HOUSE OF REPRESENTATIVES— *Wednesday, April 8, 1970*

The House met at 12 o'clock noon.

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

O worship the Lord in the beauty of holiness: fear before Him, all the earth, for He shall judge the world with righteousness.—Psalm 96: 9, 13.

O God and Father of mankind, who hast preserved us as a nation and hast given us this good land for our heritage, grant unto us, who lead the people of this country, an unfailing and unfaltering devotion to Thee and to the welfare of our citizens.

Give us insight to see clearly what must be done to meet the needs of our countrymen, feeding the hungry, strengthening the weak, establishing justice, and building good will.

With this insight give us the inspiration to do it Thy way until justice and righteousness shall rule our Nation and peace and good will shall reign in the hearts of all nations.

In Thy holy name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14705) entitled "An act to extend and improve the Federal-State unemployment compensation program, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. GORE, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

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

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas;

S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; and

S. Con. Res. 49. Concurrent resolution providing for congressional recognition of the Goddard Rocket and Space Museum.

PERSONAL ANNOUNCEMENT

Mr. HORTON. Mr. Speaker, yesterday, the House passed the conference report on H.R. 514, the Elementary and Secondary Education Act. I was unavoidably absent because of necessary business in my district. Had I been here, I would have voted for the conference report.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1124, FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 904, Rept. No. 91–985), which was referred to the House Calendar and ordered to be printed:

H. RES. 904

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. COLMER. 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. 68]

Abernethy	Cabell	Dent
Adair	Camp	Dickinson
Ashley	Carter	Diggs
Biaggi	Chisholm	Dorn
Bingham	Clark	Dowdy
Blackburn	Clawson, Del	Downing
Blatnik	Clay	Fallon
Bow	Cramer	Feighan
Brotzman	Cunningham	Fulton, Pa.
Brown, Calif.	Dawson	Fulton, Tenn.
Gallagher	Lukens	Ruth
Gray	McEwen	Scheuer
Green, Oreg.	Mayne	Schneebeli
Gude	Miller, Calif.	Shriver
Hagan	Mizell	Slack
Halpern	Mollohan	Stafford
Hanley	Montgomery	Stokes
Hanna	Morse	Symington
Hastings	Morton	Taft
Hawkins	Obey	Teague, Calif.
Hébert	O'Hara	Tiernan
Heckler, Mass.	Ottinger	Tunney
Holifield	Philbin	Ullman
Hutchinson	Pollock	Whalley
Johnson, Pa.	Powell	White
Kirwan	Pryor, Ark.	Wiggins
Kuykendall	Rivers	Wilson, Bob
Kyros	Rosenthal	Young
Lennon	Rostenkowski	Zablocki
Lujan	Ruppe	

The SPEAKER. On this rollcall 339 Members have answered to their names, a quorum.

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

REQUEST TO CONCUR IN SENATE AMENDMENTS TO H.R. 4249, VOTING RIGHTS ACT AMENDMENTS OF 1970

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4249), to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and devices, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Voting Rights Act Amendments of 1970".

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

"TITLE I—VOTING RIGHTS".

SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words "five years" wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words "ten years".

SEC. 4. Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: "On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968."

SEC. 5. Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended by (1) inserting after "section 4(a)" the following: "based upon determinations made under the first sentence of section 4(b)", and (2) inserting after "1964,"

the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968,".

SEC. 6. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new titles:

"TITLE II—SUPPLEMENTAL PROVISIONS

"APPLICATION OF PROHIBITION TO OTHER STATES

"SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

"(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

"RESIDENCE REQUIREMENTS FOR VOTING

"SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

"(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for, such officers because of the way they may vote;

"(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

"(c) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

"(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"(h) The term 'State' as used in this section includes each of the several States and the District of Columbia.

"(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

"JUDICIAL RELIEF

"SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEPARABILITY

"SEC. 205. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 303. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 304. As used in this title the term 'State' includes the District of Columbia.

"EFFECTIVE DATE

"SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971."

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendments and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York to dispense with further reading?

There was no objection.

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

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VOTING RIGHTS EXTENSION BILL

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

Mr. CELLER. Mr. Speaker, H.R. 4249, the voting rights extension bill, was approved by this body on December 11 of last year. The measure was amended and approved by the other body on April 2 of this year. I have devoted the past several days to an intensive study and review of the provisions of the measure as it was approved by the Senate. It may help all Members if I take this time to set out its major provisions. First, the Senate version contains two provisions which are similar to provisions contained in the version of the bill approved by the House. These are:

First, a nationwide ban on literacy test and similar devices. The Senate version imposes this ban 5 years, until August 6, 1975, on all areas not presently subject to the literacy test prohibition under the Voting Rights Act. The House version banned such tests until January 1, 1974.

Second, establishment of a uniform ceiling on residency requirements imposed by the States for voting for President and Vice President of the United States. The Senate version reduces the maximum residency requirement from 60 days provided by the House to 30 days, and also gives citizens the right to register and vote by absentee ballots.

In addition, the Senate version of H.R. 4249 contains three provisions which were not contained in the bill which the House approved last December. They are as follows:

An extension of all of the provisions of the Voting Rights Act of 1965 for an additional 5-year period—this is identical to the bill which the House Judiciary Committee favorably reported initally.

A supplemental trigger provision which extends the remedies of the Voting Rights Act to additional areas of the country based on 1968 election results. This is the so-called Cooper amendment which may bring within the coverage of the Voting Rights Act of 1965 certain counties in New York State as well as counties in California, Idaho, and elsewhere.

Finally, the Senate version would reduce the voting age to 18 in all Federal, State, and local elections.

Mr. Speaker, I have said on the floor before, and I repeat again, that my paramount interest lies in the simple and prompt extension of all of the provisions of the Voting Rights Act of 1965. The records of our subcommittee hearings, Civil Rights Commission reports, and the history of litigation over the past 5 years all testify to the substantial progress thus far achieved under the act as well as the fragility of that progress. The Voting Rights Act, by all accounts, has been the most successful and effective civil rights enactment of the Congress. Its goals have not been fully achieved as yet and I am convinced that an additional period is required to bring about the realization of full and unfettered participation of all our citizens in the voting process.

I have expressed on previous occasions my own personal reservations about the power of Congress to affect residency requirement for voting and to ban literacy tests generally as voting qualifications. I do believe, however, that reasonable men may differ as to the constitutional authority of the Congress to legislate in these areas. In any event, I am persuaded that adequate recourse exists for prompt and complete judicial determinations concerning these issues.

I have also expressed my qualms and misgivings about a statutory reduction in the voting age. Unlike many Members, I do hold doubts as to the wisdom of extending the franchise to teenagers. I recognize, of course, that many Members of the Congress do not share these qualms. Aside from my objections on the merits, I also hold reservations about the constitutional authority of the Congress to amend voting age requirements in State and local as well as Federal elections. I do not understand that the provisions in the Constitution in article I, section 2; article II, section 1; the 17th amendment; or the 14th amendment empower the Congress to lower or raise the age qualification of voters in State, local, or Federal elections. Nor do I find decisions of the Supreme Court that hold or intimate that the Congress, by legislative fiat, may declare nationwide voting age requirements.

Despite these reservations and concerns, to which, as you know, I have given vent in recent weeks, I am now, firmly and finally, of the opinion that we must brook no obstacle to the extension of the Voting Rights Act of 1965. That extension is of such paramount national importance that it must be effectuated as promptly as possible and at a minimum of risk.

Mr. Speaker, I am persuaded that the provisions of the Senate amendment can be subjected to prompt and thorough court challenge. I am also persuaded that a final court decision on the validity of the statutory voting age reduction will be rendered sufficiently in advance of primary and local elections occuring in 1971 to avoid calamity and chaos in our electoral processes.

In short, I believe that the public interest will best be served if the House accepts the Senate amendments.

Mr. McCLORY. Mr. Speaker, it is my hope that the House will concur in the Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965.

As we know, the other body amended the House bill to restore many of the original provisions. In other words, the Senate has provided for a 5-year extension of the Voting Rights Act as passed in 1965. In addition, this section of the act was expanded to apply to any State or county with a literacy test where less than 50 percent of the voters were registered or voted in 1968. Beyond that, the Senate amendments gave assurance that persons would be able to vote for President and Vice President after establishing residency of 30 days.

Mr. Speaker, these added provisions affecting voting rights are consistent with recommendations of the administration, and I know of no reason why they should not be acquiesced in by the House.

Mr. Speaker, a further amendment adopted by a vote of 64 to 17 in the other body granting, by legislation, the right to vote to all citizens 18 years of age and older. This amendment, which assures that our young citizens 18, 19, and 20 years of age will be authorized to vote, was set forth in the following language:

> No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

Consistent with this prohibition is the finding on the part of the Congress that the denial of such vote to citizens who are 18 years of age or older would abridge their constitutional rights and would deprive them of due process and equal protection of the laws as guaranteed to them under the 14th amendment to the Constitution.

Mr. Speaker, in supporting the 18-year-olds amendment, I am aware that some have raised questions regarding the constitutionality of lowering the voting age by legislation. This was the principal argument used in opposing this amendment in the other body. However, I have satisfied myself that this argument must yield to the broad authority contained in section 5 of the 14th amendment which grants the right to the Congress to enforce "by appropriate legislation" the equal protection of the laws.

It is recognized that some States today authorize citizens of 18, 19, and 20 years of age to register and to vote, and it is my conviction that the Congress may constitutionally provide an equal right to all other citizens of the 50 States to enjoy this same right and privilege.

My position is supported by the case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), in which the Supreme Court held that the power of Congress under section 5 of the 14th amendment to enact legislation prohibiting enforcement of a State law is not limited to situations where the State law is unconstitutional. The test

as to the power of Congress in such a case is whether the Federal statute is "appropriate legislation," that is, legislation "plainly adapted to the end of implementing the 14th amendment and consistent with the Constitution.

Mr. Speaker, in any analysis of the issue of the constitutionality of lowering the voting age it must be stated at the outset that the Constitution grants to States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Representatives and Senators.

The States, however, in establishing voting qualifications, must obey all of the other provisions of the U.S. Constitution, including the amendments. The 14th amendment with its equal protection clause, has played an especially large role in constitutional litigation. See *Carrington* v. *Rash*, 380 U.S. 89 (1965), in which the Supreme Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces; *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), where the Court held that a State could not impose a poll tax as a condition to voting and Kramer against Union School District where the Court held that a State could not withhold the franchise from residents in school district elections merely because they owned no property or had no children attending the district schools.

