and bring about soil erosion.²⁸ Although theoretically such areas could still be brought under official wilderness designation such a procedure is time-consuming and may well be accomplished too late, if at all, given the pressures to cut this bill creates. It is not necessarily advocated in this paper that such scenic areas be automatically preserved and that all of them do so, but they should have their merits carefully considered. They should not be destroyed because of a shotgun definition of what is commercial timberland.

C. The threat to the forest ecology

The bill may result in practices which are ecologically unsound. Those who supported the bill indicate that the Forest Service would be expected to practice "intensive forestry", as do private timber companies. Intensive forestry would probably lead to short-run increases in the production of timber but at a very possible cost of doing serious harm to the forest environment: (1) the bill authorizes the use of fertilizers which, washed into streams, would pollute hitherto clear waters.²⁹ (2) Intensive Forestry may lead to more clear cutting reducing the watershed capability of the National Forests and leading to erosion of shallow mountain soils. (3) It may lead to replacing diversified forests with single-species, uniform age forests which are more vulnerable to disease.³⁰ By emphasizing intensive forestry and increased lumber production the supporters of the bill have deemphasized careful conservation of harmful side effects at a time when the dangers from singlemindedly exploiting the environment have become even more clear.

D. Inadequate reforestation

The bill does not provide adequately for reforestation. There is a backlog of 4,750,000 acres, 5% of the commercial land in the National Forests, in need of reforesting.³¹ These lands were either acquired in a deforested condition, destroyed by fire or disease, or cut before current programs for reforesting the lands cut in each current year were put into effect.

The bill does list reforestation as one of the activities funds under the bill will be spent for. To some extent, therefore, the bill, in promoting reforestation, promotes all the values of the Multiple Use Act, save possibly grazing. However, the bill's concentration on increased timber production limits the im-

port of reforestation in two ways: (1) Reforestation is only one of many purposes for which the bill provides money and the others are all directed to increased commercial sales of timber. The Forest Service itself specifically acknowledges that its primary concern is with timber improvement for commercial purposes rather than reforestation.³² (2) Money is made available under the bill for reforesting only "better site lands", lands whose timber would yield the highest case return. The bill does not provide for reforesting a denuded area which might be necessary for watershed or wildlife protection but which would not give the highest cash return on planted timber.

V. WHAT SHOULD BE DONE

A. Develop a True Management Plan for all the Nation's Forest Lands

Even if the bill were to be adopted the National Forests could not be expected to furnish as much as half of the demand for timber projected by the bill's supporters, if sound conservation was practiced it could very probably be less. With the private timber companies claiming to be at or near their maximum productivity the key to the situation is in the 59% of the nation's forest land which is in the hands of 3,000,000 small private owners. These lands are the least efficiently managed and are capable of providing greatly increased supplies of timber.³⁴ The Administration is conducting a study of methods to increase timber production on *all lands* including these small private tracts. In a letter to the House Committee³⁵ Secretary of Agriculture Hardin urged the Bureau of Budget position that the House postpone any action on the bill until the study was complete. This report recommends rejecting the present bill, waiting for the results of that study and then developing a program for overall management of the nation's forest resources, particularly the small holdings, that would increase timber production on all available lands to the maximum possible *consistent with complete protection for all environmental values*.

B. Reforestation

While the proposed bill should be rejected there are real needs for investment in forestry. The chief of these is to clear up the enormous backlog of land that needs reforestation. There may be some fear on the part of conservation motivated opponents of the present bill that to spend any new money on any Forest Service activity would be used as an excuse to bring about more timber cutting. Such fears could be dealt with by a properly worded bill. What is required is an allocation to the Forest Service over the next few years of the money it needs to clear up the backlog of reforestation. Such a program could begin at low levels of funding in the next year or two to allow for startup time and the necessity in the coming year to hold the budget line for anti-inflation reasons. This program, which could be called an emergency reforestation program could be expected, within six to eight years, to eliminate the backlog, thus markedly improving the quality of the National Forests to the benefit of all users.

VI. CONCLUSION

The proposed legislation is unsound and should be defeated. Whatever the motives of its sponsors its result would be the management of the National Forests for the primary purpose of timber production, in disregard of the Multiple Use Act. Such management could be expected to lead to the destruction of areas of major scenic and recreational importance, to the introduction of ecologically unsound forestry practices and the neglect of major areas of investment need in the forest system simply because it is not commercially sound to do so. For these reasons the attempt to use the National Forest system as

Footnotes at end of article.

the sole source for increased timber production must be resisted.

DISCLAIMER

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FOOTNOTES

¹ Senate Committee on Banking and Currency, *Effect of Lumber Prices and Shortages on the Nation's Goals*, Sen. Doc. No. 27, 91st Cong., 1st Sess., 10 (1969). [hereinafter cited as 1969 Senate Report].

² *Id.* at 9.

³ H.R. Report to 655, 91st Cong., 1st Sess. 5 (1969) [hereinafter cited as 1969 House Report].

⁴ 1969 Senate Report, at 31.

⁵ *Hearings on the National Timber Supply Act of 1969 Before the Subcommittee on Forests of the House Committee on Agriculture*, 91st Cong., 1st Sess., 77 (1969) [hereinafter cited as 1969 House Hearings].

⁶ *Id.* at 57.

⁷ *Id.*

⁸ 1969 House Hearings, at 79.

⁹ *Hearings on Lumber Pricing and Production Before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency*, 91st Cong., 1st Sess. 605 (1969) [hereinafter cited as 1969 Senate Hearings].

¹⁰ 1969 House Hearings 97.

¹¹ 1969 Senate Hearings 607.

¹² 1969 House Hearings 57.

¹³ 1969 Senate Hearings 592.

¹⁴ 1969 House Hearings 56.

¹⁵ 1968 Report of the Chief of the Forest Service 47 [hereinafter cited as 1968 Forest Service Report].

¹⁶ 1969 House Hearings 80, 82.

¹⁷ *Id.* at 131.

¹⁸ *Id.* at 124, 125.

¹⁹ 16 U.S.C. 531.

²⁰ 1969 Senate Hearings 603, 617.

²¹ *Id.* at 597.

²² *Id.* at 424.

²³ *Id.* at 594.

²⁴ 1969 House Report at 7.

²⁵ 1969 House Hearings 92.

²⁶ *Id.* at 96.

²⁷ *Id.* at 209.

²⁸ *Id.*

²⁹ *Id.* at 218.

³⁰ 1969 Senate Hearings 646.

³¹ 1969 House Hearings 88.

³² 1968 Forest Service Report 5.

³³ 1969 House Hearings 93.

³⁴ 1969 Senate Hearings 588.

³⁵ 1969 House Hearings 92.

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES

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

Mr. GERALD R. FORD. Mr. Speaker, I am gratified that the responsible leaders of this Congress, despite their party affiliations and personal opinions on the policies of the French Government, are joining in the highest American tradition to welcome President Pompidou at a joint meeting of the Congress.

It is important that our Government achieve success in efforts to develop a

better understanding and closer relationship with France. Among the modern nations of the world, France is our oldest friend. But more than sentiment motivates my words. I am deeply concerned because the visit of President Pompidou coincides with very grave developments.

The violence of the Middle East has escalated in recent days. It has spread to Western Europe. A number of American citizens, innocent passengers aboard an international airliner, have fallen victim to extremist fanaticism. One of my own constituents, the wife of a respected Baptist minister of Grandville, Mich., has been ruthlessly murdered by terrorists. Her only offense was to ride a tourist bus to view the holy places near Jerusalem.

Anger and emotion are rising in the Middle East. The conflict is striking down innocent bystanders and affecting the transportation and communication links connecting Western Europe and America with the State of Israel. This is a time for negotiation, not confrontation. It is a time to discuss with President Pompidou the policies of his government in the Middle East, Europe, and elsewhere, as they relate to the national security interests of the United States. It is a time to seek ways of cooling down passions, to seek ways of working with France to decrease the level of violence in the Middle East and to limit the introduction into that region of destructive new weapons.

Our Government is now engaged in very serious talks with President Pompidou. Our historic relationship with France demands that President Pompidou, as the elected head of his government, be accorded the courtesies that have been traditional. I do not completely agree with all the policies of the Pompidou administration nor of the preceding De Gaulle administration. But this is a time for statesmanship, not showmanship, a time for reconciliation, not agitation.

We will accomplish nothing by boycotting or blockading, by walking in or by walking out on President Pompidou. We may accomplish something—indeed, we may accomplish very much by exchanging ideas with President Pompidou in a constructive, relevant, and civilized manner.

It has been a basic tenet of our Government that while we may be divided at home on foreign policy matters we are nevertheless willing to permit our Government to deal in an orderly and diplomatic manner with other governments.

The negotiations with France are of such importance that we cannot permit an impression that this Congress is unwilling to accord the traditional courtesies to the Republic of France. The violence and killing in the Middle East are very serious. The situation is daily growing worse.

I would like to suggest a better course than an empty, negative boycott of President Pompidou. Let us devote the same time and energy to seeking a lessening of violence. I would like to suggest the alternative of an international agreement to deal with the rise in airborne terrorism, bombings, and hijacking; per-

haps, a world conference on safety of air passengers. Another alternative for the time wasted in opposing the joint meeting would be a discussion of ways and means of implementing President Nixon's very recent report to the Congress on foreign policy. I might add that the Government of Israel has received this report with deep satisfaction. The President expressed himself quite clearly on the threats to Israel and it is incumbent upon the Congress to respond to his forthright leadership on this crucial issue.

Instead of negativism and obstructionism, let us strengthen the hand of President Nixon when he speaks for all of us with President Pompidou. This is the way to impress upon the French President the deep conviction and profound unity of the American people on these matters.

We shall do everything we can in the interest of peace and stability in the Middle East. But we will do more than talk. The United States cannot and will not stand by and watch the military balance turn against Israel. We will not let the situation deteriorate because of ill-advised policies of other governments.

Of course, we hope that President Nixon's statesmanlike effort to limit the arms race will generate a positive response from France, from Great Britain, and, of course, from the Soviet Union. This aim is served by the courtesies this Congress is rendering to President Pompidou in our common effort to create better communications between our two countries. This aim is frustrated by flamboyant gestures that add to the dismay and discord of a troubled world.

LITHUANIAN INDEPENDENCE DAY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, Lithuanians were one of the helpless and innocent victims of the last war, and today they are still suffering under a Kremlin-imposed Communist regime. They were also among the first nationality groups to take advantage of the overthrow of the czarist regime in Russia and proclaim their national independence of February 18, 1918.

These sturdy and stout-hearted people have a long eventful history in their northeastern homeland on the Baltic Sea. For centuries they maintained their freedom and fought for its preservation against all their adversaries. For awhile they built a powerful force which extended its activities far beyond Lithuania's historical boundaries. Then their kingdom was united with that of Poland, and in this union they found strength, maintaining their independence until late 18th century. Then both Poland and Lithuania were forcibly annexed to Russia, and thenceforth Lithuanians lived under the oppressive czarist regime of Russia for more than 100 years. But these people did not become Russianized; they did not give up their hope for freedom. And when they had the chance, they seized upon it and proclaimed their

national independence on February 16, 1918.

That was a glorious event in Lithuanian modern history. All Lithuanians and all their friends abroad were overjoyed in seeing the birth of a new sovereign and independent Lithuania. With joy and gallantry Lithuanians created a prosperous country out of their war-ravaged and ruined homeland. In a rather short time they made it a model democracy. They enjoyed their life under their own democratic government, and hoped to work and live in peace. But foreign foes had evil designs upon democratic Lithuania, and the Soviet Union proved the deadliest of these foes. Very early in the last war Stalin let loose the Red Army upon helpless Lithuania; the country was overrun and made part of the Soviet empire. Thus ended the happiness of the Lithuanian people in their homeland.

Since those fateful and tragic days Lithuanians have been suffering under totalitarian tyranny. They are no longer master of their fate, and they are victimized by their heartless overlords. But these gallant people have not given up their hope for freedom, and on the observance of Lithuanian Independence Day we all pray for their deliverance from Communist totalitarian tyranny.

Mr. Speaker, 2 years ago on February 20, 1968, on the 50th anniversary of Lithuanian independence, I spoke on this subject for the RECORD. I said then and I repeat now that we should do all we can to reaffirm the commitment of the American people to the ultimate liberation of captive nations such as Lithuania.

ADOPT THE PRESIDENT'S PROGRAM ON AMERICA'S ENVIRONMENT

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

Mr. SCHERLE. Mr. Speaker, not too long ago Stewart Udall, so Newsweek tells us, in talking about pollution, admitted:

We all talked a much better game in recent years than we actually played. Across the nation our rivers, lakes and air are all more polluted than they were five years ago.

Confession is good for the soul, although it does not do much for the environment.

President Nixon fortunately is aware of this. For that reason, he has chosen to act rather than just talk in the matter of preserving what is good and improving what is bad in America's environment.

As a result, he has sent us a comprehensive message on the subject and has followed it with seven specific pieces of legislation which, if we pass, will go a long way toward cleaning up our air, our water and our land.

Mr. Speaker, the time to make things better is before they get too bad. Already we have reached the point where things are much worse than they ought to be—our air over many cities is foul, our water in many areas stinks and is unfit for any kind of use, our land is dirty with abandoned autos, broken bottles, beer cans, and blowing papers.

It is time we made things better. We can do so by adopting the President's program this year. Next year it will be just that much harder. And that much more expensive.

I urge members of both parties to put partisanship aside on this one issue. It will take cooperation by all of us if we are to have a better America.

CLEVELAND LAUDS JAYCEES ON 50TH ANNIVERSARY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, it is my pleasure to extend a "well done" to the Jaycees for 50 years of good work. During these uncertain times when the news media are filled with tales of all the things wrong with America and young Americans, it is a real pleasure to be able to call attention to the good work done by the Jaycees. We need leaders, and the Jaycees are helping to produce them. We need good citizens, and in the Jaycees we find them. We need people who are willing to work to solve the problems we face, instead of just complaining about the problems—and in the Jaycees we find just such people: young men of action and accomplishment.

Much of the attention of the media is focused on the complainers, the drop-outs, and the radicals. Yet in the Jaycees we have people who are action oriented, and committed to good works and good projects. We should give them the appreciation they deserve, because they are something that is "right" about America. I suggest that in the end, groups such as the Jaycees will have a much greater impact on history than the complainers, because they are daily, actively working to solve problems and to make their communities better places to live.

In this their 50th year, I join in congratulating the Jaycees and wishing them many more years of action, accomplishment, and well deserved acclaim.

INCREASE IN SOCIAL SECURITY BENEFITS

(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, The recently enacted 15-percent increase in social security benefits was badly needed, but it just made a dent in the real needs of retired and disabled Americans. I am today introducing legislation which will further increase social security benefits to a level 50 percent higher than a year ago. My bill also includes a great many needed improvements in the social security law, such as needed extensions of medicare benefits. I am pleased that my able and dedicated colleague (Mr. SCHEUER) is joining me as a cosponsor of this important legislation.

Over 25 million people are now receiving social security benefits—one out of every eight Americans. For about 75 percent of these people, social security pay-

ments constitute their principal source of income. For about 50 percent, these payments are their only source of income. Yet the current level of benefits can hardly provide economic security to the large number of Americans who depend upon these payments every month. Our bill will increase benefits across the board in two steps and will bring the minimum benefits up to \$120 by January 1, 1972. Benefits will be increased each year thereafter by 3 percent, or by a percentage equal to the rise in the cost-of-living, whichever is greater.

Another provision of this bill would provide that a person who chooses to work beyond age 65 would be able to receive increased benefits. Under present law, a person who retires at age 62 has his benefit reduced on the premise that he will be receiving those benefits for a longer time. But no provision is made for someone who chooses not to apply for his benefits when he first becomes eligible, and instead continues to work. This bill provides that such a person would have his benefits increased on an actuarial basis to assure that he will be expected to receive the same total benefit as a person who applies for benefits when he first becomes eligible.

With respect to medicare coverage, this bill makes a number of changes which are of great importance to older Americans. Poor eyesight and foot problems are two common afflictions of old age which tend to force people to remain indoors and at home resulting in a loss of contact with and a declining interest in the outside world. Our bill will revise the medicare provisions of social security to include extensive care for these two problems. It will extend medicare coverage to include the cost of eye examinations and the cost of eyeglasses, and will also permit such examinations to be conducted by a licensed optometrist, in addition to an ophthalmologist. The bill also extends medicare coverage to include the cost of routine but medically necessary foot care, such as painful swelling, callouses, bunions, and so forth.

Dental care is another medical problem facing many elderly persons. This bill will extend medicare coverage to include the cost of routine dental care, except teeth cleaning, and to include the cost of false teeth.

In urging this legislation, I want to point out that I was one of the original sponsors of the medicare program and consider it one of the outstanding social advances of our time. In nearly 4 years' operation, it has overcome monumental obstacles and has demonstrated its value to the Nation to an extent surpassing even the most optimistic estimates of its supporters.

However, medicare's supporters had to accept many compromises to insure enactment of the program—compromises that place a painful financial burden on the Nation's low-income elderly and have the effect of excluding many medicare eligibles from the full protection the original cosponsors sought.

Mr. Speaker, no program of this nature comes without a price tag. Accordingly, we have included in our bill funding provisions to cover the additional cost of

the program, structured to include a contribution by the Federal Government out of general revenue. This is overdue recognition that the Federal Government has an obligation toward our senior citizens for the important contributions they have made to the life of our Nation.

A summary of my bill follows:

ANALYSIS OF SOCIAL SECURITY BILL INTRODUCED BY REPRESENTATIVE JONATHAN BINGHAM

1. BENEFIT AMOUNTS

(a) Basic amounts

Benefit amounts for the worker would be increased in 2 steps: July 1970, \$90 to \$293; January 1972, \$120 to \$537.

Benefits for dependents and survivors would be increased proportionately.

(b) Automatic adjustment

Benefits amount would be automatically adjusted annually for at least a 3 percent increase in the cost of living.

(c) Actuarial reduction

Smaller reductions would be made. A worker's benefit at age 62 would be 85 percent of the unreduced amount; a wife's or husband's 82½ percent.

(d) Actuarial increase

Workers choosing to continue in their jobs past the age at which they become eligible for benefits and who, in so doing, cannot apply for benefits until retirement, would have their benefits increased on a basis to assure that they would be expected to receive the full total benefit they would have received had they applied when first eligible.

2. BENEFIT COMPUTATIONS

(a) General

The number of years used in figuring the worker's average monthly earnings would be reduced by ½ beginning in December 1970, and to his best 10 years out of any 15 consecutive years beginning in December 1972. The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under Social Security.

The ending point of the period that is used to determine insured status for a man and the number of years over which a man's average monthly earnings are calculated, will be the beginning of the year in which he reaches age 62 instead of age 65. The ending point for men will be the same as it is for women under present law.

(b) Husband-wife combined earnings

Makes it possible for a husband and wife to combine their earnings record and apply as if one person had earned the total amount, thus in many cases increasing the benefit they would receive.

3. EARNINGS TEST

No benefits will be withheld on earnings of \$1800 or less. For earnings up to \$1200 above \$1800 (i.e. \$3000), \$1 would be withheld for each \$2 of earnings, and for additional earnings \$3 would be withheld for each \$4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than \$150 in wages nor render substantial service in self-employment.

Beginning in 1973, the \$1800 and \$150 amounts specified above would be automatically increased as average earning levels rise.

4. PARENT'S BENEFITS

Benefits would be provided for aged dependent parent's of retired and disabled workers. The benefit amounts for the parent of a living worker would be equal to 50 percent of the worker's primary insurance amount; actuarially reduced if taken at age 62-65. The benefit amount for parents of deceased workers would continue to be 82½ percent.

5. WIDOW'S BENEFITS

Increases a widow's or widower's benefits from 82% to 100% of the worker's benefits. Increases benefits for widows and widowers with minor children.

6. NONCONTRIBUTORY WAGE CREDITS FOR MILITARY SERVICE

Would extend noncontributory wage credits of \$100 a month retroactively to 1957.

7. DISABILITY PROVISIONS

(a) Definition of disability

The waiting period would be reduced from 6 to 3 months and the requirement that the disability must be expected to last months or to result in death would be eliminated.

(b) Alternative definition for older workers

Workers aged 55-64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment), in their regular work or in any other work in which they have engaged with some regularity in the recent past.

(c) Childhood disability benefits

Benefits would be payable if such adult son or daughter becomes totally disabled before he reaches age 22.

8. MEDICARE

(a) Financing both hospital insurance and supplementary medical insurance on the basis of payroll contributions and general revenues

Would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal government. All money's would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hospital and medical insurance would be identical to that required under existing law for hospital insurance.

(b) Medicare for the disabled

Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the 1st month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.

(c) Eye care

Would include the cost of eye examinations and the cost of glasses on prescription. Makes it possible for services rendered by a licensed optometrist to be covered under Medicare.

(d) Foot care

Would extend coverage to include routine foot care, such as swelling, callouses, bunions, etc.

(e) Dental care

Would extend coverage to include the cost of routine dental care, except teeth cleaning and includes the cost of dentures.

(f) Prescription drugs

Would extend coverage to include the costs of most prescription drugs and some non-prescription drugs.

9. CONTRIBUTION AND BENEFIT BASE

The amount of annual earnings to be counted for contribution and benefit purposes would be increased as follows:

To \$9,000 for 1970 and 1971;

To \$15,000 for 1972; and

For years after 1972, the annual earnings amount would be automatically increased (in even-numbered years) as average earnings levels rise.

10. CONTRIBUTION RATE SCHEDULE

The required additional costs of these provisions would be covered by increases in the

contributions made by employers, employees and self-employed persons. There would also be a contribution by the Federal government as described below.

11. FEDERAL CONTRIBUTIONS

General revenue contributions gradually increasing over a ten year period to an amount equal to approximately ⅓ the total cost of the program.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest manufacturer of synthetics. In 1967 the United States produced 367,400 short tons of rayon and acetate. This represented one-fourth of the total world production and was 70 percent more than what was produced by the Soviet Union, the second leading nation.

OUTSTANDING ALABAMA CITIES RECEIVE NATIONAL AWARDS

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, Albertville and Boaz, two progressive cities in my congressional district, have won Distinguished Achievement Awards from the national Clean-Up, Paint-Up, Fix-Up Bureau for improvements made during 1969.

Representatives from these two municipalities were in our Nation's Capital this week to receive these awards. Four other Alabama cities, Decatur, Scottsboro, Montgomery, and Hartselle also received Distinguished Achievement Awards.

Mr. Speaker, much attention is being focused on the need to protect our environment. The need for work and planning to insure an enjoyable harmony between man and his environment is one of the greatest challenges facing us today.

These outstanding Alabama cities are leading the way in promoting a quality environment. I was pleased to attend the meeting earlier today when representatives from these six cities received their well-deserved awards.

I wish to add my thanks to all the citizens in each of these municipalities. It is citizens like these who are leading the way in revitalizing our communities through resource conservation and development projects.

I also include for the RECORD a recent newspaper account of how these six cities earned this high recognition.

ALBERTVILLE, BOAZ—TWO OF SIX WINNING CITIES

Albertville and Boaz were two of only six Alabama cities to win Distinguished Achievement Awards from the national Clean-Up, Paint-up, Fix-up Bureau for work in 1969.

Decatur, Scottsboro, Montgomery and Hartselle joined Albertville and Boaz in the winning category.

Six Alabama cities have won Distinguished Achievement Awards from the national Clean-up, Paint-up, Fix-up Bureau.

The Alabama municipalities are Decatur, Scottsboro, Montgomery, Hartselle, Albertville and Boaz.

Representatives of each of the winning municipalities will go to Washington later this month to receive the awards, which will be presented Feb. 24 at the Statler Hilton Hotel during the National Congress on Beautification.

This is the fourth consecutive year that Decatur has won such an award. It is the third win for Boaz and the second for Albertville.

Hundreds of volunteers, Garden Club members, city and town officials, and representatives of other civic clubs worked together for months to improve the appearance and health of their respective municipalities.

Recreation facilities were upgraded, eyesores removed, health hazards eliminated and programs for solid waste disposal developed and expanded.

Olin Hays, principal of the high school, was chairman of the drive in Boaz, which was carried out in association with a \$3 million, plus, urban renewal programs underway there.

A city-wide clean up, paint up and spruce up program was put into action. Ground was broken for a \$263,000 community center, which will have an olympic pool on the outside and a full size gym inside. A day care center and facilities for county health workers also will be provided.

Children handed out leaflets, garbage trucks made additional pick ups, and a group of "spotters" combed the town, listing violators who later were notified of the violations.

Albertville pushed its "Project Pride" to another national win with a community wide effort under the chairmanship of Bill Hagler. The garden clubs and other civic organizations joined city officials in the beautification and clean up efforts. A big parade launched the campaign, which included planting shrubs and flowers, picking up debris, and working with school children.

Scoring highly for Decatur was its solid waste disposal system which utilizes a central interchange point where the garbage is brought by the trucks to the central area where it is placed in large trailer vans, compacted and taken to the land fill area.

Decatur also carried out a successful program to eliminate eyesores and substandard houses. Buildings failing to meet minimum standards were listed and owners notified. The city utilities department then would refuse to serve the structure until it had been upgraded.

LEGISLATIVE PROPOSALS AIMED AT ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, this year marks the 50th anniversary of what, unfortunately, is one of the most successful enterprises in our Nation—organized crime. Nurtured by the horrible fiasco of prohibition, organized crime has amassed such power and wealth in the intervening five decades that no area of American life is immune from its corrupt tentacles.

Why has organized crime been permitted to grow? I believe there are two basic answers. Until recent years many law enforcement officials with high credentials remained unconvinced that organized crime constituted any serious menace to the United States. Also, there

was a general reluctance to involve the Federal Government in a problem that many considered to be solely local, or a State problem at best.

There can no longer be any doubts that organized crime poses a massive threat to the welfare of our Nation. Nor are its operations confined to small geographic areas or to transgressions of State or local laws. Organized crime is big business, and its operations extend not only beyond State boundaries, but across international waters as well. It even has the audacity to seek and obtain Federal loans and contracts, as has only too sadly and too often been made known.

The Federal Government has an obligation to commit its capabilities to the mitigation and, if possible, the elimination of that menace from society. But what has the Federal effort against organized crime been, and how can it be improved? Those are the questions that as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations I started asking 3 years ago in a series of public hearings and inquires that involved some thirty prosecutive, investigative and administrative agencies of the Federal Government.

The Legal and Monetary Affairs Subcommittee has no legislative jurisdiction in criminal matters. Its functions in this area are purely investigatory in its role as overseer of agency operations.

The three absolute essentials for a truly effective effort against syndicated crime that we found were: First, law enforcement officials, both investigative and prosecutive, must be equipped with sufficient tools, such as adequate laws and sufficient personnel. Second, there must be a coordination and continuity of effort at all levels. The Federal Government must have a single general with authority to determine long range strategic objectives. Third, there must be continuing public awareness of the threat and support for efforts against it.

Our committee concluded that the Federal Government had an inadequate arsenal of tools, that its effort was uncoordinated and inconstant, and that virtually no programs existed to enlist the private sector's support in the effort.

For example, some regulatory agencies with responsibilities for guarding the marketplace against corrupt practices indicated little awareness of the inroads being made by the underworld into their areas of supervision. Moreover, petty jealousies among agencies at times not only resulted in an absence of cooperation but also in wasteful duplication of effort. Our charting of Government activity in this area revealed few peak periods. The prolonged periods of lethargy were conducive to continued growth of organized crime.

Some of the operational deficiencies that were noted in our report are being remedied. Some remain unattended. On April 23, 1969, President Nixon submitted a message on organized crime which in six vital areas paralleled exactly what our subcommittee had recommended the previous year. It is, of course, gratifying that the President effectively adopted the heart of our committee recommendations.

Over the years we have been moving toward mitigating the impact of organized crime. For instance, at our subcommittee hearings it was clear from the testimony of expert investigators that it was nearly impossible to penetrate the high strata of organized crime structures and reach the principal decision-makers. Almost without exception they testified that the leaders could be reached only through authorized electronic surveillance. So convincing was their testimony that I advocated the use of such devices long before the Congress permitted those investigatory tools to be made available to law enforcement officers under judicial supervision.

All of us are in some way to blame for letting the recommendations of past committees, commissions, and other investigative bodies go unheeded. As a poignant and dramatic example witness the prophecy from the final report of the Kefauver committee dated August 1951:

The illegal sale of narcotic drugs represents an evil of major proportions requiring for its eradication the combined efforts of law enforcement bodies, legislators, educators, and parents. It should be attacked at all levels of the Nation's social structure. If not successfully overcome in the near future, it may do lasting damage to the youth of the Nation. The organized gangster syndicates will unquestionably turn to the sale of narcotic drugs when they are driven out of the presently lucrative field of gambling. * * * Under present conditions, narcotic drugs offer them the most profitable opening. * * * There has been a startling increase in the abuse of drugs by young people, many of whom are unaware of its frightful consequences. They fail to realize that they are dealing with what is, in effect, a contagious disease which brings degradation and slow death to the victim and tragedy to his family and friends.

The committee's projection of our grim harvest resulting from failures to overcome the illicit drug importation and abuse problem unfortunately proved only too true. And the end is nowhere in sight. A growing development is the increased smuggling of cocaine into the country.

As horrible as it is, drug abuse is only one of a host of domestic evils which are aggravated by organized crime activities. The great increase in recent years in the number of robberies, burglaries, embezzlements, and other white collar crimes are, in large part, attributable to the necessity of organized crime's consensual victims to obtain the money necessary to satisfy the syndicate's exactions. A heroin addict whose addiction costs \$40 every day and whose legitimate means of income do not provide enough for that outlay, must turn to theft to satisfy his daily drug desires.