The 14th amendment's guarantee of equal protection of the law prohibits any State from creating "invidious" discriminations between classes of citizens. State legislatures can discriminate within the framework of equal protection if they can show that the discrimination is founded upon a rational and permissible State policy.

With regard to the issue of voting age, it may be argued that the Federal courts would sustain the States' "discrimination" against all voters under the age of 21 on the ground that this represented a rational and premissible State policy, that is, that all those under the age of 21 are lacking the judgment and maturity to enable them to intelligently exercise the franchise.

In the Morgan case, the Supreme Court explicitly recognized that Congress had the power to legislate beyond the initial dictates of the equal protection clause, especially in the area of suffrage.

The issue in the Morgan case was the constitutionality of section 4(e) of the Voting Rights Act of 1965. The section provides that, in effect, any person who has completed the 6th grade in a Puerto Rican school could not be denied the right to vote in any election because of his inability to pass a literacy test in English. The section obviously conflicted with New York State's uniform English literacy test.

The Supreme Court held that Congress has broad power to weigh the facts and make its own determination under the equal protection clause and that where there was a reasonable basis for legislation by Congress in this area, then the legislation will be sustained. As the court stated in Morgan:

> Thus our task in this case is not to determine whether the New York literacy requirement . . . violates the Equal Protection Clause . . . Without regard to whether the Judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement . . . could Congress prohibit the enforcement of the State law by legislating under Section 5 of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.
>
> By including Section 5, the founders sought to grant to Congress, by a specific provision applicable to the 14th Amendment, the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18.

In *Ex parte Virginia*, 100 U.S. 339, 345 decided 12 years after the adoption of the 14th amendment, the Supreme Court held that congressional power under section 5 had the same scope as that under the necessary and proper clause. The Court stated with regard to the section 5 power:

> Whatever legislation is appropriate, that is, adopted to carry the objectives the amendments have in view, whatever intends to enforce submission to the prohibitions they contain, and to secure to all persons enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of Congressional power.

The issue, therefore, before the Supreme Court in the test of congressional power to lower the voting age to 18 by statute, will be the same as it was in Morgan, that is, whether the congressional action is "appropriate legislation" under section 5 of the 14th amendment. In Morgan the Court held that section 4(a) of the Voting Rights Act was appropriate legislation to enforce the equal protection clause. The Court said:

> Section 4(e) . . . enables the Puerto Rican minority better to obtain perfect equality of civil rights and the equal protection of the laws. It was well within Congressional authority to say that the need of the Puerto Rican minority for the vote warranted Federal intrusion upon any State interests served by the English literacy requirements. It was for Congress . . . to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

In other words, with respect to granting the vote to 18-year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court would have upheld State laws setting the voting age at 21.

Mr. Speaker, the Department of Justice, in two memorandums supporting two other amendments to the Voting Rights Act of 1965, cites the Morgan case as authority for congressional action—rather than constitutional amendment—for (a) outlawing literacy tests nationwide and (b) eliminating State residence requirements in elections for President and Vice President. If the Congress can constitutionally legislate in these two areas of voting qualifications, there can be no doubt that the Congress can constitutionally lower the voting age nationwide to permit citizens between 18 and 21 to vote.

PERMISSION TO FILE REPORT ON H.R. 4, TO MODERNIZE U.S. POSTAL ESTABLISHMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Post Office and Civil Service Committee have until midnight tonight to file a report on the bill (H.R. 4) to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes.

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I do not intent to object, but I make the reservation only to seek information—is this the legislation that involves not only the 6-percent pay increase for all Federal civilian employees, but also the 8-percent raises for postal employees and postal reorganization? In other words, what does this bill involve?

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

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, this bill, H.R. 4, is the bill that was passed by our committee. In substance H.R. 4 has the package of salary increases, it has the rate commission, and it takes the Post Office out of the Cabinet. This has nothing to do with any raises such as the 6-percent increase passed by the Senate.

Mr. GERALD R. FORD. This is the so-called reform or reorganization legislation?

Mr. DULSKI. As adopted by the full committee a few weeks ago.

Mr. GERALD R. FORD. May I seek a further question of the chairman of the committee. I have heard that the Committee on Post Office and Civil Service intends, tomorrow or today, to act on the 6-percent pay increase for Government employees across the board. Is that correct?

Mr. DULSKI. That is not in this. This has nothing to do with that. This is on postal reform, on the bill passed by our committee a few weeks ago.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation.

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, in order to clarify the situation, the chairman of our committee has emphasized the point that H.R. 4 is the bill passed by the committee before the work stoppage in the Department and, as such, does not di-

rectly relate to any developments that were involved in the negotiations between the Post Office Department and the unions.

Mr. DULSKI. The gentleman is correct.

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

Mr. OLSEN. Mr. Speaker, reserving the right to object—and I shall not object—I want to compliment the distinguished chairman of the Post Office and Civil Service Committee for the expeditious request he has just made. He is in the process of doing the job of our committee, and I thank him.

Mr. DULSKI. I thank the gentleman.

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

Mr. GROSS. Mr. Speaker, further reserving the right to object, it is not intended, is it, may I ask the gentleman, to attempt to call up this bill tomorrow, H.R. 4 as amended by the substitute?

Mr. DULSKI. No. This is just a request to file a report, because some gentlemen had minority views. We thought if this were a short session today we would have until midnight tonight to file a complete report for both the majority and the minority views on the bill passed by our committee some weeks ago.

Mr. GROSS. I thank the gentleman. Mr. Speaker, I withdraw reservation.

Mr. UDALL. Mr. Speaker, reserving the right to object, I believe the House membership might be interested in knowing—and the chairman of the Post Office and Civil Service Committee can confirm it, because there have been discussions going on—of a tentative plan to handle in the Post Office and Civil Service Committee tomorrow morning the 6-percent, across-the-board pay raise agreed to by the administration and the various postal employee unions. We have talked with the distinguished chairman of the Rules Committee and are trying to work out a program under which the bill will be before the House tomorrow afternoon for the 6-percent, across-the-board pay increase. Is this the chairman's understanding of the tentative arrangement we are attempting to work out?

Mr. DULSKI. The gentleman is correct.

Mr. Speaker, I repeat that this has nothing to do with any pay raise. This request relates to H. Res. 4, reported by our committee, and will give the Members an opportunity to file minority views.

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

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT TODAY DURING GENERAL DEBATE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business be permitted to sit this afternoon during general debate.

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

There was no objection.

MOOD DRUG ADVERTISING

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

Mr. ROGERS of Florida. Mr. Speaker, I believe there is no question that we are in a crisis as to the use of drugs in our Nation today.

I am calling on the pharmaceutical industry, and sending letters to them officially today, as well as to the major television networks, asking that the use of mood drug advertising be restricted on television.

As Members know, we see ads each day on television showing a harried housewife, for instance, pop a pill in her mouth and all of a sudden become a Cinderella, and when her husband comes home dinner is all prepared. Then the next thing we will see a man who cannot get to sleep, because he is too tired, and he pops a pill in his mouth and he has a great night of sleep.

Then, in the morning when he wakes up he does not feel quite like going to work, so to change his mood he pops a pill in his mouth and goes out and conquers the world. Of course, this has created in the minds of young people all over this country an acceptance of the use of drugs and pills in this Nation. I think there is no question about it. We have seen this spread all over our land. I think, if the six or seven major companies who produce these pills will restrict their advertising on television, this will be a first step toward doing away with the acceptance of pill taking by young people in this Nation. I hope they will do it voluntarily.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. COLMER. Mr. Speaker, I call up House Resolution 904 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 904.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 904.

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

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

Mr. Speaker, as the reading of the resolution by the Clerk indicates, this is an open rule providing for 1 hour of general debate on the joint resolution that is at the desk. This means, of course, that any germane amendments may be offered to the joint resolution to be considered. This is a matter, Mr. Speaker, which I do not think requires a great deal of discussion. It is something that has been hanging around here now for several months. The question involved is whether or not the Congress is going to take action in order to avoid a paralyzing railroad strike on Friday night.

Mr. Speaker, this matter, as I say, has been hanging around for a long time. The Congress on a previous occasion extended the time limit so as to avoid a strike. That action was taken some 35 days ago, I believe. So now, after having delayed and delayed this matter, we come to the point as to whether we are going to have a strike, and as I indicated a moment ago paralyze the Nation, or whether we are going to attempt to stop it here.

Frankly, Mr. Speaker, I do not like this type of legislation. I would like very much to see the Congress some day and in the not too distant future come to grips with this question generally, rather than awaiting confrontations such as the one facing us Friday, so that we would have permanent legislation whereby these matters could be solved in advance and not wait to take expedient action as each crisis develops.

I am confident that this can be done. But I think we all realize the facts of life. Members of Congress who are somewhat politically inclined—and I know of none that are not—just do not want to face up to the issue.

I would hope that the appropriate committee would take some action on this in the not too distant future.

Now, Mr. Speaker, what is the problem here? The problem is that three of the four unions affected agreed upon a settlement. One union dissented and has threatened this strike. The information presented before your Rules Committee this morning was that there were 43,267 of the union members from the four unions who voted to ratify the memorandum of understanding, after long consideration. There were 2,203 union members of the one dissenting union who disagreed. In other words, this not only affects the general public, which should always be of prime consideration, but it also affects some 43,000-plus union people who would be thrown out of work if this strike should materialize. So you have here a very substantial majority of approximately—well, let us see; that would be approximately 20 times as many of the union members who agree as against the dissenters, a very small minority of the group.

Now, this resolution at least permits amendments and I understand some amendments will be offered. I do not know what the House in its wisdom will see fit to do, but I do want to emphasize that there should be no effort—and I am sure that there will be no effort—on the part of Members to filibuster. I use this term for the want of a better expression, because filibusters, of course, in the House I learned many years ago just do not operate.

But if this action by the Congress were

permitted to drag along beyond Friday night we would find ourselves in a considerable predicament. I am sure we would find, if the wheels of industry were stopped by this small group, that it would not be palatable among the people of this country as a whole.

Further, Mr. Speaker, this action does not settle this issue and other issues that might arise in the future. In effect, this is merely an extension, a further extension of the time when the railroads cannot be closed down. This situation would continue until January 1971, according to the testimony before the committee, and at that time we would be right back where we are today if the matter were not agreeable to the bargaining parties concerned.