The same applies to those whose debts to organized crime bookmakers and loan sharks exceed their legitimate income. The very real connection between organized crime and what we call street crime is thus evident.

The great wealth accumulated by syndicated crime, estimated at a gross of \$60 billion annually, does not rest idle. It moves back into the stock exchange, into legitimate business, and, generally, into any area that will provide a front of respectability.

Twenty years ago the Kefauver committee listed 46 industries which in varying degrees had been infested by organized crime. Recently, a study by the Internal Revenue Service revealed that the top 98 organized crime figures in the Nation have now invested their illegally obtained funds in 159 different industries. One can only speculate on the amount of money taken in my organized crime from the average consumer for shoddy merchandise or services produced by a mob-controlled firm which, because of its great economic advantage is not subject to the competitive pressures of the private enterprise system.

If we agree with some experts that the annual net profit of organized crime is \$3 billion, we are saying that it has \$8 million every day to do with as it pleases. Obviously, a force such as this, operating with relative impunity outside the framework of our system of law cannot be tolerated.

Throughout the subcommittee's public hearings the Government's prosecutors and investigators, who are on the front line of the fight against organized crime, continually made requests for new evidence-gathering tools with which better to carry on their missions. Almost without exception they asked for a general immunity statute, whereby witnesses could be compelled to give testimony, under assurances that their testimony could not be used against them. They also sought means of protecting witnesses against recriminations that might come to them unless they were safeguarded. These tools, and numerous others, are being sought in a bill, S. 30, which was introduced by Senator McCLELLAN on January 15, 1969, and which has passed the Senate. That bill is the most comprehensive legislative attack ever made on organized crime by the Federal Government, and it is a good bill.

At our subcommittee's hearings I noted the need for some means of keeping criminal profits out of legitimate businesses. S. 30 seeks to meet such need, by foreclosing the right of racketeers to engage in interstate enterprises. It seeks to prevent the incursion of mobsters into businesses and to protect legitimate businessmen from such competition, while providing harsh penalties.

It provides some vital evidence-gathering tools to our law enforcement agencies, tools which for many years have been in great demand by those on the front lines. The bill has a few gaps, however, which I believe must be filled if we are to satisfy the three critical elements I previously mentioned.

First, there is a need for an ongoing federally sponsored training program for prosecutors. An indispensable concomitant of new legislation aimed at organized crime is a program which will train and educate prosecutors both as to the substantive and procedural benefits of new laws and as to the ways of utilizing existing laws in a more productive way. Recently, two very important laws were enacted which provided for the education and training of all but one of the important sectors of the criminal justice system. The Safe Streets Act of 1968 made provision for training of police

and correctional personnel of State and local governments, while the Federal Judicial Center Act of 1967 provided similar benefits for personnel of the judicial branch of Government. The one key member of the system whose training needs have been neglected is the prosecutor.

The need for a permanent training program for organized crime prosecutors is evident for a number of reasons. First, our law schools unfortunately place little emphasis on criminal law subjects generally and almost no emphasis on nuances of organized crime prosecutions. Second, organized crime is a unique phenomenon that must be combated in a unique way. It recognizes no State or local boundaries and operates under a shroud of secrecy which is necessary to its pernicious works. We can no longer solely rely on on-the-job training and on our law schools to equip our prosecutors with the means to deal effectively with the menace of organized crime. Third, our antitrust, tax, securities, and even civil rights laws can and should be used against organized crime. To do so effectively, however, we should assure that our prosecutors are extended the opportunity of availing themselves of the information which makes those laws germane to the organized crime fight.

The benefits of such a program, in addition to improving the prosecutor's ability to deal with organized crime cases are: First, it would establish rapport among prosecutors in the various levels of Government. The basis of cooperation is trust and trust is engendered through commonality of interests and pursuits. Second, build an esprit de corps among prosecutors which could add a new tone and vigor to the offensive against organized crime. And, third, enhance the career opportunities and incentives to our prosecutive personnel.

Too often our prosecutors' offices serve merely as recruiting grounds for private law firms and industry. We must provide incentives to our young attorneys to continue in public service.

The training that I envision need not be lengthy, nor need it be housed in a new facility. However, it should be extended to State and local prosecutors as well as Federal attorneys.

The second gap that I think needs to be filled is that of assuring a continuing dialog on the nature of the organized crime threat and on efforts to combat it. An annual conference under the auspices of the Attorney General at which Federal, State, and local officials are invited to attend would help initiate and maintain that dialog.

The conference could be patterned after the National Conference on Crime Control convened in 1967. It could make significant contributions to a better understanding of organized crime on the part of the Federal, State, and local officials in attendance. While much has been done recently, mainly through the Law Enforcement Assistance Administration, to enhance intergovernmental cooperation in the battle against organized crime, an annual conference such as I propose would enhance continuity of effort and stimulate discussion of new and

improved techniques against syndicated crime.

But an annual conference is not enough to increase public awareness about a menace which too often is romanticized and clothed with an aura of invincibility.

The Government has a responsibility to dispel myths and tell the facts about organized crime, and to do this I propose that the Attorney General annually publish a report on that subject as he already does in many other areas. In the form of a white paper on organized crime, the annual report could assure continued public disclosure of organized crime manifestations and of progress and results of intergovernmental efforts against it.

S. 30 contains needed and significant evidence-gathering procedures and innovative methods to deal with the problem of organized crime infiltration of legitimate business. I am, therefore, introducing a bill which duplicates its provisions in all respects except that my bill adds clarifying language with regard to sentences imposed on dangerous special offenders under S. 30. My proposed changes would make certain that both the defendant and the United States are entitled to appellate review of any such sentences imposed at any stage of the proceedings. Additionally, I am introducing a bill which fills the gaps I have discussed and needs passage as urgently as S. 30.

In three sections my bill establishes a permanent training program for Federal, State, and local organized crime prosecutors, directs the Attorney General to conduct annual conferences on organized crime and directs the Attorney General to publish an annual report on organized crime.

I strongly urge my colleagues to acquaint themselves with the provisions of these bills, and know they will agree that earliest passage of these measures is vital.

The text of my bill follows:

HR. 16133

A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes

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

TRAINING OF ORGANIZED CRIME PROSECUTORS

SECTION 1. (a) The Law Enforcement Assistance Administration (hereafter referred to in this section as the "Administration") is authorized to establish and conduct a permanent training program for prosecuting attorneys from Federal, State, and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

(c) (1) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

(2) The cost of training persons under this section who are employed by any agency or department of the Federal Government shall be paid out of funds appropriated to the agency or department for the purpose of such training.

(d) (1) The Administration shall appoint a National Advisory Committee on the Training of Organized Crime Prosecutors (hereafter referred to in this subsection as the "Committee") consisting of fifteen members appointed without regard to the civil service laws. Persons appointed to the Committee shall be qualified by experience, competence, or special knowledge in the prosecution and investigation of organized crime. Seven members of the Committee shall be employees of agencies or departments of the Federal Government, at least one of whom shall be appointed from persons nominated by the Assistant Attorney General for the Criminal Division of the Department of Justice. Eight members of the Committee shall be experts appointed from the governments of the several States, units of local government, law schools, and universities.

(2) The Committee shall advise, consult with, and make recommendations to the Administration with respect to the curriculum, course materials, administration and all other aspects of the training program authorized by subsection (a). The Committee shall hold no fewer than two meetings during each calendar year.

(3) The members of the Committee who are not full time officers or employees of the United States shall each be entitled to receive \$100 for each day (including travel time) during which they are engaged in the performance of services for the Committee. Members of the Committee who are full time officers or employees of the United States shall receive no additional compensation on account of their service on the Committee. While away from their homes or regular places of business in the performance of services for the Committee, all members of the Committee shall be allowed travel expenses, and a per diem allowance, in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

(4) The Administration shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) In the exercise of the functions, powers, and duties established under this section the Administration shall be under the general authority of the Attorney General.

ANNUAL CONFERENCE

Sec. 2. In order to achieve greater continuity in the effort to eliminate organized crime, to facilitate planning on a long-term basis, and to improve cooperation between Federal, State, and local agencies, the Attorney General is authorized and directed to annually call a conference of Federal, State, and local officials who are engaged in combating organized crime, including, but not limited to Federal, State, and local prosecutors and investigators.

ANNUAL REPORT

Sec. 3. (a) Not later than January 1 of each year the Attorney General shall report to the Congress and to the President on organized crime in the United States. Such report shall include but shall not be limited to—

- (1) a statement on the nature, scope, and status of organized crime operations;
- (2) an analysis of the consequences and

dangers that such operations present to the well-being of the people of the United States;

(3) a review of Federal capabilities, including personnel levels, for combating organized crime;

(4) a survey of all Federal and intergovernmental programs and efforts undertaken against organized crime;

(5) a summary of the results of such programs and efforts; and

(6) an explanation of proposed programs for the purpose of combating organized crime.

(b) Nothing shall be included in the report which shall jeopardize the possible success of any ongoing or prospective activity against organized criminal operations.

THE EPIDEMIC OF "ENVIRONMENT FEVER," ESQUIRE ARTICLE POSES INTERESTING QUESTIONS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I believe I can honestly tout my conservationist background without being labeled a "Johnny-come-lately" and I do so today to bring to our colleagues' attention a most interesting review on the current epidemic of "environment fever" which is sweeping the country.

In an article entitled "Our Country 'Tis of Thee, Land of Ecology," by Mr. Jon Margolis, appearing in the March issue of *Esquire*, the old and new conservation groups, movements and individuals are dissected in a most disconcerting manner. One is not sure whether the author is pumping for an increased awareness of our environment problems or is deprecating the achievements of the "voice in the wilderness" conservationists who fought alone before it became faddish to care about ecology.

Nevertheless, the article is instructive. Its merit lies in the examination of the groups which have become household words because of their fights with various establishments to conserve our national and natural resources.

I cannot agree with all of the characterizations Mr. Margolis uses to describe the efforts of the groups, nor can I vouch for the correctness of his facts about the internal financing or support of the groups, and I will not attempt to argue with him about the effectiveness of some of the group efforts. But I will applaud the author's ability to weave an understandable story out of what sometimes appears to be contradictory goals of the various groups.

The thrust of the article is to inform us that the conservation groups—old and new—lack direction; that is, there are so many groups with so many directions, that effectiveness could be limited unless there is an agreement on goals. In this, I tend to agree with Mr. Margolis. However, I feel that leadership and goal formulation will not come from the conservation groups. Heretofore, the administration and the Congress have not been environmentally "organized." Such organization is haltingly underway and I predict that the effective, practical, and comprehensible direction for the environment movement will come from the Con-

gress of the United States. And it is about time. The article follows:

OUR COUNTRY 'TIS OF THEE, LAND OF ECOLOGY

(By Jon Margolis)

Senator Ted Stevens first noticed them last September. Stevens is an Alaska Republican; as such he supports the right of every able man to get rich by building things. When he saw late last summer that this faith too had its heretics, Stevens could not keep silence. "All of a sudden all these conservationists are coming out of the woodwork to tell us how to save Alaska," he said. He did not approve.

The statement did wonders for Stevens politically. Alaskans don't like conservationists. Nearly everyone else does, though, and in the past few years they have been coming out of the woodwork more often. Going right back in, too, and staying out of sight once they have made their point. Conservation may be the first revolution led by unknowns.

And make no mistake, it is a revolution, very likely the most contentious and the most important of the rest of the century. The radicals know this now; the politics of confrontation has been used on conservation disputes, and the politics of ecology is now a frequent term in the underground press. If only the conservationists knew it. Conservation is in revolt against its own past as much as against the country's present. Like the unfettered technology it fears, the conservation movement may contain within itself the seeds of its own destruction.

There is little doubt that conservation is quite the vogue. Hardly a county lacks some sort of citizens' conservation group. Usually, they are formed not to protect the environment in general but to battle a specific threat to it, often a threat close to home. With increasing frequency, the battles are being won. Consolidated Edison has not been able to build its power plant on Storm King Mountain in New York State; Dade County and the U.S. Transportation Department may yet be prevented from building the world's largest jetport in the Big Cypress Swamp of Florida, and there are more nuclear power plants on the drawing boards than will ever be on the waterside killing fish.

So successful have the protectors been that the developers have begun to fight back. In 1967, naturalists found a covey of ivory-billed woodpeckers, then considered extinct, in the heart of the Texas Big Thicket. But they didn't say precisely where for fear that timber and real-estate interests would kill the lovely birds. The theory is that the fewer natural wonders there are in any plot of land, the less reason Congress will have to preserve it. Similar tactics were used by the California lumber companies which tried to cut down the best of the redwoods while a bill to protect them was being debated.

Not that business is unaware of the growing public concern with conservation. Advertising and public-relations departments across the country are hard at work telling us how much corporations care about the environment they are befouling. In full-color, two-page ads in fancy magazines, oil companies inform how the fish actually like detonations for underwater wells, or that their brand of gasoline will pollute the air just a bit less. Magazines and television networks are devoting unprecedented time and space to conservation, and even newspapers, usually the last to know what the public really cares about, are beginning to cover the subject. Possibly they noticed the appointment of a hard-line law-and-order attorney general did not create nearly as much fuss as the naming of an interior secretary who dared deride conservation for its own sake.

Conservation crosses party lines and even ideologies. John Birchers and Communist, *Ramparts* and *Reader's Digest*, *The New York Times* and the *Los Angeles Free Press*, Max Lerner and James Kilpatrick, Barry Goldwater and George McGovern. This may

not last, for the New Conservationists are about to enter the political arena full force, perhaps even borrowing from older revolutions such tactics as the sit-in, the boycott, and, who knows, can the Molotov cocktail be far behind? This will make some enemies. Even now, not everyone is a conservationist, though opposition also is bipartisan. Ronald Reagan, Richard Daley and Nelson Rockefeller are among those uncommitted to the cause.

Nonetheless there are places where a man can get elected by being a good conservationist. Westchester County, New York is full of old-fashioned Republicans, and Richard Ottinger is a liberal young Democrat. But because he has pledged to save the Hudson River, those Republicans keep sending him to Congress. Richard McCarthy, another liberal New York congressman, comes from a working-class backlash district in Buffalo. When he goes home he doesn't talk about race and welfare; he talks about how dirty Lake Erie is. Union men out collecting money for the Committee on Political Education likewise have learned to get a dollar out of right-wing workers by telling them the money will support candidates committed to clean streams and lakes. Some local unions have even taken opposing industrial expansion which would increase their membership. The current members, lacking the money to move to the suburbs, have begun to notice something foul in the air they breathe, and they don't want it any dirtier. Rich or poor, most people are lining up on the conservationist side of any given dispute.

Yet few of these newly enlisted troops know who their generals are, or even their sergeants. Nearly everyone knows which senators are prominently for or against the war, civil rights, and unions. But how many know that were it not for Gaylord Nelson of Wisconsin every drop of fresh water in America would be too sudsy to drink? Nelson, a liberal, is the leading conservationist in the Senate. John Saylor of Pennsylvania, a friend of the American Medical Association and the Chamber of Commerce, is the leading conservationist in the House.