Also, Mr. Speaker, I just want to emphasize this one thing. Have we come to the point where it requires the unanimous vote of all union men to settle an issue? Here we have, as I pointed out a moment ago, a very small minority that is holding up the settlement which has been agreed to by a very substantial majority of the union men themselves.

Finally, Mr. Speaker, the Nation's ox is in the ditch, and we will have to take some affirmative action here in order to stop this strike.

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

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

Mr. Speaker, House Resolution 904 provides a 1-hour open rule for the consideration of House Joint Resolution 1124. There are minority views attached to the report, and I understand there will be a number of amendments offered.

I commend the members of the staff who prepared this report. I think the first two pages, reviewing the background of this situation, are excellent. Very briefly, on March 5, 1970, Congress extended the ban on a strike until April 10—Public Law 91-203—in the hope that the parties could through further negotiation settle the dispute voluntarily. The parties have been uable to agree.

The committee's sole concern has been to avert a catastrophe which would result if a nationwide railroad strike were permitted to occur. They believe that any further delay in resolving the controversy would be most undesirable. The entire memorandum of understanding, Mr. Speaker, will be subject to renegotiation commencing on September 1, 1970.

Mr. Speaker, I concur in the able remarks made by the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) and urge the adoption of the rule.

Mr. COLMER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ROONEY of New York). The question is on the resolution.

The resolution was agreed to.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) with Mr. MATSUNAGA in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for one-half hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for one-half hour.

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

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require. I shall be as brief as I can and will review the incidents that led up to bringing this resolution to the House today.

Most of the Members here will remember that on March 4 we passed a resolution making any strike on the railroads illegal for 37 days. I would like to go back just a little bit to bring us to that point.

This legislation was recommended to the Congress by the President on March 3 in order to prevent a nationwide railroad strike. Our committee held hearings on March 4 and it became apparent that we could not conclude hearing all the witnesses in time for the House to consider the President's proposal, and since legislation had to be adopted on March 4, we revised the proposal to freeze the status quo until April 11 in order to give the parties time to negotiate further, and to provide time for the Congress to consider alternatives, and to conclude the hearings.

This revised resolution was passed and signed into law on March 4, but further negotiations between the parties were fruitless. Therefore, on March 23, 24, and 25 we held further hearings on the President's proposal, hearing all the parties directly involved in the dispute. At the close of the hearings the parties went into further negotiations, but they also proved fruitless and so yesterday, April 7, the committee went into executive session to consider the President's proposal.

The Senate Committee on Labor and Public Welfare has also considered this proposal, and has reported to the Senate a resolution identical to the resolution which we reported except for one whereas clause which has no substantive effect.

The vote in the committee was 15 to 12, indicating that this is a controversial matter still.

HISTORY OF THE DISPUTE

This controversy involves four unions, representing the machinists, boilermakers, electricians, and sheet metal workers, totaling approximately 48,000 employees.

In November 1968, the unions served the notices required by section 6 of the Railway Labor Act on the Nation's railroads. The negotiations were not successful and a nationwide strike was called by the unions in October of 1969. Pursuant to section 10 of the Railway Labor Act, President Nixon appointed Emergency Board No. 176 to study and report on the dispute, and that Board's report was submitted November 2, 1969.

Following the report of the Emergency Board, further negotiations were conducted by the parties, and on December 4, 1969, a memorandum of understanding was entered into.

This memorandum of understanding was submitted for ratification by the membership of all the unions involved. The machinists, electricians, and boilermakers ratified the agreement. The sheet metal workers refused ratification. Of the approximately 6,000 sheet metal workers employed on the Nation's railroads, 2,203 voted against the memorandum of understanding, and 1,267 voted for it. Since the unions had agreed among themselves that unless all ratified the agreement, none of them would be considered to have ratified, the agreement set forth in the memorandum did not go into effect.

After rejection of the provisions of the memorandum, further negotiations continued on the basis of the recommendations made by the Emergency Board, but were unsuccessful, and in January of this year, the unions, being free to strike, since all procedures of the Railway Labor Act had been exhausted, called a strike on one railroad, the Union Pacific. The railroads announced that if one railroad was struck, a nationwide lockout would occur, so the unions sought an injunction against the lockout.

The U.S. District Court for the District of Columbia enjoined both the strike and the lockout for 10 days, subsequently extending the injunction for an additional 10 days. On March 2, the court issued a preliminary injunction against a strike of the Union Pacific or any selected carrier, whereupon the unions called a nationwide strike to take place at 12:01 a.m. on Thursday, March 4.

President Nixon recommended to the Congress legislation to prevent this strike, by placing into effect, as if ratified by the parties themselves, the memorandum of understanding of December 4, 1969, which I referred to earlier.

PROVISIONS OF THE BILL

The provisions of the bill are quite simple. It states that the memorandum of understanding which I referred to earlier which was entered into on December 4 shall be immediately put into effect. One of the provisions of that memorandum was to the effect that upon the date of notification of ratification of the memorandum there would be an immediate wage increase for mechanics of 7 cents an hour, and the resolution provides that the date of enactment of the resolution shall be treated as the date of ratification. This means that the memorandum of understanding will govern wages and working conditions for the members of the four unions involved just the same as though they had ratified the agreement through collective bargaining.

ISSUES INVOLVED IN THE DISPUTE

This entire controversy has boiled down to one issue involving one union. That issue is the application of the incidental work rule at running repair work locations. Running repairs are conducted on equipment which is in service, and the memorandum of understanding provides that where a particular job requires the services of more than one craft or class of employees, and the work of one craft is only incidental to the overall job, then the incidental work may, if a member of the other craft is not available, be assigned to a different craft.

Under the agreement, it is specified that work shall be considered as incidental when it involves the removal or displacing or the disconnecting or connecting of parts and appliances such as wires, piping, covers, shielding, and other appurtenances from or near the main work assignment in order to accomplish that assignment.

Three unions have agreed to this provision, but the sheet metal workers feel that this jeopardizes their jobs and work assignments.

The carriers' representative has stated to the committee that he puts a price of 17 cents an hour on this incidental work rule. I would assume from this that he would feel that the 68-cent-an-hour wage increase provided by this agreement should be reduced by 17 cents if the incidental work rule is removed.

The conflict here seems to be almost irreconcilable, and since we cannot afford a nationwide railroad strike with our young men in combat in Vietnam, the only thing the Congress can do at this point is to consider some legislative solution to this problem and vote it up or down.

LABOR ACT

The Railway Labor Act, since its enactment in 1926, has governed all labor relations in the railroad industry.

This act sets out in considerable detail the procedures which must be followed in all matters involving disputes between carriers and their employees; the making and maintenance of agreements concerning rates of pay, rules, and working conditions; and the interpretation and application of collective bargaining agreements.

Unless the procedures set out in that act are followed in the case of collective bargaining disputes, strikes and lockouts are illegal and may be enjoined by the courts.

Although the Railway Labor Act procedures have been exhausted in the current dispute which is the subject of this legislation, a review of the provisions of the act may be helpful at this point.

When a proposal is made to make, amend, or revise an agreement between labor and management, direct negotiations must be initiated by a written notice by either of the parties at least 30 days prior to the date of the intended change, and a conference must begin within the 30 days provided in the notice. These conferences may continue from time to time until a settlement or deadlock is reached. During this period and for 10 days after termination of the conference, the act provides the "status quo will be maintained and rates of pay, rules, or working conditions shall not be altered by the carrier." It will be noted that during this period, which may be as little as 40 days, but may extend considerably beyond the time, there is no right to strike, and management may not change rates of pay, rules, or working conditions.

If the parties do not settle their problem in direct negotiations, either party may request the services of the National Mediation Board in settling the dispute, or the Board on its own motion may proffer its services to the parties. In the event this occurs, the status quo continues in effect, with a prohibition against strikes or changes in pay, rules, or working conditions while the Board retains jurisdiction. The Board engages in mediation, which may last for an indefinite period. When the best efforts of the Board have been exhausted without a settlement, the law requires that the Board urge the parties to submit the dispute to arbitration. If mediation fails and the parties refuse to arbitrate, the Board notifies both parties in writing that its mediatory efforts have failed, and for 30 days thereafter no strike is permitted and no change may be made in rates of pay, rules, or working conditions.

Upon the completion of this final 30 days, if in the judgment of the National Mediation Board the dispute threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board may notify the President of the existence of this situation. The President may thereupon, in his discretion, create an Emergency Board to investigate and report regarding the dispute. The report must be submitted within 30 days from the date of appointment of such Board, and for that period, and for 30 days thereafter no change shall be made by the parties to the controversy in the conditions out of which the dispute arose.

It will be noted that even under the most expeditious possible procedure, under the terms of the Railway Labor Act, the rights of management to make changes in rates of pay, rules, or working conditions, and the rights of labor to strike, are suspended for statutory periods totaling not less than 130 days, plus whatever time is required by the National Mediation Board in attempting mediation of the dispute—averaging over 50 days.

In this case, the President appointed Emergency Board No. 176, and as I pointed out earlier, the 30-day moratorium on strikes expired in December of last year. This act, together with its detailed procedures, is followed in all negotiations involving changes in work rules and rates of pay in the railroad industry. Unfortunately, in recent years emergency board after emergency board has pointed out the lack of true negotiations between the parties prior to the establishment of an emergency board.

I need not detail for Members the history in recent years, where the Congress had to settle a threatened nationwide rail strike by legislation in 1963, came very close to having to settle by legislation a threatened airline strike in 1966, had to impose a legislative settlement on a dispute involving the machinists and railroads in 1967, and now we have facing us again the necessity of settling a dispute that the parties themselves are unable, or are unwilling, to settle themselves through collective bargaining.

If it were not for the Vietnamese situation, I would have used all the powers I have at my command as chairman of the committee to prevent this legislation from even being considered; however, with our men in combat, I do not think this should be done, so have introduced the President's legislation, and have provided as prompt consideration of the President's proposal as was possible, so that the House now has an opportunity to vote a bill up or down.

Personally I propose to vote against the bill.

As I said, if it were not for our boys fighting in Vietnam, this resolution would not be before the House. I think all of us are taking up this resolution with a great deal of distrust. I believe it is a backward step. I believe that we are backtracking on the steps by which we became a great and mighty nation under freedom, with men building and bargaining to work out their interests. We are starting back down the trail to mediocrity, back toward the place where our ancestors served in partial slavery.

We had a resolution before this body in 1967 in which we forced compulsory arbitration on the unions and on the railroads. The same thing occurred in 1963. And now this bill. This bill is only a starter, because this breeds more and more of these irreconcilable conflicts as we go along, and I am afraid this is what is going to happen in the future. When we pass this joint resolution, it will be the beginning for others.

I have heard the cry so much before our committee, "We cannot afford a railroad strike." Well, I disagree with that. I believe that a day or two of a strike in this country would not create such a crisis as many have been talking about. This Nation has been faced with crises of one sort or another for 200 years and we have survived every one of them. I believe that if there were a strike for a day or so these men would want to get back together with the railroads, and they would want to get back together and come to some settlement. This involves such a small area of disagreement.

Men have set themselves firmly and said, "We will not yield. We will not give." I say that all men being free, as I am, labor and management, the two of them together have built America into a great nation, and they both, labor and management, ought to be free and equal. They ought to be able to sit down at a table and bargain equally. If they cannot reach an agreement, they should then say, "We will put it to voluntary arbitration," and not resort to compulsory arbitration by our Government saying, "You shall do this. You must do something else."

But it now seems that there is no alternative before us today.

I can say frankly, as I said to the Rules Committee, if it had not been for our

boys fighting in Vietnam, I would have done everything in my command to see that this bill did not come to the floor today. In all fairness, being chairman of the committee, I thought the committee ought to have the time to work its will in a democratic process. The vote was 15 to 12 to bring it to the floor.

In the committee several amendments were offered. All of these amendments were defeated. I understand some of them will be offered today. I believe, in order to make it a better bill, that probably one or two of them should be in the bill, but that is something that remains to be seen as we proceed.

There are those who say we will have disaster if we have a strike, and I say I do not believe that, but I believe under the circumstances today when we have our boys from America fighting on foreign soil, they ought to be able to have those things brought to them which they need in order to equip and sustain them.

Mr. Chairman, that completes my statement at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

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

Mr. Chairman, I think all of us realize as we come here to the floor that this is not what this committee wanted to be faced with. Certainly the Members of this body did not want to have to settle a matter between labor and management upon which they failed to agree. Why, therefore, is it necessary that we be here with legislation this afternoon which in effect settles this matter? We do this for one reason and one reason only: Unless something is done by this body and the other body and signed by the President by midnight Friday, we will have a railroad strike, and that has, may I say, some very important implications and a very severe impact upon this economy.

I have before me the report which accompanied this bill to the floor in the other body from which I will read to show what would happen unless this committee did bring this legislation here today.

Coal, which is an important item in this economy—73 percent is carried by rail.

Northwest grains, 68 percent is carried by rail.

North Central grains—in my own region—75 percent is carried by rail; 84 percent of lumber is carried by rail; 73 percent of cotton is carried by rail; 90 percent of auto bodies and parts is carried by rail; 90 percent of hogs is carried by rail.

Mr. Chairman, I could go into the detailed impact of this on the economy, which I will not do, but let us just take, for instance, what would happen to those people who have to get from the suburbs into the cities. In the city of Chicago, 350,000 people would be unable to be transported in a 24-hour period; in New York, 522,000; in Boston, 32,000; in Philadelphia, 250,000; and in San Francisco, 23,000.

What would this mean to our national defense picture? Eight hundred and fifteen carloads are originated daily, or 49.5 percent of the total defense freight volume which is carried by rail. One-half of all of our national defense items—and I am sure this is what our distinguished chairman was talking about a moment ago when he mentioned the national defense aspect and what would happen in Vietnam if the trains did not run—815 carloads a day, 150 cars of munitions, specialized rail cars of Titan III Minuteman and Polaris missiles, 159 cars of bulk high octane fuel, nuclear ship refueling in shielded containers, in depressed center flat cars, military-owned flatcars in forces of readiness and strike command.

Twenty-five cars of sulfuric acid.

What about mail? We have heard the distinguished chairman of the Committee on Post Office and Civil Service on a bill just a few minutes ago, which he is attempting to bring to the floor of the House as soon as he can.

Seven hundred seventy-five carloads of mail originating daily, including 215 cars and 560 piggyback, and 90 percent of the bulk mail originating daily, including 75 million pieces of various kinds of mail.

In agriculture, 10 percent of manufactured food and 12 percent of unmanufactured food. There would be only 2 or 3 days of supplies of perishable fruits and meats on hand, which would not be carried thereafter.

The trapping of 10,000 cars of refrigerated shipments and 200 cars of livestock.

I could go into minerals here, and the State of Alaska, to give a picture of what would happen if we were to have a rail strike on Friday.

May I say that this legislation today is substantially different from that which was brought before this House in 1967. In 1967 the brotherhoods had agreed to nothing. Neither had management. In other words, they were at a plain impasse between the brotherhoods and management, and there was no agreement of any kind.

Members will remember the Morse legislation of 1967, which provided for a board of arbitration which would then settle the matter, and that would be the final settlement. There was, in essence, forced arbitration under the 1967 legislation.

Where are we with this bill? Now there are 19 railroad brotherhoods; 15 of these are not involved in any way.

There are four brotherhoods involved in this legislation.

What happened? Labor and management sat down with the four brotherhoods. The 134 standard railroads in this country sat down. They arrived at an agreement between the negotiators. There was one negotiator authorized to negotiate for all four of the labor unions. There was one negotiator authorized to negotiate for the 134 standard railroads. They arrived at an agreement. Then representatives of each of the four concurred and initialed the agreement. Each one of the unions initialed the agreement to show that, insofar as these negotiations were concerned, they were satisfied.

Then what happened? They sent the negotiated agreement back to the unions for ratification. The constitution of the sheet metal workers does not require ratification but it was part of this arrangement. Three of those unions approved it by a substantial vote. One of the four unions turned it down by a vote of 2,200 to 1,100, roughly. This was the sheet metal workers having about 6,000 members in railway employment.

So, in essence, 2,200 in the labor movement are going to force a strike on 598,000 employees. There are about 600,000 railroad employees.

This is, in effect, is where we are today. Three of the unions are satisfied.

When the negotiator for all four of the unions appeared the second time before our committee we asked him, "What is the solution?" He said, "I do not know what the solution is, but I guess if you are going to move in this you will have to come up with this legislation"—which is here before us today. This is what the union negotiator said.

Now, you have three unhappy unions for the simple reason that they have already settled this matter but they are not getting the increases provided in it because the settlement is not final. So you do have three of the brotherhoods that are not happy, because they negotiated the final settlement and are satisfied with it but are not getting increases by virtue of the fact that you did not get any final settlement with the fourth union. So you do have three unhappy unions because they are not getting the money that they negotiated in good faith for, and I suppose you have another unhappy union because they did not get what they wanted.

Now, what is the hang-up? What is the problem involved with the one union? Is it this: In the negotiations, in which there was a lot of money involved in the way of raises and pay and so on, and there was a lot of give and take, for what the railroads offered, the negotiators agreed as a part of the negotiations that incidental work could be done by other crafts than, we will say, the sheet metal workers. For instance, if you had a job in which sheet metal workers were involved and you had a minor matter involved in it, you could bring someone from the outside, from outside of that craft, in and finish up the job. That does not mean you could do it in matters in which sheet metal workers alone are qualified to work, but you could have others do incidental work.

The reasons why the railroads wanted that and the reason why they negotiated it with all these unions was simple: It was because they wanted to get an exchange for what they gave in the way of increased wages with some kind of improved efficiency. That is what they say. The sheet metal workers say that some people may be thrown out of work.

That is not my belief, because if you look at the newspapers—and the chairman has made it plain—there is a demand for sheet metal workers all over the country. So I do not think anybody will be thrown out of a job because of this. However, that is what the sheet metal workers say they fear.

The other three unions agreed to the incidental work rule. The sheet metal workers did not. This is the only hang-

up in this whole problem. If it had been agreed on, we would have had this matter negotiated and we would not be before you today.

I think our distinguished chairman, together with the Secretary of Labor, did everything that anybody could humanly do to bring this matter to a head and get a settlement. Not only did our distinguished chairman have both of them in his office to talk it over to see if he could do it, but also he had the Secretary of Labor—and I was with him on one occasion when he was in his office—to see if there was any way that we could get the matter settled. I think we had both parties before our committee on three separate occasions. I believe I can remember three separate occasions in which we had a confrontation in front of the committee between the respective parties in an effort to see if we could exert all of the influence we had upon both of these parties to try to bring them together.

So may I say to you that anything that could be done has been done in order to try to get this matter settled. May I say that our distinguished chairman has taken the leadership in this, and he has certainly put out every effort that I know of that a man could in order to try to bring these two parties to an agreement. He has been, I think, in the exercise of this effort, about as evenhanded as anyone could be. I have worked as closely with him as anyone. And I know there are other members of the committee who have done the same thing. So it is reluctantly that we brought this matter before you, but we brought it in because we did not think there was any other solution unless you wanted to have a strike at midnight Friday night which would tie up this country and I think put us in the kind of a snarl that would raise a huge outcry from the public because we had not done our job in the Congress in trying to get this matter settled. I do not think the people of this country are going to stand still for a railroad strike which would throw 600,000 people out of work and in addition stop the rail system in this country, which is something this economy could not stand.

Mr. Chairman, I think that more or less sums it up as I see it. For this reason we have brought this legislation to you. We have thought it through from every angle. I have the feeling that if three of these brotherhoods accepted this and negotiated it, then they believed it was fair and that we are right in coming before you and asking that you apprve this or make it binding upon all the parties and settle this matter so that we will not have a railroad strike on Friday night.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to our colleague the gentleman from Texas (Mr. ECHARDT).

Mr. ECKHARDT. Mr. Chairman, it is not fashionable any more to be conservative. It is the new style to be pragmatic on the right. It is not fashionable to be liberal but to be pragmatic on the left.