One reason conservationists remain unknown while their cause is embraced is that many of them are Westerners, while the people who make people famous are in the East meaning the Northeast. Conservation, after all, means the wise use or preservation of natural resources. There are young women in New York who talk about conservation every evening but aren't quite sure what a natural resource is. Of course the East is very conservation conscious now, but it is a recent concern. Westerners have been involved in conservation for years, especially the kind which subsidizes farmers, ranchers, miners, and lumber entrepreneurs, which is certainly not what the women in New York have in mind. The typical informed Westerner, for instance, may know that Boyd Rasmussen is director of the Bureau of Land Management. The typical informed Easterner has never heard of the Bureau, though it controls twenty percent of his country's land.

Yet East and West alike are probably ignorant of such names as Dan Poole, Stewart Brandborg, Elvis Stahr, or Paul M. Dunn. These are some of the men who are not in government but who are at the center of the Conservation Establishment, an establishment which has been left behind by its cause. Which is not necessarily bad at this point for both cause and establishment. If some of the young intellectual liberals who have lately embraced conservation found out what some of the leading conservationists thought about the world in general, they might go back to the peace or civil-rights movements.

As an organized movement, conservation still deals in specifics—getting a national park established, preserving a wild river or

species of bird. But the cause, the unorganized but ever more popular movement, has become holistic without quite realizing it. When conservation started in the last century, the basic concept was wise use. Later it was beauty. Now it is ecology, and if you doubt the potency of conservation consider that three years ago you probably didn't know what that word meant; now you surely do. In ecology, by definition, all of a nature is connected, all relates to everything else.

Yet if the North American Wildlife Foundation and the National Audubon Society spent all their time worrying about ecology, fewer woods and rivers would have been saved in the last few years. Sometime soon the New Conservationists must define their beloved ecological conscience and figure out how best to organize to put it to use. But the concept is too new and the organizations are in their infancy. Meanwhile the bulldozers roll on, and someone has to stop them, lest there be no life left to interrelate.

There are really two Conservation Establishments. The first, centered in Washington, is dominated by the "user" groups, or tools of the interests as children of another revolution might call them. It is made up of foresters, fishery managers, and state fish-and-game officials. Its friends in government are in such agencies as the Bureau of Commercial Fisheries or the Bureau of Reclamation. Its friend in Congress is Wayne Aspinall, head of the House Interior Committee, who makes sure that every time some wild land is set aside there remains a way for some one to make money from it. It was Aspinall who included in the Wilderness Bill an amendment allowing all mining until 1984, a loophole which may create in the northern Cascades a pit which can be seen from the moon.

This traditional approach to conservation is the one most often found in the Interior Department, whose task is less to preserve the environment than to subsidize nature's users. Interior's public relations are conservation-oriented—its annual report features colored pictures of natural wonders and inspirational words about saving them—but its budget is not. In fiscal 1968, half of the department's \$1,800,000,000 went to "water resources," most of which was for "reclamation," meaning flood-control and irrigation projects which reclaim rivers from running free and reclaim salt marshes from being breeding grounds for fish and nesting spots for birds. Flood control is needed because people decided, before we knew as much as we do today, to live along flood plains. Actually, houses are still being built on flood plains, though everyone knows they will necessitate a new dam somewhere. But then, building homes is often the most profitable use for flood-plain land, and once people need flood control, the government is sure to provide it. Floods also occur downstream because of reckless deforestation upstream. Among their other values, trees hold water. When they are removed, the waters run into the streams in greater quantity than the stream beds can accommodate. The solution to that is to build a dam, upsetting the river basin's ecology, and possibly reducing the number of fish.

The second Conservation Establishment, the one everybody is talking about, is not really headquartered anywhere, and it isn't very established. Nor is it united. It consists of perhaps twenty national organizations, most of them as ineffective as they are unknown, and an uncountable number of local groups, a few of which are very tough indeed. Conservation has all the disadvantages of citizen-oriented politics. Most of the official leaders, especially of the national groups, are part-timers, people who do other tasks, usually well-paid ones, most of the time. For instance, Dr. Edgar Wayburn of the Sierra Club is a successful San Francisco physician;

Warren M. Lemmon, the head of the Nature Conservancy, manages extensive California real-estate holdings; Robert Winthrop of the North American Wildlife Foundation is on the board of directors of the First National City Bank. The opening bankroll for the John Muir Institute, the educational and tax-exempt arm of Friends of the Earth, came from Robert O. Anderson, chairman of the board of Atlantic Richfield; and Laurance Rockefeller runs the American Conservation Association. It is not a poor-man's movement. The day-to-day operations are left to small professional staffs made up in large part of unknown men. The citizen leaders like it that way. When David Brower began to act as though he ran the Sierra Club, the paragons of San Francisco society who controlled his executive board got rid of him. And when he challenged them in an election among the club members he had recruited, they beat him badly.

Because the movement is so loosely organized, strong personalities can have an unusually strong effect. Allen Morgan is credited with making the Massachusetts Audubon Society perhaps the most effective conservation organization in the country, and the West Virginia Highlands Conservancy is a force in that little state primarily because of Grover C. Little. Local conservation groups usually start on an ad hoc level, coming into existence to fight one threat to the local environment, but they often stay around to look for more trouble. In Hawaii, a group called Save Diamond Head saved Diamond Head, and it's aiming now to save all of Hawaii. The women of Morris County, New Jersey, did not disband after they had stopped the airline industry from filling in the Great Swamp to make a jetport; now they are fighting power companies and the Army Engineers elsewhere in northern New Jersey. Nearby, the Scenic Hudson Preservation Conference formed to fight Con Ed's Storm King Plant, but when that fight ends there will be more. The Hudson is a big river.

Despite the increasingly political character of the movement, there remain several national conservation organizations which stay out of politics and lobbying in favor of more restricted tasks. The American Conservation Association gives away Laurance Rockefeller's money to select research projects. The Conservation Foundation studies public policy's effects on the environment. The North American Wildlife Foundation and the Wildlife Management Institute, really one outfit supported by the gun industry, have undertaken the research which has brought wildlife management a long way from the days of indiscriminate predator control and un-ecological stocking, though some of that still goes on. Perhaps the organization closest to the heart of the matter is the Nature Conservancy, which with a pitance from private sources does what the government won't do enough of—buy land valuable to nature and about to be lost to it. The Conservancy thus far has been able to save 150,000 acres of the American Earth.

But the Conservation Establishment has been taken over by the militants, some of them so militant they don't even call themselves conservationists, but preservationists. The militant preservationist is a radical. Well, about nature he's a radical; about people he may be quite conservative. This is not a new irony. Since the movement began before the turn of the century, it has been split between those who wanted to save and manage nature for people—all the people—and those who wanted to leave it just as it was for nobody at all, or perhaps for those with the time, money, and culture to appreciate true wilderness. At the beginning, this schism was personalized by Gifford Pinchot, head of the Forest Service under Teddy Roosevelt, and a populist, and John Muir, founder of the Sierra Club, and a mystic. They were friends for a while, camping out together in the Grand Canyon, but they be-

came estranged, first over the fight about sheep grazing on the public lands, then over the Hetch Hetchy Dam, which violated Yosemite National Park but brought low-cost public power to San Francisco. The preservationists fought the dam bitterly, making common cause with the private-utility industry. Then or later, they seemed not at all embarrassed about the bedfellow.

Today, within the militant conservation movement, united opposition to dams can usually be counted on unless the dam will also create a big lake for motorboating and stocked fishing. Which it always will, the power companies and the Army Engineers and the Reclamation Bureau knowing they then have a good chance of splitting the recreationists—the “parks are for people” crowd and the sportsmen—from the preservationists.

Within the Conservation Establishment, these arguments rage within as well as between organizations. There are Sierra Club members who think saving Mineral King Valley not worth the effort, and there are ardent preservationists in the National Wildlife Federation. But in general the recreationist cause is taken up by the hunters, who far outnumber everyone else in organized conservation. Theoretically, they are hunters and fishermen both, but fishermen per se have no clout. Fishing rods are cheap. The only militant and effective sportsmen's group is the National Wildlife Federation, which is run by the state councils of rod-and-gun clubs, thus representing local groups totaling about 2,500,000 people. Many of these members are not really conservationists, and the Federation gets most of its money from conservationists who are not members, but who subscribe to *National Wildlife Magazine* or purchase the wildlife stamps the Federation sends out without mentioning who controls the beneficiary. Nationally, the Federation is not as strong as some other conservation groups, but on the state level its councils are often the only working conservation lobby. Non-sportsman conservationists have only begun to lobby in state legislatures in California, Oregon, Maine, and New York, but the Wildlife Federation has close ties with legislators and state fish-and-game departments. At present, the Federation is supporting an anti-conservation proposal backed by the Western state fish-and-game bureaucracies which would give state departments total control over all wildlife in their states, a move which could open the national parks to hunting and effectively erase federal protection now given eagles and migratory birds.

If the recreationists are most likely to come from the sportsmen's groups, the extreme preservationists are most apt to be found in the Wilderness Society, a single-minded collection of 55,000 persons to whom a well-managed campground is as hideous as an oil refinery on a promontory would be to other conservationists. Wilderness Society members want parks which are not for people other than themselves. They do not seem motivated primarily by ecology, but speak of preserving the pristine for the sake of “our physical and spiritual regeneration.” Among other effects, such statements give aid and comfort to the enemy, be they mining interests, the Agricultural Department's Forest Service, which manages the national forests, wherein are most potential wilderness area, or the power-boat manufacturers who wish every mountain stream to be turned into a huge lake courtesy of the Army Engineers.

Hard-core preservationists are also found in large numbers in the National Parks Association and Defenders of Wildlife. The former spends half its time fighting the National Park Service, which in recent years has suffered the delusion that it is a federation of highway departments commissioned to build roads through all the national parks.

The Association's staff head is Anthony Wayne Smith, an abrasive man whose background offers a good defense against charges of elitism. Smith was once conservation director for the C.I.O., where he apparently found a hero. A few years ago, he got angry at the Natural Resources Council of America, a forum for national conservation groups, and, in the manner of John L. Lewis, he disaffiliated.

Defenders of Wildlife began as a group of women who were upset about inhumane trapping and roadside zoos, and expressed their anger in a mimeographed newsletter. As such causes are wont to do, this one attracted the attention of several persons with excess money, and the newsletter became a slick if virtually unedited quarterly which combines valuable facts on conservation with little cutenesses about squirrels. As fierce as any species, Defenders of Wildlife is less nimble than most, hence not very effective.

The bridge between the straight conservationists and the sportsmen is the Izaak Walton League, which is a bit of both. The national Izaak Walton League is a loose collection of chapters which maintain virtual autonomy. In states like Montana, where conservation sentiment is minimal, the Walton League is strictly a sportsmen's group, delving into social issues only to pass a yearly resolution against gun-control laws. In crowded Indiana, the Walton chapter pays no mind to fish and game, concentrating instead on preserving what remains of nature there. At times this local autonomy can be embarrassing. For three consecutive years, the League's national convention was rent by the emotional, and successful, effort to override the California chapter's opposition to the 80,000-acre Redwood National Park, opposed by most sportsmen because hunting is not allowed in national parks. More recently, the refusal of Florida chapter president James Redford—again the importance of personality—actively to oppose the Everglades jetport left the Walton League the only national conservation group outside the anti-jetport coalition. Coalition is the League's hallmark though, and its conservation director, Joe Penfold, until recently headed the Natural Resources Council, essentially a coalition of warring groups.

Actually, they get along rather well, considering basic differences in outlook, because there remain enough specific problems for them to unite on: the lumber industry's raid on the national forests, the jetport that would ruin the Everglades, the dam which would have created in Alaska a lake the size of New Jersey to provide more power than Alaska needs, the possibility that the trans-Alaska oil pipelines will ruin the tundra ecology, the danger that a little-known federal commission will recommend this summer that the public lands be parceled out to the highest bidder. If these fights are won, they will be won by cooperation and old-fashioned lobbying with the conservationist friends in government. The Old Conservation has its work cut out for it while the New Conservation figures out just what its work is.

To the New Conservation, rivers, mountains, and wildlife are no more important than cities and suburbs. The New Conservationist's concern is the total environment, and Penfold thinks it's in trouble. The rallying cry of the old preservation was poetry, Thoreau's: “In wilderness is the Preservation of the World.” The New Conservationist quotes not poets, but scientists such as Paul Ehrlich, Eugene P. Odum, and Barry Commoner, who say, in effect, that in unfettered technology is the destruction of the world. In place of the whooping crane, the roseate spoonbill, and the California condor, the New Conservation has interposed another endangered species—the two-legged predator, man.

This is not an assumption on which to base moderation. New Conservationists have adopted some of the rhetoric and even a few of the methods of the Left; and the Left, especially the psychedelic Left, has discovered conservation. In Berkeley, something called Ecology Action, which participated in the People's Park campaign and conducts symbolic destruction of automobiles, grew out of a splinter wing of the Peace and Freedom Party. Elsewhere in California, ecological revolutionaries have burned cars as hateful artifacts, lain down in front of trucks carrying what once were redwoods, and pulled out the surveyors' stakes marking the path of a road through Sequoia National Park. The underground press, especially the Los Angeles Free Press, devotes considerable space to conservation matters. Despising science, such of the young that meet the turned-on label adore ecology, a science. Logic is not their strong suit.

But militant new Conservation is not solely, even mainly, the province of the young and radical. In Patchogue, Long Island, an outwardly ordinary lawyer named Victor Yannacone has formed the Environmental Defense Fund, which plans to take every polluter to the Supreme Court if need be. In Colorado, the Environmental Protection League threatened to disrupt recent underground nuclear tests. In St. Louis, a group of scientists concerned about nuclear pollution formed the Committee for Environmental Information, now prepared to fight all environmental threats.

Thus the radical and the technical. But political movements succeed by being careful and emotional, and if the New Conservation succeeds, it will be through its mainstream—the Sierra Club, the Audubon Society, and now the Friends of the Earth. The first two are the giants of the movement. It was the Sierra Club which stopped the dams proposed for the Colorado River, dams which would have filled in part of the Grand Canyon, and it is the Audubon Society which is leading the fight against DDT and other hard pesticides. Each has more than 80,000 members, and both have enough knowledge of and connections in media to gain the support of many thousands more whenever needed. Charles Callison, executive vice-president of the Audubon Society, is often on the phone to John Oakes at *The New York Times*, who is never unwilling to rise to any conservation cause. The power of both Audubon and the Sierra Club is acknowledged by the powerful, which is a form of power itself. They complement each other nicely. The Sierra Club, hitting hard and fast, constitutes the shock troops; Audubon, choosing its targets more deliberately, using its well-written, handsome magazine to recruit support, provides the bulwark of the line. The Sierra Club, still West-oriented though half its members now are not from California, leads the fight on saving the public lands and the redwoods, preserving wild rivers, and Alaska. Audubon, strong in the East, concentrates on wetlands and wildlife.

The bitter Sierra Club election which ousted Brower did not weaken the club, other than to deprive it of his services. But neither did it weaken Brower. A committed, even demonic conservationist, Brower was out of a job but not a vocation. Like all conservationists, his emotions may tend him toward the remote and pristine past, but his talents are contemporary. He is an editor, a writer, a public-relations wizard. In 1966, he correctly read the mood of the country by gambling that if only the people knew of it, they would oppose the New Colorado River dams. Now he bets the country is ready for an avowedly political conservation group. Friends of the Earth will openly espouse candidates and raise money for them. More, Brower wants conservation to go on the attack, to go back over where men have trod, often unwisely, and reclaim the land in a

way the Reclamation Bureau never dreamed. Reclaim shopping centers, not swamps, cities not mountains, polluted rivers, not free-flowing streams. More open space and less development, more wild animals and fewer people are the political aims of Friends of the Earth, and Brower intends to use money and political muscle to get them. He feels he has to.

For basic to the ecological conscience is the belief—no, the scientific fact—that the Earth is finite, and the opinion that we are approaching its limits, that every assault on its nature starts a chain of certainly unknown and possibly cataclysmic events, which could make life for all of us uncomfortable, unsafe, even impossible. No longer is the militant conservationist worried that the whooping cranes might die out, or that the lovely land will disappear, or that the oil will run out. He is worried that the oxygen will run out.

Nor is this a needless panic; the supply of oxygen is not infinite and it is diminishing. Every time a tree is cut down, there is just a touch less, and we cut down a million acres of trees a year. Of course, that's not the source of most oxygen, most of it comes from the phytoplankton in the oceans, oceans now so polluted that the phytoplankton is endangered. Only half-facetiously, Ehrlich has predicted the death of the oceans in 1979, and when the oceans die, we all die. When all the water is salty or polluted we die also, and there are those who say that at current rates we have thirty years of water left. Then there is the weather. Suppose the sun's rays can't get through because the air around the Earth is full of glop. Would the glaciers march south again? Or suppose, once here, the heat could not filter away. Then would the polar ice caps melt, raising the seas and flooding the coasts?

To be more mundane, take southern Florida, and what could be more mundane. By nature, men ought to live only along the coasts there, where the land is high enough and dry enough. What is in the middle is really not land at all, but a unique river which does not flow so much as seep through the saw grass from Lake Okeechobee to Florida Bay. It is no place for men to live, but years ago some pioneers saw it was a good place for men to make money. So, like most pioneers, they went to the government and got an elaborate and expensive system of canals and reservoirs to drain the river of grass, leaving rich black soil, and some roads to cross the newly created farmland. (They also got laws restricting foreign competition and no laws regulating wages and hours, but that is another matter.)

Now the glades produce vegetables in quantity, adding to the national surplus, but the water is not seeping south the way it used to, and the southern Everglades, including the national park, is dryer than it should be. Because the downward flow of fresh water has declined, Florida Bay may be getting too salty and too warm, so that while southern Florida may continue to produce plenty of tomatoes, it may soon cease to produce menhaden and black mullet and spotted sea trout. Tomatoes we can grow in New Jersey, or at least we could until we paved it over. Menhaden and black mullet in such size and numbers come nowhere else. Perhaps the New Conservationists are right. Perhaps nature knows best. Perhaps we should not have messed with it.

As if they don't realize that messing around with nature is both What Made America Great and the basis of Western Civilization. The trouble with society, to a New Conservationist, is not that it is unjust or immoral, but that it is anthropocentric. And it is, we were, after all, given dominion. And now we have established it. We were all brought up to admire the pioneer who cleared the forest and blazed trails through the wilderness. We think Boulder Dam was a triumph of man-

kind, that swampland filled and built upon is useless land reclaimed, that it is virtuous to build million-dollar ditches to make fallow land fertile. Now who are these people come to tell us different?

They are among the most handsome beneficiaries of dams and irrigation projects and dirty air and water which lie, let's face it, at the foundation of our prosperity. Most of those in the forefront of the fight for clean lakes and rivers belong to country clubs with chlorinated swimming pools. The New Jersey women who saved the Great Swamp had, in addition to fervor, money. Those committed to preserving the Hudson Valley live along it; it is not a low-income neighborhood. When a road is to pass through loveliness, the denizens of the lovely arise to fight it, and if the engineers retreat to the point of rerouting the highway through the ghetto, well, for some that's victory enough.

Everyone wants to preserve Alaska save the Alaskans, who want to make a passel of money tapping their natural resources. The Sierra Club saved the Red River Gorge from inundation by a proposed dam fought by everyone except the small farmers who live along the river's often-flooded banks. Northern New England is full of impoverished families living in near secrecy off back roads and paying absurd prices for electric power and fuel oil. The prices could come down if the Dickey-Lincoln School Dam were built and an oil-import complex constructed at Machiasport, Maine. And prosperity could come to the hamlets of the North if factories were lured there. But such steps are strongly fought by a lot of \$40,000-a-year executives from Boston and New York, who point out that the dam might block free-flowing rivers, the oil pollute the water and deface a lovely harbor, the industry and resultant housing and shopping-center development would dirty the air and spoil the region's character, a character quite irrelevant to many of the region's residents.

The New Conservationists are telling us to stop, and from their perspective, they are quite right. If the power companies are to be prevented from ruining more hills and warming more rivers, we must stop needing more electricity. If we are not to be buried by mountains of bottles and cans, we must use fewer of them, or use them over again. If we are not to pave over all the open land, we must have fewer cars. If we are not to run out of food, or out of open space because we need all the land for farms, we must stop adding to the population. If we are to have clean air and water and decent places to live, perhaps we need less manufacturing. Brower says we must "do more with less." Odum says we must stop being "consumptive" and "learn how to recycle and reuse." Either way, they are saying that this vaunted economy, this sainted Gross National Product, must stop growing.

Stop growing? But growing is the secret of our success. We have mass affluence, to the extent we have it, not because we took from the rich and gave to the poor but because we became—we grew—so much richer that even most of the poor live tolerably. They still get the short end of the stick, but the stick is so long now that one can get at least a fingerhold on that end. To stop growing is to stop elongating the stick, and since most people are still clinging to that short end, this presents some problems.

Because the conservationists are not on that end. They are not steelworkers or assembly-line workers or small farmers or hotel clerks. They are Wall Street lawyers and junior faculty and editors and writers and corporate vice-presidents. One does not become a conservationist until one has had the time and learning to care about whether there are eagles or Everglades. Searching for their hundred-fifty-year-old Vermont farmhouses, conservationists wonder how people can actually want to live in a new, \$25,000 split-

level in the suburbs, apparently never thinking that for most people the alternative is a three-room walk-up in the downtown smog. The suburbs are open to them, as Vermont is to the more affluent, because of technology, because draining swamps and dirtying streams and damming rivers and polluting the air gave them high-paying jobs. Shouting about the environmental catastrophe, urging an end to growth, the conservationists are \$20,000-a-year men telling all the \$7500-a-year men simply to stay where they are so we can all survive. Ethics aside, there is a serious tactical problem here; there are more \$7500-a-year men and they are likely to say no. True, money would go farther in a good environment. True, as Ian McHarg said, ecological planning can give any given area more high-paying jobs and more profits plus good environment. But for the nation as a whole, for the economy, the conservationist's dichotomy remains, and he has not faced up to it: if we do not stop expanding, we ruin the environment; if we do, we condemn the lower-middle classes to their present fate.

Unless. Unless of course we did redistribute the profits of affluence by legislative fiat. Unless we planned where industries could locate and how much they could produce and where people ought to live in what numbers, and where, ecologically, no one ought to live, or drive, or even walk. Unless we instituted such extensive public regulation over use of the land, water, air, and people, that hundreds of enterprises, perhaps most of them, could not operate profitably, especially if they couldn't grow, so that perhaps they would have to be operated on a basis other than profit. There is a name for such a system. And can you see Laurance Rockefeller financing a feasibility study on that, and can you see all those \$40,000 executives endorsing it?

Well, maybe, Huey Long supposedly said that if fascism came to America it would come from the working class. Now we may have come to the point where if socialism comes to America, it will come from Wall Street lawyers concerned less about the welfare of people than the survival of spoonbills. Maybe. But days after Dave Brower announced formation of Friends of the Earth, he invited to Aspen, Colorado, a select group of scientists and professors and businessmen to discuss "progress in a living environment," and because he is concerned about conservation's upper-class, all-white constituency, he invited also one Ted Watkins, Negro, chairman of the Watts Labor Community Action Committee. For two days, amidst Aspen's beauty, Watkins listened to the learned, concerned men, and then he spoke:

"What are you going to sacrifice to do the kind of conserving we want to do? Which teacher is going to give up his nice two-story home? What doctor, what architect, is going to sacrifice some of his practice to help the cause along? What advertising man is going out and campaign to raise funds without a twenty-five- or thirty-percent fee? Who of you in this room is ready to make a sacrifice to do what you say you are going to do?"

There were no takers.

TIMBER SUPPLY ACT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, despite all the doctoring that has been done on H.R. 12025, it is still a sick bill. Despite all the amendments and revisions made in an attempt to assure the conservationists that the proposed legislation would pose

no threat to the environment, I am still not convinced that the bill is in the public interest.

Let us not be deceived by the lumber lobbyists. We must not be taken in by their high-pressure sales pitch. We must not let ourselves be deceived by the barrage of distorted statements being perpetrated upon the public to cloud the real issues.

It is my contention, Mr. Speaker, that we should carefully examine the facts before making a decision that would so drastically change national policy in regard to our basic resources.

First of all, let us look at timber supply. Early last year we were told that shortage of timber was a contributing factor to the alarming price spiral in softwood lumber and plywood. The real cause was temporary dislocations, not a shortage of sawtimber. In fact, we are growing more wood than we are currently using.

The alarmists also claimed that accelerated cutting on the national forests would be necessary to meet the demand and bring prices down. But now we can see for ourselves that prices have dropped very sharply without the aid of new legislation or increased cutting. To me, it is clearly evident that the shortage arguments simply do not hold water.

Timber supply is not a crisis. There is time for study and analysis. Forest economists are predicting that acute shortages will not come until about 1985. I see no reason why Congress should be pressured into passing a half-baked piece of legislation to remedy a crisis that does not exist. Furthermore, we already have adequate legislation to increase timber supply and improve management of the national forests. We need only to use it.

The more crucial problem relates not to timber production but to the other legitimate uses of the forests as set forth in the Multiple Use-Sustained Yield Act of 1960. Under this act, which became a landmark in conservation history, the multiple-use principle was spelled out to give balanced protection to wildlife, water, recreation, and range resources, as well as to timber. Even though H.R. 12025 includes provisions that require operation within the guides set out in the Multiple Use Act, the fact remains that the proposed high timber yield fund would be used only for boosting timber production. The bill would permit the allocation of an estimated 62 percent of the budget for the national forests to this single use. How then could balance with other values such as wilderness, esthetics, wildlife, recreation, watershed protection, and range be adequately maintained? The emphasis is bound to go where the money goes, regardless of verbal assurances to the contrary.

Supporters of the bill contend that other forest uses could be adequately financed through established appropriation channels. If this argument were valid, the same reasoning should hold true for timber production. Why then have a special fund earmarked exclusively for timber?

I am not denying that we need more housing. I am not denying that our population is growing. I am not blind to the

urgent needs of the future as we enter this environmental decade of the seventies. We have pledged to the people of America that we shall strive to create and preserve a quality environment. We cannot do this if we become so shortsighted that we cannot see the forest for the trees.

Mr. Speaker, I include material pertinent to this subject:

[From the Roseburg (Oreg.) News-Review, Feb. 5, 1970]

WASTE OF RESOURCES

To the Editor:

I recently came to Oregon from Wisconsin where I had been in the logging and sawmill business all of my life. When I observed the huge timber resources of Oregon, my first regret was that I didn't come to this area as a young man.

However, my favorable reaction was short lived. After running around in the back country I was horrified and appalled by the criminal waste of the forest resources.

In Douglas County alone there are millions of feet of merchantable logs being left in the woods to rot. I saw piles of partly burned logs containing 100 thousand feet or more. In places it appears that as many logs have been left in the woods as were taken out.

When I ask why, no one seemed to know. Some blame it on the Forest Service, some on the BLM. Being new in the area I wouldn't know who is to blame. Coming from Wisconsin, where every cull, snag and windfall is utilized, it looked like criminal waste to me and, what makes it still more confusing, I understand that there are several small operators in this area who would be only too happy to buy and salvage these so-called culls and windfalls if they were allowed to go in and clean up the ground from this ever present fire hazard.

But no, it seems that some one would sooner see these logs rot in the woods. It's no wonder Americans are labeled the most wasteful people on earth.

Just why the Forest Service or the BLM would assume this dog in the manger attitude, and would sooner see these logs rot instead of selling them, is a question no one in this area seems to be able to answer. Sometimes I wonder if the BLM isn't deservingly of the name I have heard it called "The Bureau of Land Mismanagement!"

Some day when these back country hills are stripped as barren of timber as the hills around Roseburg, and the Umpqua River is a muddy little creek, future generations are going to ask, "Where has all the timber gone?"

FRANK HARRIS.

ROSEBURG, OREG.

[From Field and Stream, March 1970]

WANTED: A PROGRAM FOR OUR TREES

(By Michael Frome)

This country is in desperate need of a valid long-range national forest plan. I don't mean simply a plan for the national forests, although they must figure prominently, but for all our woodlands—public and private, in large and small holdings, in urban, suburban, farm, plantation, and wild settings. The prolonged failure to protect and enhance these forests on a comprehensive basis has contributed directly to the environmental crisis we face today. But if we dare to act boldly and on a broad front, the forests will make America more livable, and truly more prosperous, for generations to come.

Forests even now cover an estimated one-third of the land area of the United States. We cannot afford to sacrifice more of them. As sources of raw material, they play a part in raising the physical standards of American life. They are absolutely necessary to

conserve soil and water; we have only to look at the denuded slopes of the Middle East, once tree covered but now reduced to poor mineral soils and sparse scrub vegetation, as a living reminder. Forests serve as barriers to hot polluted air and restore the atmosphere with volumes of oxygenated air. In urban areas, they reduce harsh sounds and the effects of solar radiation, and limit the movement of wind, dust, and snow. As the environment for the highest type of recreational and aesthetic enjoyment, they are essential to the well-being and happiness of millions.

Sportsmen are familiar with the values of forests for fish and game. The national forests are particularly significant in this respect. They were conceived and created in order to end the waste of America's woods and other resources; some were established largely because they could serve as game refuges. National forests today are said to account for 30 percent of the nation's annual big-game harvest, including over 80 percent of the elk, bighorn sheep, and mountain goats; nearly 60 percent of mule deer; and more than 35 percent of bear and blacktail deer. They embrace 80,000 miles of fishing streams, 40,000 lakes, the habitat of millions of small-game animals, upland game birds, waterfowl and song birds, as well as more than twenty-five rare and endangered species.