Mr. Chairman, the resolution now pending before us here is not conservative in the sense that it conserves tried and tested methods of achieving labor-management accord. It is not conservative in that for the first time in American history it proposes to put a labor-management term agreement into effect between parties, including a congressionally dictated reopening clause. It is not liberal. It is not fashioned to protect the liberal principle of protecting the rights of free collective bargaining. It is not liberal in that it takes away the 7 cents per hour for mechanics between the period of December 17 and the time of the passage which will be about 4 months. Now, this is not what the three unions ratified and agreed to. They were thinking they were going to get for their mechanics 7 cents an hour from December 17, the date of ratification. Yet, what we would do is write into law, in spite of their agreement, a waiver of 4 months of pay which these three unions that did in fact ratify, but over and above what this House Joint Resolution 1124 as it comes from the committee. It is an extremely improvident piece of legislation from the standpoint of long-term public good. By temporarily avoiding the present crisis, it sets the stage for future ones. Let me show you how it does this:

We are not just enacting an agreement for wages and working conditions. We do more than that. We provide a termination clause in which we crystallize into statutory law the method of reopening and the method of reopening must again get us into the same old trap of nationwide bargaining. The only body that can reopen for the union is an association of all the shop craft unions. The only group that can reopen for the companies is an association of all the railroads involved.

Now, there is no dispute between Santa Fe and its employees with respect to work assignments. Why cannot the union reopen with respect to Santa Fe and settle on their own terms as to what management and labor are willing to agree upon? We heard the representative of the sheet metal workers come before us and say that the Santa Fe provision was acceptable to him. Why should we bind them all in a common straitjacket until January 1, 1971? That is what we do if we enact this legislation as it is proposed here.

Now, Mr. Chairman, at the proper time I should like to offer a substitute for this approach.

The difficulty with the situation we have here today is that the pattern of collective bargaining is nationwide, so that Congress has taken upon itself the duty of settling every labor dispute at the ultimate termination date of the period during which no strike can occur.

Mr. Chairman, there have been a good number of bills passed by this Congress concerning emergency strike legislation, but in every one of those recent bills we have done nothing more than extend the no-strike period for an additional period of time, something like 30 or 47 days, or we have extended it for such time and then provided that somebody is going to look at the actual issues involved in the dispute, and decide the issue by what is called "compulsory arbitration" or "mediation to conclusion," but at least somebody looks at the merits of the labor dispute. Here we would in Congress create a contract when no contract exists without considering the merits of the matter.

The CHAIRMAN. The time of the gentlemen has expired.

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

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I should like to say that there are two questions that I think should be considered in this respect. The only possible precedent for legislation of this type is a case by the Supreme Court arising out of a dispute that happened in 1916 between the railroads and their labor unions, and at that time there was written into law a standard 8-hour day, but there Congress was dealing with the specific issue involved, and it used its knowledge and its expertise and applied that knowledge to the specific facts of the dispute, and provided the 8-hour standard day, applying it for only 30 days to existing contracts. But existing contracts could be opened immediately.

Now, I would suggest that we follow that constitutional precedent in the case of Wilson against New, and that we put into effect only as an interim stay of a strike—and incidentally it would prevent a strike—the provisions that came closest to agreement, but that we provide for immediate reopening under the Railway Labor Act, and we provide that that reopening could be by any of the involved parties against single railroads; that the dispute not be molded into a national forum.

There could not be a strike, practically speaking, under the processes of the Railway Labor Act for at least 9 months under the amendment which I will offer.

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

Mr. STAGGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, had come to no resolution thereon.

AUTHORITY FOR SPEAKER TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

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

There was no objection.

RECESS

The SPEAKER. Pursuant to the order heretofore granted, the Chair declares

the House in recess, subject to the call of the Chair.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 8 minutes p.m.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of Union for the further consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 1124) with Mr. MATSUNAGA in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose, the gentleman from West Virginia (Mr. STAGGERS) had 14 minutes remaining and the gentleman from Illinois (Mr. SPRINGER) had 16 minutes remaining.

The Chair now recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I feel compelled to make a few comments on this legislation since I have the dubious honor of being the author or sponsor of House Joint Resolution 1124.

Mr. SPRINGER. Mr. Chairman, would the gentleman from Ohio yield?

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

Mr. SPRINGER. Mr. Chairman, may I say that the legislation which is pending before us at the present time is legislation which the distinguished gentleman from Ohio (Mr. DEVINE) introduced. The chairman of the committee, Mr. STAGGERS, and I introduced the same legislation as House Joint Resolution 1112, which was changed to postpone the strike for 37 days. That legislation therefore expired, and the distinguished gentleman from Ohio (Mr. DEVINE) reintroduced the legislation. That is the legislation pending before us today.

Mr. DEVINE. Mr. Chairman, I thank the gentlemen for his statement.

Mr. Chairman, I do not believe many of us particularly relish the idea that we are called upon to resolve what amounts to a labor dispute; to substitute our judgment for that of free collective bargaining. However, in the public interest we are from time to time compelled to take a position on matters of this nature.

Just to refresh the recollection of my colleagues for a few moments, there are 19 brotherhoods connected with railway labor, but all 19 are not involved. There are only four—the shop craft unions—that are involved. These are made up of the machinists, the boilermakers, the electricians and the sheet metal workers.

All legal remedies have been exhausted, and that is why we are here today. We granted a 37-day moratorium to see if they could resolve their differences, and it apparently has not become possible for them to do so.

Let me read to you from a letter from the Department of Labor dated April 1, which was following the moratorium that we granted, and it says in part, as follows:

A lengthy meeting was held March 30 with the Secretary of Labor. New ideas for settlement have been tried and earlier ideas brought forward again. These efforts have not resolved the dispute. All parties have pledged to keep trying, but no further means, short of legislation, seem to remain.

That is why we are here.

Quoting further from the letter:

These negotiations began in December 1968. The workers are still waiting for wage increases retroactive to January 1, 1969 and the railroads still do not know their costs for this intervening period. Bargaining for 1970 with other unions is being delayed for resolution of this matter. The Secretary feels further delay is inequitable and inadvisable.

In addition, the following efforts were made by the Department of Labor:

LABOR DEPARTMENT'S EFFORTS TO RESOLVE THE SHOPCRAFT DISPUTE SINCE THE ENACTMENT OF PUBLIC LAW 91–203

March 5, 1970. Assistant Secretary Usery had several telephone conversations with Messrs. Hiltz, Winpisinger, and NMB Member Ives to arrange negotiating session for Friday, March 6. He received assurances from the unions that they would continue their efforts to end wildcat stoppages.

Friday, March 6, 1970. Joint meeting was held at the Department of Labor with representatives of the carriers and representatives of three of the four shopcraft unions. Mr. Winpisinger advised Mr. Usery that the Sheet Metal Workers would not participate in mediation efforts by Department of Labor and that their position would be announced publicly. Mr. Usery sent a telegram to Sheet Metal Workers President Edward Carlough expressing disappointment that the union had declined to participate in the meeting and reaffirmed the Administration's desire to bring the dispute to a mutually acceptable conclusion.

Tuesday, March 10, 1970. Mr. Usery had telephone conversations with Mr. Winpisinger and National Railway Labor Conference Vice Chairman Quarles. No new proposals were offered but Mr. Usery discussed with the parties possible means of encouraging Sheet Metal Workers to participate in the new talks. Department of Labor was advised that some wildcats continued through March 9 and caused problems at some locations. Mr. Usery asked carriers for further data on such strikes.

Wednesday, March 11, 1970. Mr. Usery had a telephone conversation with Mr. Hiltz and a meeting with Mr. Winpisinger in an attempt to arrange negotiating sessions for Thursday, March 12, or Friday, March 13. He was advised that representatives of the Machinists, Electrical Workers, and Boilermakers and Blacksmiths would be out of town attending meetings relating to local wildcat stoppages.

Thursday, March 12, 1970. Mr. Usery met privately with Mr. J. W. O'Brien, Vice President of Sheet Metal Workers to discuss possibility of resuming negotiations, including the use of an outside mediator. Mr. Usery was unable to get an affirmative reply to suggestions, but discussions were frank and friendly. Sheet Metal Workers' position remains unchanged and Mr. O'Brien further advised the Assistant Secretary that on March 11 the Sheet Metal Workers withdrew authority for Winpisinger to represent them in negotiations. Telephone conversation with Mr. Hiltz confirming that the Sheet Metal Workers have notified the carriers that only an authorized representative of the Sheet Metal Workers will negotiate in their behalf. Telephone conversation with Mr. Ives to discuss these developments.

Friday, March 13, 1970. In a telephone conversation, Mr. O'Brien advised the Department of Labor that it is absolutely necessary that he attend Sheet Metal Workers Executive Council meetings March 16 through 20. Further, unless railroads come up with a proposal better than that which was rejected, additional meetings will not accomplish anything.

March 17, 1970. Mr. Usery sent telegrams to negotiators for both sides advising that a meeting has been scheduled for the next day and urging that they attend.

March 18, 1970. Sheet Metal Workers representatives did not attend negotiating session and advised Mr. Usery that their position regarding mediation by any representative of the Administration has not changed. Further, the Sheet Metal Workers reiterated their belief that additional meetings will be futile unless there was a substantial change in the offer to settle.

March 30, 1970. At the suggestion of Chairman Staggers of the House Committee on Interstate and Foreign Commerce, Secretary Shultz convened a meeting of the parties to reevaluate various proposals and to consider new proposals. Invitations to this meeting were extended to Senators Yarborough and Javits and Congressmen Staggers and Springer. Mr. Robert O. Harris, Staff Director of the Senate Labor and Public Welfare Committee attended.

Although there was a lengthy and full discussion of the issues no substantive progress was made at this meeting.

We should keep in mind that we are forcing these four labor unions to accept something that is unpalatable to them. The four negotiators of the shopcraft unions voluntarily entered into a memorandum of agreement—all four of them—no dispute. Three of them took it before their brotherhoods, and it was ratified. The fourth negotiator, Mr. O'Brien, went before his sheet metal workers, and they failed to ratify it—although the constitution of the sheet metal workers did not require ratification.

The vote that was taken is interesting. There are over 6,000 members of the Sheet Metal Workers Union. The vote was 2,203 not to accept the agreement, and 1,267 to accept the agreement.

Therefore, less than 1,000 members have decided in effect that 600,000 railroad workers would be out on strike because these members failed to follow through or ratify an agreement entered into by their negotiator and other shop craft unions.

Now, this business of compulsory arbitration is of course repugnant to all of us. But we cannot run away from a

word when the public interest is involved, and in view of the fact we are not legislating here permanently.

I think that we should turn to page 2 of the committee report and read the first three lines of the last paragraph where it says: "and in view of the fact that the entire memorandum of understanding"—and that is what we are ratifying in effect here today by adopting this legislation—"will be subject to renegotiation commencing September 1, 1970,"

Look at your calendar—September 1970 is less than 5 months from now. We are spanning that gap, filling the void, and keeping the railroads running. I think we are in effect doing the responsible thing by bringing this before the House to resolve it so that midnight Friday the wheels of railroad transportation will not die.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. TIERNAN), a member of the committee.

Mr. TIERNAN. Mr. Chairman and Members of the House, we have had quite a bit of mention of the fact that three of the four unions involved in this dispute, that is the membership of those three unions, have ratified the agreement. But a very significant point is left out when they mention ratification. The memorandum of agreement which was agreed to by the parties, both management and the union, was that the date of ratification would be December 17.

On that date three of the unions, as previous speakers have indicated, did ratify the memorandum of agreement. But one of the unions, the sheet metal workers union, did not ratify the memorandum of agreement.

The important thing in this resolution, gentleman, here before us today, if you will look at the last three lines, is this:

> And that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

So what you are doing is saying to these workers of the other three unions that no matter what you have agreed to in the past, and although you accepted the representations of your representatives in negotiation with the management, we, Members of the Congress, are saying by this resolution that the date of ratification is the date the President of the United States signs it into law. That means that for the period of time from December 17 to the time that the President signs this resolution, those employees, the great bulk of the employees that were represented and whose representatives bargained in good faith and brought that agreement back to their membership—and those employees ratified that agreement—they are going to be penalized—the time from December 17 to the date that this resolution is signed.

I think you here today should know and understand that because I think it is an extremely important point. Later when there will be an opportunity to offer amendments, an amendment will be offered. At that time, gentlemen, I plead with you to consider the difficulty of these employees who bargained in good faith and who did ratify that agreement and said, "We do accept that agreement that was entered into by our representatives with the representatives of the railroad."

The next point is, what we are doing here is to put down as a very small thing that we are only affecting 2,000 and some odd number of employees of the sheet metal workers. But, in reality, what we are doing, gentlemen, is taking the first step down a very hard road. Because if we can say to them that we have a national emergency on our hands with regard to a railroad strike, then let me ask you whether you will be able to say, "No," when we are faced with a national emergency with regard to a strike of the airlines and with regard to a strike of the teamsters and with regard to the strikes of some other organized groups of workers in America?

The people who represent the unions and the employers will look at us today and say, "We do not have to worry about bargaining. We can go to our friends in the Congress." Whether it is management or whether it is a union, they will say, "You write the contract. You force the contract on us and we will accept it." I do not think anybody wants to do this. But this is the first step toward it; this is a precedent.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. ADAMS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman and members of the Committee, at the appropriate time I plan to offer an amendment to House Joint Resolution 1124 which would provide that we handle this pending strike in exactly the same manner as the Congress handled it in 1967, when we were threatened with a strike by the machinists. In effect, this would provide for a special board so that the parties may go back into their collective-bargaining processes and allow the special board to make a decision as to what they think is best under the circumstances. That, in time, would then be referred back to the floor of the Congress. This would be mediation to finality. This would mean that we would have a board of three members who would consider the merits of the particular pending strike based on a memorandum of understanding of December 4.

They would have 5 days to negotiate and to attempt to make a settlement. If within 5 days this was not settled, then the special board would be appointed and that board would then have 30 days to mediate this particular pending strike.

In 1967, when we settled a strike in that manner, and which the Congress approved, we had 90 days in which the board could consider the merits of the case. Because of the urgency of this particular situation, I have shortened the time for the special board's consideration to 30 days in this particular instance.

The wording of the amendment is exactly the wording, 98 percentwise, as that which was offered to the Congress in 1967.

What the amendment would do is simply this:

First, it would keep the Congress from writing a contract. It would keep us from saying that this is an agreement, and though there was an agreement by three out of four unions, it was not a total agreement; so by law there was not an agreement. It would keep the Congress from saying that this is the contract that we write.

Second, it would say to the board of three people, at least the board of three people, that here are the facts of the case. What do you think is fair for the American people? Based on that, give us your recommendation. That special board would make its report to the Congress and we will be given an opportunity to vote on it, just as we did when another strike of this nature was settled.

It seems to me that this offers the best chance to do that which is fair and equitable within the limits of collective bargaining and mediation efforts. It certainly would keep us out of the business of writing a contract, which would be an unusual proceeding.

It would establish again this element of mediation to finality. But it worked before; it settled a strike. It can work again. I think it is highly desirable as compared to the alternatives that we would be faced with by House Joint Resolution 1124.

I take it we all agree that we cannot have a national transportation strike. The American people and the interests of the public require that we do not allow a strike of this nature to take place. I merely say this is a better approach to adopt the same kind of procedure we did 3 years ago, by which we sent this controversy back to further mediation, and then they did make a recommendation to the Congress. I think that would be a highly desirable approach.

When the time comes, I do plan to offer such an amendment, and I hope I may have your support.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OTTINGER), a member of the committee.

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the legislation before us. I do not think Congress ought to be in the position of intervening in labor disputes under any circumstances, whether we call it compulsory arbitration or whether we call it negotiation to finality. Whatever Congress does in this regard involves our undermining the collective bargaining system. The management of the railroads is never going to bargain in good faith so long as they know they can go to the Congress and get the solution they desire.

Here we do not have even arbitration. The resolution before us does not even provide that. As we realize, there is only one union that refused to settle, but that union and its members have rights, and they have the right to collectively bargain freely until they can reach a satisfactory conclusion with management. What we are doing here today or even what was proposed by my good friend and colleague, the gentleman from Texas (Mr. PICKLE) involves Congress preempting the collective bargaining proc-

ess, undermining it so we will never get a satisfactory resolution.

Mr. Chairman, passage of House Joint Resolution 1124 will set a dangerous precedent. What is required to avert disruptive strikes and lockouts is even-handed pressure on both labor and management. In 1966 and 1967 I sponsored legislation authorizing receivership as a last resort for settlement of disputes involving the safety and heath of a substantial part of the population, or severe disruption of the economy. Year after year we are faced with emergency stopgap measures such as the bill before us today, and the time is long overdue for passage of legislation to protect the public interest and terminate this type of last-minute congressional intervention in labor disputes on a case-by-case basis.

Mr. Chairman, I think we ought to reject this legislation and reject this role for the U.S. Congress.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), a member of the committee.

Mr. DINGELL. Mr. Chairman, this is the first time in my recollection that this body has ever been called upon to write the terms of the contract in a dispute between the parties. It is a principle and a practice and a precedent that to my mind is infinitely worse than the step of establishing compulsory arbitration.

I would point out to my colleagues I intend to offer at an appropriate time an amendment which would allow the parties to put into effect those terms of the contract upon which they have already agreed and to allow the parties to select arbiters to act upon their behalf to decide for those portions which they cannot resolve. Those two arbiters would select a third, and the three arbitrators would decide the issues before them and would resolve only the contractual questions that remain yet to be resolved.

I believe this to be a much more desirable way to prevent a strike and resolve the issues remaining unresolved. It is a much more fair and much more constitutional way. It is a much surer way to resolve the questions. It is a much better precedent. I would hope this body would support my endeavor to do this. I offered an amendment when this legislation was before the Committee on Interstate and Foreign Commerce, when that distinguished body had this matter under consideration, and it is briefly discussed in the minority views in the report before us.

I would point out this is not compulsory arbitration since the union has already agreed the matter should be arbitrated and it simply sets up a means whereby the parties can arbitrate and resolve only those the matters yet unresolved between them. In that spirit I hope my colleagues would support this kind of approach.

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

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

Mr. KARTH. Mr. Chairman, I rise in support of an alternative to House Joint Resolution 1124 in the form as proposed by Representative DINGELL. I do this because other recourse has been effectively denied the shopcraft unions.

The courts on March 2 ruled that a single carrier could not be struck. The Congress declared that a strike could not be imposed on all carriers, and the President's proposal imposes a settlement on those that have rejected the terms of such settlement. In the words of the workers "they have run out of branches of government."

The alternative is a reasonable one which would end the threat of a nationwide strike while allowing the matter to be submitted to binding arbitration. If this were done we would not then be in the position of setting the terms of bargaining agreements in private industry. House Joint Resolution 1124 is not a way out—it is a compulsory settlement forcing workers to labor under conditions which they already rejected by democratic vote of the membership. We should avoid this dangerous course and accept the amendment to be offered by Mr. DINGELL.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

AMENDMENT OFFERED BY MR. ADAMS

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

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 2, beginning in line 7, strike out "the date of enactment of this resolution" and insert in lieu thereof the following: "February 19, 1970"

The CHAIRMAN. The gentleman from Washington is recognized in support of his amendment.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I am sure, speaking as chairman of the committee, there would be no objection on this side to the amendment. There would be no objection.

Mr. ADAMS. Mr. Chairman, since both the Chairman and the Ranking Minority Members have indicated their agreement, I will simply explain the amendment and my general position on this bill. I will state that by this amendment we are trying to work out a date of effectiveness for wages that would apply under the agreement. I believe we have this in hand now. The wages would be given for the incidental work rule effective as of February 19.

I intend to support the amendments to this bill which are going to be offered, for the reason that I believe this bill establishes the bad precedent of the Congress making an agreement between the parties. I have offered this particular amendment to try to perfect the contract as best as possible, to make it fair for the men who are involved.

I regret that the Congress is involved in this type of operation. I would say this: I believe by doing it we can assure ourselves that we will bring up a railroad strike in the future. Railroad management has now found that by bargaining nationally a national strike is created; when a national strike is created, a national emergency is created. Then Congress will settle the matter.

In this particular case I believe the Members should know that individual unions tried to go to individual railroads and to strike them indivdually, so that there would not be a national strike. They were prevented from doing so by a court order.

The next set of strikes that come up, if they do come up in that fashion, would not create a national emergency.

One of the amendments which has been suggested by the gentleman from Texas (Mr. ECKHARDT) has this as a part of it. I hope the committee will carefully consider it, because otherwise we can expect a dispute when the September 6 notices open for the shop crafts. Notices have already opened for the clerks. Notices have already opened for the maintenance-of-way employees.

The result of this is that during the next 6 months to a year there is going to be a series of these disputes. If management is assured of the fact that they can make a last offer and then do nothing further then there will not be any settlement and we are going to get the strike back here again.