Therefore, I suppose, sportsmen, as well as other citizen conservationists, should be grateful to the old diehards of the timber industry for forcing the issue of forest management and protection before the public.

The diehards demand that providing logs must be the primary role of public and private forests alike. They fought the Multiple Use-Sustained Yield Act of 1960, which declares the purposes of the national forests to be enhancement of recreation, soil, range, timber, watershed, wildlife, fishing, and mining. They fought the Wilderness Law of 1964 and establishment of the Redwood National Park. They objected bitterly to such "non-economic set-asides" in behalf of the people as the National Scenic and Wild Rivers Act and the National Scenic Trails Act.

The passage of these laws might have been the signal to the diehards to review their own archaic position in the light of changing times and to quit trying to exercise the whip hand over the national forests through timber country Congressmen. Instead, they chose last year to strike back with vengeance. They endeavored to perpetrate a hoax called the National Timber Supply Act, which subsequently blossomed and is still pending with the more presumptuous title of "National Forest Timber Conservation and Management Act of 1969."

My purpose is not to dwell on this bad joke, or on the gullibility of those Congressmen who allowed their names to be used as sponsors. The original bill was a flimsy, raw attempt to play upon the housing shortage and high lumber prices in order to destroy multiple use in the national forests. It would have opened the way for an immediate increase in timber cutting—although the "allowable cut" is already being exceeded in a number of national forests. The bill was toned down before being adopted by the House Agriculture Committee, but continues to emphasize the primacy of logging. It is still fundamentally wrong. The provision for a timber improvement fund, to be created by the deposit of receipts from timber sales, might contribute to needed tree planting and thinning, but without providing increased funds for other uses it would only worsen the existing imbalance.

Private forests today are being overcut to reach the high-priced markets and bigger profits. Some of those who weep over the unhoused poor in the American ghettos have been enjoying the returns from the uncontrolled and very substantial export of logs

to Japan. Simply stated, having cut most of their own holdings, they now seek to continue the wave of liquidation of old growth timber in the publicly owned forests.

I don't think they can get away with it. The plot is too raw and rapacious. "If a man tells you that a drastic increase in the allowable cut is cheap, easy and safe, distrust that man," as the Medford (Oregon) Mail Tribune editorialized. "He is more concerned with his meal ticket today than with his children's meal ticket tomorrow." "Don't Let the Loggers Raid National Forests," warned the Salt Lake Tribune. And from the spunky Elko (Nevada) Independent: "Money and personnel used for range improvement, recreational development and other multiple uses would have to be diverted to the timbering operations. We here in the non-timber producing areas of the national forests would suffer severe cuts in money and personnel needed for development of our forest uses."

What concerns me most is that we lack national goals and leadership in dealing with the forested one-third of the country; yet we cannot ignore or long afford the continuation of wanton, wasteful land abuse, and the disregard of land values other than timber.

According to Bernard Orell, vice president of the Weyerhaeuser Company, nearly 10,000 professional foresters are involved in industrial forest management. He considers this to be "an unparalleled achievement in resource conservation." Possibly so, Weyerhaeuser and other large firms employ specialists in forest pathology, wildlife biology, entomology, silviculture, and forest soils, which is to the good. But how much do foresters really know and understand of the environmental world?

"Some at least have failed to give proper consideration to their environmental responsibilities," concedes one of their own number, William E. Towell, executive vice president of the American Forestry Association. "They have clearcut steep slopes opening the way to floods and erosion. They have wiped out fish and game populations in whole watersheds in attempts to control forest pests by spraying. They have destroyed roadside vistas and the beauty of the landscape through carelessness or thoughtless harvest methods." Mr. Towell explains quite simply why these deeds are done: "Foresters by nature tend to be timber-oriented—it's the way they are taught."

The timber diehards, although they would like to carve up national parks and wilderness areas of the national forests, aren't even using the resources available to them on private land.

In 1933, the National Plan for American Forestry, called the Copeland Report, a major and constructive effort developed by the Forest Service in response to a Congressional resolution, showed that private initiative had failed to preserve forest values in all respects. Again in 1945 a survey showed cutting practices "poor" to "destructive" on 64 percent of all private forest land. The Timber Resources Review, published by the Forest Service in 1958, showed 60 percent of commercial forest land divided among 4½ million farmers and other private owners, mostly in small holdings—on which productivity and management were at the lowest levels. Yet the industry consistently greeted Forest Service warnings of potential timber shortages with derision, assurances that "growth exceeds drain," and sought to block Government efforts at every turn of the road. It offered instead a voluntary tree farm program, which displays lots of metal signs in public view. But the signs mean little when weighed in the balance against the sights of millions upon millions of acres of nonstocked or poorly stocked forest land.

Professor Albert C. Worrell, of the Yale School of Forestry, recently undertook a cursory survey of small private properties, specifically for the purpose of determining

timber supplies. He found that small properties contain more than their proportionate share of better growing sites, that they are physically capable of producing 4 billion cubic feet of softwood timber a year—equivalent to about 40 percent of our present consumption—but they are not producing anything near their capability. On nearly two-thirds of the small forests covered in the survey, timber is harvested occasionally, but without any provision for a future crop.

The conclusions of Professor Worrell are most disturbing because they contain more questions than answers. "The forestry profession still cannot estimate how much timber our various forest types can produce under management," he wrote. "We are still resorting to rule of thumb averages."

Instead of a National Timber Supply Act to supply logs from public forests to an industry that has overcut its own lands, we need a national inquiry to answer the questions raised by Professor Worrell, such as: How much land is in small properties today? How much timber is growing on them? How much is commercially available? How fast are additional lands being diverted to other uses? But this inquiry should serve only as the basis of solidifying the national forest plan, complete with a corps of farm foresters to aid small woodland owners and support of long-term loans at low interest in order to insure both softwood and hardwood for the future.

But, of course, providing timber is only one use of the forests. Insofar as public lands are concerned, I submit that maintenance of fish and wildlife habitat, prevention of erosion and sedimentation of streams, and recreation are of greater importance than timber if we are truly to pursue President Nixon's "strategy of quality to supplement our strategy of quantity."

Foresters keep telling us that timber cutting opens the forests, increasing the growth of herbs and shrubs for game, forever giving the impression that "deer" and "game" are synonymous, failing to mention that when one species moves in there is apt to be a mass exodus of many other species.

The grizzly bear and wolf have been wiped out of the forests, the elk is confined almost entirely to the Western States. Even today sportsmen report that clearcutting of marginal timber on steep slopes of the Rockies cuts off elk calving grounds, reduces the summer range, forcing the elk beyond the hunters' reach in autumn, making areas vehicle-oriented rather than wildlife-oriented, destroying the scenic environment that lends zest to sport—and this on public land. Little wonder, I suppose, considering the timber sales budget of the Forest Service is *ten times greater* than that for fish and wildlife habitat. This too must be subjected to close public scrutiny and rearrangement made in the order of priorities.

Sportsmen need to focus close attention on the impact of clearcutting and rotation cycles on the life-community of the forest. The mixed hardwood or hardwood and pine forest is a complex, diverse, and stable association of plants, with a tendency to maintain its ecological norm. There is plenty of room for manipulation within the norm, along with growing timber on long rotations. Drastic changes outside the norm—such as clearcutting and conversion to pine—may be efficient in terms of technology and short-range cellulose production, but are likely to prove disastrous in the long run.

Yet vast areas of the Southland that once supported rich mixed forests have been reduced to even-aged stands of pine only, like apple orchards or orange groves, with few plants desirable for game. True multiple use precludes using forests as farm lots for such monoculture, which inevitably attracts rodents and insects, thus creating the need for pesticides and insecticides damaging to fish and game (as well as humans) and for

fertilizers that ultimately take more out of the soil than they put into it. Hardwoods take longer to grow and show a slower return. But they seem better to me than the mass production of low-quality wood at what must become a steadily reduced rate.

Two other elements of the national plan for forestry I must outline all too briefly:

First, forests need to be considered as an integral part of the city.

They lend charm and comfort to the crowded urban scene, provide daily reminders of man's relationship to nature, and enhance the supply of oxygen. However, growing conditions for city trees have steadily degenerated because of air pollution, drought, heat, erosion, disease, and concentrated use of the land; the loss of trees invariably speeds the destruction of other values. Even more serious, studies show urbanization can raise the temperature by as much as ten degrees over surrounding woods and fields and cause a concentration of sulphur dioxide.

Urban conservation is a new art—seldom practiced, little understood. The primary target should be to provide more greenbelts, buffer strips, community parks and forests. A program should be conducted through Federal cooperation and cost-sharing with state and local governments, with a special goal of encouraging city and county forestry departments and private enterprise tree services.

Second, the relationship of forest trees to man and his survival is becoming evident.

The unlimited supply of pure air has forever been taken for granted; but the only reason the earth's atmosphere contains oxygen for us to breathe is that it is constantly given off by green plants. We cannot continue to allow forests to be replaced by jetports, freeways, shopping centers, barren suburbs, and factories. And efforts will have to be made to safeguard forest land from air pollution damage.

Forest practices by tradition have been directed to correct an entire sequence of abuses from grazing, logging, mining, and farming; forest cover has been known to maintain water quality and to help control floods. Now, the management and conservation of air holds equal value in environmental forestry.

All this means to me that we are entering a new era, though perhaps with some strain and pain. "Profit is the only tool by which we can progress soundly toward meeting the resource demands, desires, and requirements of our people," according to Mr. Orell of Weyerhaeuser. "If we fail to make a profit, we fail our responsibility." But I disagree—the transcendent demands, desires, and requirements of the people are for *usufruct*.

Mr. Towell of the American Forestry Association understands this ancient concept and expresses it forthrightly in these modern terms: "Land ownership may be right under our democratic society, but it should be treated as a privilege. No landowner, large or small, should be able to control land use entirely for his own benefit without regard for what his actions do to others. Ownership is a trust which must be exercised in the interests of other people and the quality of our total human environment."

I feel that my role at times is to alert industry to its opportunities and challenges in the new era. But if I were to sum up my feelings I could not do it better than W. H. Hunt, executive vice-president of the Georgia-Pacific Company, when he addressed the American Plywood Association in 1968:

"Business has a natural and understandable tendency to stress economics rather than ecology when thinking about resources," he declared. "But land is an integral part of all life; its resources remain part of the environment and in dealing with them we should carefully blend ecology and economics in our thinking."

What we need now are rules to guide those who use the land. We need to agree on rules that will help determine how to control land use while simultaneously permitting a combination of maximum uses. At stake are the physical and human resources of this nation. The problem of wisely managing these resources for the greatest benefit of all is our greatest problem; greater than minority problems and greater than poor people's marches, for without this proper management we will impoverish all the land and all the people."

This is why the National Timber Supply Act is all wrong and must not become law. A system of conservation based solely on economic self-interest is hopelessly lopsided. It tends to ignore, and thus to eliminate, elements in the life-community of the land that lack commercial value, but which are essential to its well-being. Perhaps the first rule to guide those who use and administer the land should be that economic parts of the biotic clock will not function without the uneconomic parts. When they learn that, we can go on from there to sustain healthy forests for many years to come and to develop a long-range comprehensive program.

THE LATE WILLIAM RAYMOND CORBEAU

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 29 Mr. William Raymond Corbeau of Orlando, Fla., suddenly and unexpectedly passed away at age 49 and his many friends are deeply saddened. Bill, as he was known to his friends, was a great man, because greatness is not always determined by prominence in national headlines but in the daily tasks of citizenship, devotion to one's work, and love of family and friends. Bill was an outstanding former president of the Florida Association of Letter Carriers, a loyal and dedicated American, a fine gentleman, and a treasured friend of many. His short life was an inspiration to his fellow man and especially to his fellow letter carriers, whom Bill so honorably and devotedly represented.

I extend my deep and heartfelt sympathy to the family of William Raymond Corbeau and in fond memory of him I place here in the RECORD the notice which appeared in the Orlando Sentinel on January 31; marking the passing of a good man:

WILLIAM RAYMOND CORBEAU

Mr. William Raymond Corbeau, 49, 1½ East Spruce St., Orlando, died Thursday. He was past president of the Florida Association of Letter Carriers.

A native of Cleveland, Ohio, he came to Orlando in 1935 and became a letter carrier for the Orlando post office. He was a member of the Calvary Presbyterian Church of Orlando; American Legion Post No. 19; National Association of Letter Carriers, Editor for the Orlando Letter Carriers publication, chairman of the National Association of Letter Carriers building committee, delegate at large of the Florida State Association of Letter Carriers, director of Florida Postal Benefit Association, and a past officer and active member of the Muscular Dystrophy Association.

Survivors: daughters, Mrs. Carolyn Caviness, Blue Mountain, Miss.; Mrs. Kathy Wallace, Sanford; Miss Doris Corbeau, Winter Park; Mrs. Betty Coy, Cleveland, Ohio; parents, Mr. and Mrs. William C. Corbeau, Largo;

grandson, George Caviness, Blue Mountain, Miss.
Cox-Parker Funeral Home, Winter Park.

THE EIGHTH INTER-AMERICAN SAVINGS AND LOAN CONFERENCE HELD IN MANAGUA, NICARAGUA, JANUARY 25-30, 1970

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 25-30, 1970, the Eighth Inter-American Savings and Loan Conference was held in Managua, Nicaragua, under the general direction of the very able secretary-general of the conference who has also served as secretary-general of the seven previous Inter-American Savings and Loan Conferences, the Honorable Stanley Baruch, Director of Housing and Urban Development in the Agency for International Development in the Department of State. Mr. Baruch on behalf of the Agency for International Development has immeasurably promoted the welfare and progress of the people of Latin America and good will and friendship between the people of Latin America and the United States by the establishment and development of the savings and loan industry in the Latin America nations. Every nation in Central and South America today has savings and loan associations. There are today a total of 170 savings and loan associations in 10 countries in Latin America which have total savings of \$500,000,000 outstanding mortgages in the amount of \$700,000,000 and under this program 200,000 homes have been built. The Agency for International Development through Mr. Stanley Baruch and the savings and loan industry of the United States particularly through the National League for Insured Savings have aided the Latin America countries in the enactment of legislation providing for savings and loan associations and for setting up the necessary financial institutions for assistance to such associations, in the drafting of rules and regulations governing such associations, and in the training of personnel to direct and manage such associations.

All of this progress in the encouragement of thrift and the building of homes in Latin America has been accomplished by an outlay of absolutely nothing by way of grants and \$75,000,000 as loans by the Government of the United States over the past 10 years. In what way, Mr. Speaker, could our country have at less expense to itself done so much to help our friends in Latin America to accumulate savings and to enjoy their own homes.

These conferences have also immensely contributed to the building of better understanding and friendship between the Latin American countries and the Government and people of our own country. At this last conference under the direction of Mr. Baruch, a meaningful new institution came into being; namely, the meeting of Representatives of the Congresses of the several Latin American countries and the United States in

connection with the International Savings and Loan Conference for the purpose of promoting a candid and full exchange of views about the future of our hemisphere among the congressional representatives of our country and the nations of Central and South America.