The suggestion which many of us made last time was to create the condition of an artificial strike. We have not attempted to make those amendments to this legislation, because it has come up too quickly and it was too difficult in the period of time we had to work out all those details.

Instead, the gentleman from Michigan (Mr. DINGELL) has offered an amendment and explained it, and the gentleman from Texas (Mr. ECKHARDT) has offered an amendment and explained it, which are temporary palliatives to try to do the best we can to avoid putting men to work under a law that says, "You must work."

I will close by saying I do not know what will happen if someone says, "I will not work under it," because I am not at all certain the Congress has the constitutional power to say, "This will be the contract between two parties." There is a grave constitutional question involved in that. We discussed this at length in the committee.

Many of us would have preferred that there be a different type of solution offered by the administration.

I hope the amendment I have offered will be agreed to, because it does make this bad precedent more fair. It gives the men their wages back at least to February 19. I should like to go back to December, but if we can at least get an agree-

ment on this date, and the other body will agree to it, I believe this is more fair and will prevent wildcat strikes.

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

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

Mr. STAGGERS. I wanted to mention that it is understood the other body will have a similar amendment presented on the floor, and this amendment would make the two resolutions coincide. I know the gentleman, like myself, would like to go all the way back to the date originally reached—December 17, 1969. But looking at the realities, that this is being put forward in the other body, I believe this will make the bill match, and this is what should be done.

Mr. ADAMS. I thank the chairman for his statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

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

"That with respect to the carriers represented by the National Railway Labor Conference and the employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; and the International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, the memorandum of understanding dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and December 17, 1969, shall be deemed the 'date of notification of ratification' as used in this memorandum of understanding.

"SEC. 2. (a) With respect to the carriers represented by the National Railway Labor Conference and the employees represented by the Sheet Metal Workers International Association (hereafter in this section referred to as the 'parties'), the provisions of the final paragraph of section 10 of the Railway Labor Act as heretofore extended by law shall be extended until 12:01 o'clock ante-meridian of the 30th day after enactment of this resolution with respect to the dispute referred to in Executive Order 11486 of October 3, 1969.

"(b) There is hereby established an Arbitration Panel, hereafter referred to as the 'Panel', for the purpose of rendering a final and binding decision on the dispute. The Panel shall consist of three members to be appointed as follows:

"(1) One Panel member shall be designated by the National Railway Labor Conference;

"(2) One Panel member shall be designated by the Sheet Metal Workers International Association; and

"(3) One Panel member shall be appointed by the two Panel members designated under paragraphs (1) and (2) of this subsection. If the Panel members designated under paragraphs (1) and (2) of this subsection are unable to agree upon the third member, then the following procedure shall be followed to select the third Panel member: (A) A list of five names shall be requested from the Federal Mediation and Conciliation Service, (B) the two Panel members shall begin consideration of this list, alternately, with the right to strike any name, except that the last name remaining upon the list shall be the third Panel member unless there is prior agreement upon designation of a Panel member. A coin shall be used to decide who has first consideration of the list.

"(c) The Panel shall make its decision not earlier than 15 days and not later than 30 days from the date of enactement of this joint resolution. The decision of the Panel shall be final and binding upon the parties."

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, as I have indicated, this is a reintroduction of an amendment substantially identical to that offered by me in committee yesterday. It avoids, I think, two things that are highly undesirable. One is compulsory arbitration, since the unions involved have agreed that they would be content to arbitrate the issues between them. Two, it obviates the necessity of this Congress engaging in what I regard as almost a certainly unconstitutional practice. I refer to the device of legislating the content of an agreement between two persons not necessarily in agreement with the terms thereof. I would point out that adoption of this amendment has the advantage not only of obviating court tests certain to come, but it very probably will also obviate the finding of unconstitutionality and a certain-to-be series of wildcat strikes, which I am satisfied will follow the enactment of the legislation now before us unless this amendment is adopted.

I would point out, further, Mr. Chairman, the amendment very simply says that those matters agreed to by all parties are in effect as if the agreement had been signed and ratified and had gone into effect, but it establishes a panel to be chosen, one member by the railroads, one member by the union affected, and one member by the two of them. In the failure of the two union and management panel members, the selection would be from a list of names submitted by the Federal Mediation and Conciliation Service and selected through a process of the striking of names between the parties until they had arrived at an agreement on the selection of the third panel member. Thirty days after the appointment of the panel the finding of the panel would be final and would be binding on the parties as if agreed to by law.

Opportunity would here be afforded to all parties to present their cases, to make their wishes heard, and to have a fair and judicial determination made with regard to the questions in controversy, something that I must tell you very clearly has not transpired to date either in the committee or the Congress itself. And, I say this recognizing that the Congress has acted to the best of its ability under very difficult circumstances to assure fairness to all parties.

Mr. Chairman, I believe that this approach will result in a settlement of the issue and some disagreements which will be raised and accepted by the parties involved. Further, I believe it obviates the possibility of passing a law which in my opinion at least is unconstitutional and a very bad situation from the standpoint of policy.

I think it does something else which is of great importance and that is it affords this Congress an alternative which we desperately need. The legislation was written in haste and I believe is fundamentally ill conceived.

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

Mr. DINGELL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank my good friend for yielding.

There is one thing I do not understand but which I think, perhaps, the gentleman from Michigan can explain and that is this: How does his amendment differ from compulsory arbitration? Does not this impose a settlement?

Mr. DINGELL. I can tell my friend that the unions would be happy to arbitrate in this matter and under these conditions and therein in my opinion the question of compulsory arbitration is obviated and eliminated.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. SPRINGER. May I say to my colleagues that this amendment which has been introduced by my distinguished colleague from Michigan was introduced and was defeated in the committee, if my recollection is correct, 18 to 9. I will stand corrected if that is wrong. However, I believe that was the figure. Not even many of those who are in sympathy, if I may say so, with the gentleman from Michigan voted for this amendment because it is very unfair to the three labor brotherhoods who have already settled their grievances.

What this in effect will do is to put into statutory form the agreement which those three unions have already agreed to, but leave it wide open by setting up this arbitration board for the sheet metal workers in which case they almost invariably will come out with a higher figure than the others which have already been negotiating in good faith between labor and management.

Mr. DINGELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SPRINGER. I shall yield to the gentleman when I get through.

In effect, what you are doing is giving another additional preferential step to the brotherhood which has not agreed to anything and then you will put this provision into effect after the agreement which has been entered into by the other three brotherhoods which have acted in good faith. I think all of you can see the unfairness of allowing this kind of thing, of future arbitration by the board with reference to the sheet metal workers, when you have already a settlement with the other three brotherhoods. What they hope to get out of it is to get a better settlement than has already been negotiated by the three other unions. In other words, if you adopt this amendment, you will be gaining one friend but will be making three enemies. You will make a friend of the sheet metal workers but you will make three enemies of the other brotherhoods which have gone through a negotiation if the gentleman's amendment prevails. That is what will happen.

I present this to you as being unfair and that is the reason I think so many of the distinguished gentleman's col-

leagues on his side saw the unfairness of this kind of proposition at this stage of the legislation and this is the reason it was voted down by a vote of 2 to 1.

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

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

Mr. DINGELL. I am sorry that my good friend from Illinois is so much in error with reference to this amendment. I would point out, first of all, that it does not do what my colleagues from Illinois would have us believe at all. Second, it does say that the questions which have not been resolved will be arbitrated—not all the questions, not the wage questions, but only the unresolved questions on work rules.

I would state to my very dear friend, the gentleman from Illinois, that there is a story in the Bible told by the good Lord Himself where a landlord hired people to labor in his vineyards. Some labored from early in the morning until late at night, and some did not. And the landowner met them and had no complaint, and gave them all the sum of one dinarii, and to one who complained he was told "Was that not the sum agreed upon?" And he said, "Yes, it was." And he was told to be silent, and not to express any further complaint.

So we are telling the unions that what they agreed upon is binding upon them. This has to be resolved, but nobody should be permitted here to reopen it. It is after all, their own agreement. If the unions are adversely affected, it is by their free and voluntary agreement.

Mr. SPRINGER. May I say that I am only in partial agreement to what the gentleman said, and I believe that I have given as fair consideration to it as I could before I arose here to speak. I did not make a mistake with reference to this. I believe I stated it correctly to the Members of the House, and that was the reason that we were opposed to it in the committee, and that is the reason it was beaten two to one in the Committee before. I hope that the committee will vote down the amendment.

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

Mr. SPRINGER. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, the recollection of the gentleman is the same as mine. In addition to being grossly unfair to the three unions, that negotiated in good faith and to finality, it gives preferential treatment to the sheet metal workers.

I believe if we pass this amendment, instead of having just one union holding out the next time we are faced with this controversy, we would have all the unions holding out because the logical thing is that this Congress would go along and give them another bite on the apple. In setting up this special board we are, rather than encouraging them to get together and suggest that arbitration does work, we would actually, if we were to pass this amendment, be encouraging all the unions to hold out, and they will do so together with the realization that the Congress would show them preferential treatment and set up a special board instead of arbitration.

Mr. SPRINGER. I believe the gentleman has stated exactly what I have had in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT:

Strike out on page 2 all after lines 1 and 2 and insert in lieu thereof the following:

"SEC. 1. For the purpose of interim settlement of the dispute growing out of the proposals served by the several unions functioning through the Employees' Conference Committee on the railroad carriers represented by the National Railway Labor Conference on or about November 8, 1968, and the proposals served by the said carriers on representatives of the said unions on or about November 26, 1968, it is provided that the Memorandum of Understanding, dated December 4, 1969, other than the provisions headed "Effect of This Agreement," shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act except as further provided herein.

"SEC. 2. This Act is for the purpose of establishing by law interim rules governing wages and other conditions of employment between the said carriers and the said unions pending their settling their differences by ordinary collective bargaining processes and such rules shall remain in effect until January 1, 1971, except as hereinafter provided in this section. When and if agreement is reached between any carrier and any railroad settling the matters in dispute between them, these interim rules shall cease to be in effect with respect to such parties.

"SEC. 3. Subject to the internal rules of each organization, the National Railway Labor Conference, or any of its members railroads, or the Employees' Conference Committee, or any of its member unions, may each serve upon the other or upon any member organization of the other a notice or proposal for the purpose of changing the provisions, or any of the provisions, put into effect by these rules, in accordance with the provisions of the Railway Labor Act at any time after the effective date of this Act. These rules shall preclude resort to either strike or lockout in the same manner and to the same extent as if they constituted a contract which provided for reopening in such manner.