My distinguished colleague, the gentleman from Georgia (Mr. BLACKBURN), and I were privileged as Members of this House to participate in this meaningful conference with members of the Congresses of Nicaragua, El Salvador, Costa Rica, and Honduras. Out of this conference and with strong endorsement from Mr. BLACKBURN and me, we believe, at future Inter-American Savings and Loan Conferences, there will be a large number of members of Congress of participating countries present so that in conjunction with the Inter-American Savings and Loan Conference there will be held the Inter-American Congressional Conference. Thus, the First Inter-American Congressional Conference which came into being at Managua will become a continuing and everexpanding institution. It is rather surprising that we have conferences annually with representatives of the free nations of the world through the Inter-Parliamentary Union and with members of the Canadian Parliament through the American-Canadian Parliamentary Group; and with members of the British Parliament through the British-American Parliamentary Group, but we have never had an inter-American congressional organization with regular meetings and conferences.

So great credit goes to Mr. Stanley Baruch for having initiated the Inter-American Congressional Conference in conjunction with the Eighth Inter-American Savings and Loan Conference.

Mr. Speaker, President Nixon at the inauguration of this conference, presented through his personal representative a very warm and encouraging message which was very heartily received by the conference. I include the President's message at this place in my remarks:

THE WHITE HOUSE,
Washington, January 15, 1970.

Greetings to the participants in the Eighth Inter-American Savings and Loan Conference, and warmest wishes for the success of your deliberations.

The encouraging development of thrift and home-ownership institutions throughout Latin America over the past decade has provided new opportunities and incentives for countless citizens of this Hemisphere.

The questions to which your meeting is addressed are as pertinent in this country as they are throughout our Sister Republics. Together, I believe that we can work efficiently and effectively to stimulate greater resourcefulness, creativity and energy among our people, and to marshal the fullness of both our fiscal and human resources toward the kind of society that offers true freedom of opportunity, equality and human dignity to every citizen.

Savings and loan institutions are a most vital vehicle in the attainment of this goal. On behalf of the citizens of the United States, I join with all the leaders and the people of the Americas in the hope that the results of your sessions will be another milestone in the history of Inter-American cooperation and another step forward in uplifting the quality of human life.

RICHARD NIXON.

At the inaugural ceremony as the secretary-general of the Eighth Inter-American Savings and Loan Conference, Mr. Stanley Baruch delivered a very outstanding and appropriate address which was warmly received by the President of Nicaragua, who with his lovely wife, presided over the inaugural ceremonies of the conference and by the several hundred delegates and guests who were in attendance in the beautiful theater in Managua where the conference was held.

I commend to my colleagues and my fellow countrymen Mr. Baruch's outstanding address and include it here in my remarks:

ADDRESS OF HON. STANLEY BARUCH

Your Excellency, Mr. President of Nicaragua, General, Anastasio Somoza Debayle; Your Excellency, Mrs. Hope Somoza, First Lady of Nicaragua;

Your Excellencies, Members of the Legislative, Judicial, and Electoral Colleges;

Your Excellencies, Vice-Presidents of Nicaragua;

Your Excellency, Dr. Lorenzo Guerrero, Ex President of Nicaragua; and Secretary of the Department of Foreign Affairs;

Honorable Secretaries and Assistant-Secretaries of State;

Your Excellency, Apostolic Nuncio of His Holiness the Pope, and Dean of the honorable Diplomatic Corps;

Your Excellencies, Ambassadors and honorable "Charges d'Affaires";

Your Excellency and Reverend Apostolic Administrator of the Archdiocese of Managua;

Honorable Members of the Army Staff of the National Guard;

Honorable Presidents of the Autonomous Agencies;

Honorable Delegates and Observers at the VIII Inter-American Savings and Loan Conference;

Distinguished Guests; Ladies and Gentlemen:

It is alleged that the essence of great pride is sincere humility. In support of this thesis, and to the extent that such noble emotions may be equated with the crass nature of housing finance, I embark on this eighth year of my Secretary-Generalship bursting with pride and simultaneously suffused with humility.

I propose to tell you this morning the source of my pride and the corresponding condition of humility which this pride inspires.

I am proud that each savings and loan system which exists throughout the hemisphere is the product of a truly collaborative undertaking in which I have been honored by having had the opportunity to play a constructive and creative role.

I am humble because in the process I became all too familiar with the agonizing degradation suffered by the millions of families living in sub-human housing conditions from one end of this hemisphere to the other.

I am proud that a truly distinguished group of Congressmen from Latin America and the United States have honored us with their presence and on behalf of all of us in this Conference I want to acknowledge their presence by requesting that they stand so that all the delegates may know who and where they are.

I am humble because it is these same Congressmen who must provide us with the necessary housing legislation and with adequate housing appropriations if we ever hope to achieve the targets and timetables which contemporary crises have conspired to establish. The wisdom which our Congressmen must have in order to accommodate both domestic and international priorities is so awesome that I tremble when I reflect on it.

I am very proud that the Inter-American Development Bank is represented here this year by its distinguished Executive Vice-President, T. Graydon Upton. This is the most elevated representation from the Bank at these savings and loan conferences since they started eight years ago.

I am humble because the Bank no longer is an official sponsor of the Conference and I yearn for some assurance that this apparent incongruity of altitudinous representation while not being a sponsor will be remedied long before the definitive arrangements for next year's conference are formalized.

I am proud because the participation of the Deputy Assistant Secretary of State for Latin America at this head table in the person of Mr. Robert Hurwitch represents the highest level of leadership heading the U.S. delegation to any of our eight conferences.

I am humble because he is certain to discover what great fun we are having in carrying out our noble crusade and some puritan ethic may therefore compel him to impose upon us a crown of thorns since it is a basic rule that work really is not meant to be enjoyed.

I am proud to welcome to this conference the distinguished representatives of the two (2) newest savings and loan system which have come into existence since we met last year in Santo Domingo and I request that the delegates from Honduras and Costa Rica please rise so that we may show them how delighted we are to have them as members of this growing family.

I am humble because five countries have yet to embark on the glorious path to thrift and home ownership through the establishment of a savings and loan system, the most potent institutional mechanism yet conceived for this purpose.

I am honored and flattered that the President of the United States has sent a personal representative to deliver his message of encouragement and appreciation to the Conference and particularly that the person entrusted with this assignment is an old friend and associate.

I am humble because it is my deep and unshakable conviction that what the President of the United States is honoring here is our unique and dynamic approach to institution-building and international cooperation. It seems to me, therefore, that even though our achievement and already very significant, the support which we can anticipate from the President of the United States as well as from the Congress provides us with almost limitless horizons as we contemplate the future. Believe me, that is a very sobering and solemn consideration.

I am proud of the increasing role of the United States savings and loan associations together with the Boston and New York Federal Home Loan Banks in making substantial resources available to help the growth of Latin American thrift and home ownership institutions.

I am humble because the decision on the part of the U.S. industry to help in Latin America comes at a time when U.S. domestic urban priorities are abundant and volatile and when savings are actually being withdrawn from the U.S. associations because of the competition of commercial banks and other alternative sources of investments. Interest rates from the U.S. industry to Latin American savings and loans must continue to reflect considerations other than simply what the market will bear. The courage of my colleagues to expand their assistance to Latin America and thereby fulfill their moral and international commitments notwithstanding these competing demands, is something I will not easily forget.

I am proud that during the past year eleven (11) loans totaling US\$53,300,000 were authorized under the Latin America Housing Guaranty Program which is an im-

portant part of the office I administer. By the end of December, 1969, this program, which now has as its principal objective assistance exclusively for completely indigenous Latin America institutions, had a total of US\$317,000,000 in authorized projects of which US\$206,000,000 was already under contract.

I am humble because of the many ways in which our program must continue to be improved in order to become fully capable of achieving its enormous potential.

I am proud to stand before the President of this great country to extol the fiscal and institutional achievements of the public and private sectors of the Nicaraguan savings and loan industry and to respond with love to the overwhelming warmth of the Nicaraguan hospitality we have already experienced during our brief visit.

I am humble because I appreciate better than anyone in this magnificent theater the enormous effort and sacrifice and affection and good will which it represents.

I am proud for all the great accomplishments which have been already achieved by each of you and by the savings and loan systems throughout the hemisphere.

I am humble about the huge distance we still have to go together.

A TRIBUTE TO JACKIE MARTIN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, many of our colleagues knew and cherished the friendship of the late Cecelia Martin, fondly known as "Jackie" as did Mrs. Pepper and I. It was a great loss to all of us and to her country when Jackie passed away on Monday, December 15, 1969, after a long illness. Jackie was a grand lady, warm and generous of heart, gracious and charming of manner, loyal in friendships, a truly noble woman. Mrs. Pepper and I shall never forget the many happy times we enjoyed with Jackie and what a lovely person she was. We shall always cherish her memory.

Jackie left behind a legend of accomplishments more particularly detailed in the column of December 17, 1969, from the Washington Post, as follows:

NEWSPAPER ART DIRECTOR, D.C. AUTHOR

Cecelia B. (Jackie) Martin noted Washington photographer, newspaperwoman and author, died Monday at Northern Virginia Doctors Hospital after a long illness. She was 65.

She was an editor, writer and photographer for several major newspapers, news syndicates and magazines and was the first woman to become photographic and art director of a metropolitan paper when she was appointed to that position at the old Times-Herald here.

Miss Martin was a war correspondent during World War II and received numerous awards for her work.

She was co-author of the book, "Washington, City of Destiny," published 20 years ago. A panorama of then-contemporary Washington, the book contained pictures by Miss Martin and text by Alice Rogers Hagers.

Photographs in the book included interiors of the White House and intimate scenes of the Truman and Roosevelt families.

In 1936, Miss Martin was elected to the Royal Photographic Society of England, a position reached by few women since the society's establishment in 1853.

Born in Pittsburgh, Pa., Miss Martin came to Washington during World War I. She graduated from Eastern High School and Syracuse University.

She was the first woman member of the White House News Photographers Association and a founder of the American Newspaper Women's Club.

Survivors include two sisters, Mrs. William P. Fugh, of Washington, and Mrs. William H. Clements Sr., of Hyattsville; a brother, Philip Jr., of Rockville, and several nieces and nephews.

A touching and beautiful tribute to Jackie was the eulogy of the able and distinguished commentator, Roscoe Drummond, her longtime and dedicated friend, which he gave at the services for Jackie and which I ask be included in the body of the RECORD following these remarks:

A TRIBUTE TO JACKIE MARTIN
(By Roscoe Drummond)

Friends—for the friends of Jackie Martin cannot fall to be friends of one another.

I welcome this opportunity to bear witness to Jackie Martin as she showed herself to me.

I bear witness to great talent, to radiant character and to a very special human being. Some have great talent without matching integrity.

Jackie Martin had both.

Some have great talent and matching integrity but without the gift of humanity to their fellows.

Jackie Martin had all three—talent, personal and professional integrity and generosity of spirit.

She not only thought good thoughts; she did good deeds—for her friends, for her acquaintances and for those travelers who she would not pass by though they were on the other side of the road.

That is the Jackie Martin I knew and you knew.

Like some in Bible history and some today, Jackie did not bury the talents that God gave her. She nourished them and multiplied them by employing them usefully, able and often strenuously because she is one who lived to work not worked to live.

Jackie was an inveterate first. No telling where she would have been last summer if she had been an astronaut.

She was the first woman photographic and art director on an American metropolitan newspaper and on her work, William Randolph Hearst, Sr., called her "the best art editor in the United States."

She was the first woman member of the White House News Photographer's Association. She was a founder of the American Newspaper Woman's Club.

When World War II came, she volunteered to do what she could do best. She served the WAACs as a special assistant to corps commander Oveta Culp Hobby. Later she and her camera fearlessly went to the European Theater of Operations.

In turning her lens on Brazil's burgeoning aviation industry, Jackie's photographs illustrated more than 30 magazine articles and two memorable books, "Frontier by Air" and "Brazil, Giant of the South," for which she was decorated with Brazil's highest award to any foreigner, the Order of the Southern Cross.

In 1949 she took exclusive photographs of the heads of Government of Iceland, Ireland, Norway, Finland and Denmark together with the first pictures ever allowed by the Swedish Royal family of the young Crown Prince.

Of course, that's not surprising. Jackie was irresistible—and we know why. She was ingratiating—but she was also implacable.

Jackie could never resist a call to duty and when that duty meant serving her country, she did not have to think twice.

I know this from first-hand experience. When I took leave of absence from my newspaper to serve as Information Director of the Marshall Plan in Western Europe and

saw the uncultivated opportunities to tell its marvelous story to its recipients by means which would do it best, one of my first actions—and certainly one of my best—was to summon Jackie. She did a terrific job. I knew she would come. She did—because a patriotic duty to her was a call to be answered, not a draft to be escaped from. By virtue of long ancestry going back to the Revolution and by virtue of an inner cherishing of what her nation—the home and headquarters of religious and political freedom—means to all free men, Jackie was the kind of patriot we need more of.

Jackie's humanity was universal. To her nothing was more rewarding than when she was asked by the U. S. I. A. to assemble for world-wide showing its exhibit of the "Family of Man" by the renowned artist Steichen.

The Family of Man is the Family of Jackie Martin and she will never be separated from it.

I believe in the immortality of man in his true human identity. I believe it is not just the good that a man does which lives on, but that man, when he awakes from his experience called death, will know that the life God bestows never ends.

And so, in your behalf and mine, I venture to say to Jackie Martin, with serenity and with appreciation: Thank you, Jackie, for what you were and for what you are.

CHICAGO TRIAL POINTS UP NEED FOR REFORM IN COMMUNICATIONS MEDIA

(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, last week I had occasion to make brief remarks on the trial of "the Chicago 7." I pointed out that the objectives of the defendants and their lawyers throughout the trial were quite explicit. They attempted deliberately to make a mockery of our judicial system. That the defendants, with the connivance of their attorneys, ostensibly succeeded in doing so, is in no small degree due to the cooperation they received from a large segment of our communications media.

According to the self-styled revolutionaries who were on trial, as it is with others in "the Movement," the law is a "class" tool which must be "exposed." A trial is to them a confrontation with "the system," which they ultimately seek to destroy or transform. And to this end, a large segment of the communications media permitted itself to be fully exploited, by obscuring the reprehensible nature of the behavior of the defense, while demeaning the court and the prosecution. It was the kind of reporting that lends credence to the charges now increasingly heard that the communications media is failing in its responsibilities to the public.

That reform, not protest, should be the response of the communications media to the growing and reasonable attack being made upon it is the correct thesis of at least two gentlemen of the press whose recent column I append to my remarks. I fully agree with the observations of Richard Harwood and Laurence Stern when they say:

If the response of the networks and companion media is merely defensive, nothing is gained. What is needed is reform and an

abandonment of bad habits, such as the 'staging' of news events and the excessive preoccupation with aberrant behavior.

That the communications media is not incapable of self-criticism is thus evident. Although the process of reform has by no means begun, the increased sensitivity to the issue which is reflected in articles of this tenor, is a necessary prelude to reform. This malaise of the communications media in its preoccupation with "aberrant behavior" is, however, so deep-seated that I fear that reform will be slow in coming, unless the media is made to feel the widespread public revulsion to its conduct.

The article to which I referred appeared in the February 18 issue of the Washington Post, and follows:

REFORM, NOT PROTEST, IS THE ANSWER TO GROWING ATTACK ON NEWS MEDIA

It becomes more apparent each day that Vice President Agnew's attack last fall on the real or imagined biases of the communications media was not the last word on that subject. He "tipped over a witch's cauldron," a disturbed editor said this week, and created in the country "an ugly mood" toward the people who gather and sell news in the United States.

Whether the mood is "ugly" or simply critical, it is a fact that the performance of the media is a continuing preoccupation of the government and the public.

In the Senate a couple of days ago, members of the Judiciary Committee and a procession of witnesses, old and young, charged that the press has created such a false and negative image of America's young people that it has been impossible to make any headway on the proposal to lower the voting age to 18.

Distortions by the media, the argument went, have convinced the masses that the "typical" high school senior or college student is a wild one—a long-haired, pot-smoking, rock-throwing radical whose vocabulary begins and ends with four-letter words and whose politics begins and ends with a Vietcong flag.

The committee was told that the militant cadres of SDS, the Black Panthers and similar groups represent no more than 1 or 2 per cent of the youth population. But they have so intrigued the media, television in particular, that one young witness complained: "Adults see more of this stereo-type 'media kid' than of their own son or the kid next door." They don't like what they see and they sometimes react oppressively.

While this inquiry was under way, the House Interstate and Foreign Commerce Committee was conducting its own investigation of the broadcasting industry. It wants to know if network crews are "staging" or manufacturing news.

OBS, for example, is being asked to explain its involvement in an inconsequential and abortive scheme to "invade" Haiti a few years back. NBC may be asked why one of its television crews showed up at a college demonstration in California with prefabricated protest signs which were handed out to students.

The House Government Operations Committee has gotten into the act with an investigation of news "management" practices by American military officials in Vietnam. The Justice Department has begun issuing subpoenas for film and notebooks accumulated by reporters in their coverage of the militant minority.

There is something disturbing in all this to news people with a legitimate concern for the press freedoms guaranteed by the First Amendment and with legitimate skepticism of the motives of governmental agencies that

question or interfere with those freedoms.

Those concerns are being asserted strongly and properly by the managers and owners of the media on the correct theory that neither Vice Presidents nor Attorneys General nor congressional committees have any writ or authority to suspend or modify the First Amendment.

The more difficult problem for the media is their credibility and standing with the American audience. A Burns Roper poll, conducted for the television industry in 1968, revealed that there is already a sizable minority in the country (11 per cent) that favors governmental control over television news and an even larger minority (30 to 35 per cent) that indicts newspaper and television coverage of riots and crime as "a very important cause of crime and violence" in the United States. The same poll reveals that the "believability" of the media is not impressive.

It may be even less impressive when the congressional committees have finished their current inquiries and have exposed some of the shoddy or juvenile practices that go on in this business, most particularly the television end of it.

If the response of the networks and companion media is merely defensive, nothing is gained. What is needed is reform and an abandonment of bad habits, such as the "staging" of news events and the excessive preoccupation with aberrant behavior.

Midway through the Senate Judiciary Committee hearings this week, the network crews packed up and left before several young witnesses had testified on the proposition of giving the vote to 18-year-olds.

This drew from Sen. Marlow Cook (R-Ky.) a defensible judgment on what is so often wrong:

"If you had come out of your seats back there, knocking over chairs and shouting that you want the right to vote, I promise you that you would have been on every national TV news program in America tonight."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ESCH (at the request of Mr. ARENDS), for February 25 and the balance of the week, on account of death in family.

Mr. THOMSON of Wisconsin (at the request of Mr. ARENDS), for February 23 and 24, on account of official business as a member of the House Committee on Foreign Affairs.

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. MICHEL, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. PODELL, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WILLIAMS) and to revise and extend their remarks and include extraneous matter:)

Mr. RHODES, for 10 minutes, today.
Mr. HALPERN, for 30 minutes, today.
Mr. WILLIAMS, for 60 minutes, today.
Mr. BUTTON, for 10 minutes, today.
Mr. STEIGER of Wisconsin, for 30 minutes, today.
Mr. HOSMER, for 10 minutes, today.
Mr. HOGAN, for 20 minutes, today.
(The following Members (at the re-

quest of Mr. PRYOR of Arkansas) and to revise and extend their remarks and include extraneous matter:)

Mr. BRASCO, for 60 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. VANIK, for 15 minutes, today.
Mr. NEDZI, for 60 minutes, on February 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL and to include extraneous matter in two instances.

Mr. ECKHARDT immediately prior to the vote on H.R. 10335.

(The following Members (at the request of Mr. WILLIAMS) and to include extraneous matter:)

Mr. BURKE of Florida.
Mr. LANGEN.
Mr. SCHADEBERG in two instances.
Mr. DON H. CLAUSEN.
Mr. DERWINSKI in four instances.
Mr. BUTTON in three instances.
Mr. PRICE of Texas in two instances.
Mr. SCOTT.
Mr. GERALD R. FORD.
Mr. MARTIN.
Mr. REID of Illinois.
Mr. ASHBROOK in two instances.
Mr. SCHERLE.
Mr. JOHNSON of Pennsylvania.
Mr. HOSMER in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. WYMAN in two instances.
Mrs. MAY.
Mr. UTT in three instances.
Mr. BOW.
Mr. CONTE.
Mr. HAMMERSCHMIDT.
Mr. GOLDWATER.
Mr. BRAY in two instances.
Mr. REID of New York in two instances.
Mr. QUIE.
Mr. McCLORY.
Mr. WIDNALL.
Mr. MCKNEALLY.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous matter:)

Mr. EILBERG.
Mr. ROSENTHAL in five instances.
Mr. TUNNEY.
Mr. RODINO in two instances.
Mr. MONTGOMERY.
Mr. ULLMAN.
Mr. MAHON.
Mr. KASTENMEIER in two instances.
Mr. BRINKLEY.
Mr. ASHLEY.
Mr. RARICK in three instances.
Mr. MURPHY of New York.
Mr. DINGELL in four instances.
Mr. CHARLES H. WILSON.
Mr. EVINS of Tennessee in six instances.
Mr. OBEY in six instances.
Mrs. GRIFFITHS.
Mr. MILLER of California in five instances.
Mr. GONZALEZ.
Mr. GAYDOS in five instances.
Mr. FOUNTAIN in two instances.
Mr. PATTEN in two instances.
Mr. PEPPER.
Mr. ST GERMAIN.

Mrs. CHISHOLM.
Mr. DIGGS.
Mr. CHAPPELL.
Mr. GIBBONS.
Mr. WOLFF in four instances.
Mr. CLAY in six instances.
Mr. O'NEAL of Georgia in five instances.
Mr. STEPHENS.
Mr. EDWARDS of California.
Mr. HELSTOSKI in two instances.
Mr. WILLIAM D. FORD.
Mr. VANIK.
Mr. JACOBS in two instances.
Mr. O'HARA.
Mr. FEIGHAN in five instances.
Mr. BRASCO.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 25, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1674. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classifications, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1675. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; to the Committee on Foreign Affairs.

1676. A communication from the President of the United States, transmitting copies of a proclamation providing modification of trade agreement concession and adjustment of duty on certain pianos; to the Committee on Ways and Means.

1677. A letter from the Under Secretary of the Navy, transmitting a report of the Naval Reserve Officers' Training Corps flight instruction program for fiscal year 1969, pursuant to the provisions of 10 U.S.C. 2110(b); to the Committee on Armed Services.

1678. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1679. A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; to the Committee on Armed Services.

1680. A letter from the Secretary of the Export-Import Bank of the United States, transmitting the quarterly report of the export expansion facility program for the period ended December 31, 1969, pursuant to the

provisions of Public Law 90-390; to the Committee on Banking and Currency.

1681. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a report on exports of significant defense articles for the period January-June 1969, pursuant to the provisions of Public Law 90-629; to the Committee on Foreign Affairs.

1682. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the operation of Government-owned vessels in support of military activities in Southeast Asia, Maritime Administration, Department of Commerce; to the Committee on Government Operations.

1683. A letter from the Secretary of Transportation, transmitting a report and recommendations regarding completion of the Interstate Highway System in the District of Columbia, pursuant to the provisions of subsection 23(c) of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

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. FEIGHAN: Committee on the Judiciary. S. 2593. An act to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration; with amendments (Rept. No. 91-851). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred to as follows:

By Mr. BINGHAM (for himself, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. HATHAWAY, Mr. HUNGATE, Mr. KARTH, Mr. KOCH, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr. MOORHEAD, Mr. OTTINGER, Mr. ROE, Mr. SCHEUER, and Mr. WOLFF):

H.R. 16124. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. BINGHAM (for himself and Mr. SCHEUER):

H.R. 16125. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 16126. A bill to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 16127. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change

the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 16128. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

H.R. 16129. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 16130. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ESHLEMAN:

H.R. 16131. A bill to amend title 18 of the United States Code to prohibit the desecration of Armed Forces uniforms; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 16132. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.R. 16133. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

H.R. 16134. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 16135. A bill to amend the National Emission Standards Act to require Federal emission standards for used motor vehicles; to require that Federal emission standards for new motor vehicles shall be the same as the emission standards adopted by the State of California for the calendar year 1975 and for each calendar year thereafter; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16136. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate anti-pollution devices on motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16137. A bill requiring the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 16138. A bill to amend title 38, United States Code, to extend certain benefits presently provided to veterans who are blind as a result of service-connected disability to veterans who are blind as a result of non-service-connected disability but who have other service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

By Mr. HOSMER (for himself, Mr. CLEVELAND, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GUBE, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. OTTINGER, Mr. PETTIS, Mr. WHITEHURST, and Mr. HALPERN):

H.R. 16139. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 16140. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16141. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16142. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16143. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. PHILBIN:

H.R. 16144. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. PODELL:

H.R. 16145. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on Judiciary.

By Mr. ROBERTS:

H.R. 16146. A bill to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 16147. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 16148. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. THOMSON of Wisconsin:

H.R. 16149. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. UTT:

H.R. 16150. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. WIGGINS:

H.R. 16151. A bill to protect the public health and safety to provide new means for the control of depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 16152. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 16153. A bill to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 16154. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAMO:

H.R. 16155. A bill to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 16156. A bill to provide that poultry and meat products prepared from diseased animals shall be deemed adulterated; to the Committee on Agriculture.

By Mr. MOLLOHAN:

H.R. 16157. A bill to consent to the Interstate Compact on Air Pollution between the States of Ohio and West Virginia; to the Committee on the Judiciary.

H.R. 16158. A bill 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; to the Committee on Veterans' Affairs.

By Mr. RUPPE:

H.R. 16159. A bill to provide for the inspection of eggs and egg products by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. SKUBITZ:

H.R. 16160. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.R. 16161. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 1094. Joint resolution authorizing the President to proclaim the second week in April of each year as "National Zero Defects Week"; to the Committee on the Judiciary.

By Mr. HALEY:

H.J. Res. 1095. Joint resolution authorizing the President to proclaim the week of June 7 through June 13 of 1970 as "National Future Business Leaders of America and Phi Beta Lambda Week"; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week"; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.J. Res. 1097. Joint Resolution proposing an amendment to the Constitution of the United States relating to the attendance of students at public elementary or secondary schools nearest to their place of residence; to the Committee on the Judiciary.

By Mr. MAHON (for himself and Mr. Bow):

H.J. Res. 1098. Joint Resolution to provide for the appointment of James Edwin Webb

as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. CLEVELAND:

H.J. Res. 1099. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.J. Res. 1100. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 1101. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

By Mr. FASCELL:

H. Con. Res. 513. Concurrent resolution expressing the sense of the Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 514. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Con. Res. 515. Concurrent resolution expressing the sense of the Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. DEVINE:

H. Res. 847. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. GIBBONS (for himself and Mr. FASCELL):

H. Res. 848. Resolution to create a bipartisan select committee to study ways in which the House of Representatives can improve and reform itself as an organization; to the Committee on Rules.

By Mr. O'KONSKI:

H. Res. 849. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. BENNETT, Mr. PURCELL, Mr. UDALL, Mr. HECHLER of West Virginia, Mr. HAMILTON, Mr. WOLFF, Mr. BRASCO, Mr. EDWARDS of Louisiana, Mr. REES, Mr. GALIFIANAKIS, Mr. LOWENSTEIN, Mr. OBEY, Mr. STEIGER of Wisconsin, and Mr. WYMAN):

H. Res. 850. A resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. ANDREWS of North Dakota, Mr. ARDEN, Mr. BERRY, Mr. BUCHANAN, Mr. BROWN, Mr. CLEVELAND, Mr. COLLINS, Mr. DERWINSKI, Mr. ESCH, Mr. FINDLEY, Mr. FRELINGHUYSEN, Mr. HOMER, Mr. KING, Mr. KUYKENDALL, Mr. KYL, Mr. LATTI, Mr. LLOYD, Mr. MCNEALLY, Mrs. MAY, Mr. MINSHALL, Mr. MOSHER, Mr. RUPPE, Mr. RUTH, and Mr. SCHNEEBELI):

H. Res. 851. A resolution for the appointment of a select committee to study the ef-

fects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. SCHERLE, Mr. SCOTT, Mr. SMITH of New York, Mr. WINN, and Mr. WYDLER):

H. Res. 852. A resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 16162. A bill for the relief of Hanni Tabacnik; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 16163. A bill for the relief of Myrtle H. Davis; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 16164. A bill for the relief of Neville Montgomery Pigott, and his wife, Laurel Lutella Pigott; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 16165. A bill for the relief of Mrs. Esther Jane Anhalt; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 16166. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

309. By the SPEAKER: A memorial of the House of Representatives of the General Assembly of the State of Colorado, relative to requiring motor vehicle manufacturers to develop pollution-free propulsion systems; to the Committee on Interstate and Foreign Commerce.

310. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to preventing damage to the Atlantic coastline from oil leakage; to the Committee on Merchant Marine and Fisheries.

311. Also, a memorial of the Legislature of the State of Wisconsin, relative to entitling the veterans of World War I to certain pensions; to the Committee on Veterans' Affairs.

312. By Mr. ALBERT: Memorial of the second session of the 32d Oklahoma Legislature relating to the Selective Service System; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

403. By the SPEAKER: Petition of the municipal board of Angeles City, Philippines, relative to additional residential housing units inside Clark Air Base; to the Committee on Armed Services.

404. Also, petition of the Police Chiefs Association of Southeastern Pennsylvania, Inc., Philadelphia, Pa., relative to paying honor to the Director of the Federal Bureau of Investigation and his associates; to the Committee on the Judiciary.

405. Also, petition of the council of the city of New Orleans, La., relative to restricting the distribution of pornography; to the Committee on Post Office and Civil Service.