Mr. ECKHARDT. Mr. Chairman, this amendment does the absolute minimum by congressional fiat that is necessary to avoid a strike, but it at the same time leaves the maximum flexibility for collective bargaining.

In its first provision it provides that for the purpose of interim settlement of a dispute, the proposal tentatively agreed upon on December 4 shall have the same effect as though entered into by agreement between the parties under the Railway Labor Act. In this respect it is exactly like the administration's proposal—it applies to all four unions and not to three—but to all four unions.

But it is conditioned by section 2 which provides that this act is for the purpose of establishing by law interim rules governing wages and other conditions of employment between said carriers pending the settlement of their own differences.

These rules have exactly the same effect as the provisions of the administration's bill, except that negotiation is not hindered and is not delayed. The parties may serve notice immediately to settle a dispute with respect to those matters that the sheet metal workers have not come to a resolution on because of the failure of ratification.

Now let me tell you why I think this is psychologically important. I am speaking from some experience in labor relations—experience of approximately 20 years.

The thing that prevents persons from going on wildcat strikes is that they have something going—they have something negotiating at the time—and there is something happening. There is some possibility of a resolution in accordance with their views. But you freeze negotiations and you provide ratification by legislative fiat from now until September, and you close off this matter in a contract until January 1, 1971, and you create the maximum temptation for wildcat strikes.

Now this amendment is not widely different from the administration's proposal. But it does one other important thing and I want to submit this for your consideration.

If we continue to operate in the manner in which we do—if we continue to provide that these parties may negotiate as a great body representing all unions within the crafts on the one side and on the other side as a body of persons representing all of the railroads—if we do this, we create a veritable nuclear force on both sides which is so threatening to the public interest that neither side can use these weapons. The union cannot use a national strike effectively without bringing public opinion down on their heads, and the Congress will then respond. The railroads cannot use a national lockout.

What this amendment would do is to make it so that when you come to the Congress to solve your disputes, we are going to break up your little game of tight national bargaining. We are going to say to you—we will put into effect, not as a contract but as an interim created status quo, just as we continue that status quo under existing agreements, the closest point to agreement which was reached. But we are going to permit immediate opening against any railroad. We are going to break up this national complex that makes it impossible today for the strike threat to result in a settlement.

If we go with the administration proposal, we simply invite the railroads from here on out to engage in the same type of hard bargaining that has existed in the past.

When they come to the end of the road, they tell us, "Write our contract for us."

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

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SPRINGER. Mr. Chairman, may I pay recognition to my distinguished colleague from Texas. He is probably the most distinguished labor lawyer in this

body. He has considerably modified the amendment that he presents here today from what he presented yesterday, but it does mean the same thing. There is no substantial change in that amendment, which was defeated in the committee by a vote of 16 to 8, or 2 to 1. Several Members on his own side who, I am sure, are ideologically in sympathy with him, voted against him on that amendment.

I think there is a very real reason for that. What you are attempting to do here is to freeze the contract but yet leave the negotiation open. I would say, in very direct opposition to the conclusion that my distinguished colleague has arrived at, that the most logical thing to conclude is that it would encourage wildcat strikes, slowdowns, and everything you could possibly conceive of. His interpretation I am sure is made in good faith.

That is the kind of amendment, in my opinion, that throws the matter wide open to the point at which we would be in chaos. The gentleman has said that this is only a small change. May I say to my distinguished colleagues that this is a very, very wide change, not only in what it does, but philosophically in what is accomplished in this legislation. In my opinion, this is the amendment that would do the most damage to the possibility of getting labor and management together on negotiations the next time around; it would be exactly the amendment which the gentleman from Texas has proposed.

I hope that in view of the overwhelming vote against the amendment yesterday by those on the committee that this amendment would be voted down.

Mr. ADAMS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. Mr. Chairman, I would like to point out that a vote of only 16 to 8 is not overwhelming with the numbers that are available on this committee. All the colleagues of the gentleman from Texas (Mr. ECKHARDT) who are of similar persuasion supported him on this for the very reasons that he has stated. This was the least harmful way we could see to move out of this situation on a short-term basis. And I want to state in answer to the gentleman from Illinois who has just spoken that we will have back these unions and railroad management in the fall or next year because of what we are doing today, because we have allowed railroad management to know that there cannot be a strike, that economic weapons cannot be used, and that the matter will eventually be settled by Congress each time.

In the opinion of many of us that alternatives to this are, as mentioned by my colleague, the gentleman from Texas, to break down the national bargaining and have individual bargaining by individual unions with the management of particular railroads, because that is how the Railway Labor Act was originally conceived. This is also how Taft-Hartley was originally conceived. We would have other competitive modes so that when the two parties used their economic weapons, the two parties were subject to the penalties of either not working or not making profits while somebody else was doing the business, and therefore the two of them would have pressure on them to settle. When we have no competitive mode, because all are on strike then the economic pressures never apply to the two parties. Instead, the public is injured before either of the two parties has any pressure placed on it at all. Therefore, we think there should be individual bargaining. That would be done by this amendment.

The other alternative, of course, is to establish an artificial strike, which many of us suggested at the time the last railroad strike was before this Congress. By this we say to management as well as to the men: All right, if you are going to put the men under injunction and prevent them from having additional wages, we then will say to management they cannot raise corporate salaries and we will impound their profits during that period of time and there will be no mergers and no dividends. So they will have a little pressure on them too. If we do not do that, we will get the result we have had three times in the last few years, of having management say they will go so far and no further and thus break down any bargaining.

Mr. Chairman, I yield now to my friend, the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I would like to say in answer to my distinguished colleague, the ranking minority member of the committee, that I can assure him as well as I can understand law, that this amendment is as binding against a strike for a period of time, which would practically speaking be about 9 months, as the proposal that was made originally. It is not selling out the bargaining process. The bargaining process would continue. I feel assured that much of the dispute relating to work assignments could be settled by the ordinary processes of collective bargaining. There could be agreement with some of the railroads. There is no reason why all of the railroads should be put into a procrustean bed with a single representative of all railroads.

That is all I am seeking here. It would stop a strike, it would continue the discussion, and it would settle the matter perhaps piecemeal, and I think ultimately completely, but it would absolutely avoid in my opinion the wildcat strike in the interim, because I am assured that even the protesting unions would welcome the opportunity to have legislation of this type which would at least give them an opportunity to continue their insistence in a peaceful manner rather than on a picket line.

Most laborers do not want to picket. They put themselves out of jobs and they put others out of jobs. But give them a chance to try to come to an agreement during a period of time when we bind them to prevent them from striking.

Mr. ADAMS. Mr. Chairman, I might just conclude by saying that in this particular strike wages are not in dispute. What is in dispute is an incidental work rule between these four unions and management. Management put a price on that, and the amendment offered by the gentleman gives management what it bought, which is the incidental work rule during this interim period, but it also keeps this bargaining process alive. As has been pointed out and as the testimony showed, some of these railroads have been able to agree with all the parties on an incidental work rule.

Mr. WATSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Texas, the author of this amendment, for whom I have the highest regard, a question or two.

I believe we will all agree that the parties to this contract have been negotiating for about a year or a year and a half.

What, under the terms of your amendment, would prompt the parties to reach an agreement, which they have not reached over the period of some 18 months?

Actually, would not the amendment have the effect of encouraging them not even to negotiate further, for the simple reason that they have already gotten what they have negotiated now pegged down, so that they can continue to approach it on a piecemeal basis by negotiations with individual railroads, which, in my judgment, would create, as the gentleman from Illinois said, quite a catastrophic situation.

What, under the terms of your amendment, would prompt the disputing union to come to any reasonable voluntary terms?

Mr. ECKHARDT. I thank my colleague for that thoughtful question. I know he has put a great deal of thought into this subject because of his questions on the committee.

There are two things which would prompt action under these circumstances.

One is it would break loose the situation of the unit bargaining of the union on the one side and the unit bargaining of all railroads on the other side. For instance, it would be relatively easy for the machinist group to negotiate a contract today with Santa Fe. Once devising a pattern, no doubt they would ask for the same pattern elsewhere.

The other thing which would create a breaking of the impasse is that at least there would be the possibility of a strike which would not shut down the entire railroad industry. We would restore the same normal relationship between employees and management that exists elsewhere in industry; that is, the union acting with the ultimate strike threat behind it and management acting with its power to say "No."

I assume that this process would resolve the work assignment question. I believe it would.

Mr. WATSON. I appreciate the gentleman's explanation, but I still fail to see anything under the terms of the amendment which would prompt this union to reach an agreement. They have not reached an agreement over a period of some 12 or 18 months.

I should have thought during the 37-day period which the Congress passed by resolution earlier, before the Easter recess, if they were honestly interested in

negotiating this matter and avoiding this congressional action they would have moved in and tried to do something about it.

I believe the gentleman will agree with me that the facts reveal even after the Congress passed a 37-day extension to allow this union to try to negotiate this matter to finality, the president of the union took a very adamant attitude about it and even refused to discuss the matter with the Secretary of Labor.

Now, under the threat of congressional action before April 11, midnight Friday, this union, I believe the gentleman will agree, has absolutely done nothing toward resolving the conflict.

Mr. ECKHARDT. If the gentleman will permit me a very brief answer to a long question——

Mr. WATSON. Does the gentleman not agree they have done nothing even under the threat of congressional action during the past 37 days?

Mr. ECKHARDT. I do not see any reason why the railroads should yield an inch, when we are in the phase of passing their proposal into law. There must be a situation in which both parties have a possibility of losing something to get negotiation.

Mr. WATSON. We seem to lose sight of the fact that this agreement the memorandum of December 4 last year—was not only agreed to by the negotiator for the four unions—and the crafts subsequently individually approved it—but also was agreed by the negotiator for the sheetmetal workers. I believe the gentleman will further agree that the matter was submitted to the sheetmetal workers, and I believe there was a vote of 2,200 to 1,100 or something like that. They turned it down, and actually the constitution of that craft itself did not require the submission of this arbitration agreement to the craft.

So I hope the gentleman's amendment will be defeated.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SPRINGER. Mr. Chairman, I believe under the rules, this shifts back and forth.

The CHAIRMAN. The Chair has been endeavoring to do that.

Mr. MOSS. I believe that rule has been followed.

There have been two points I have been impressed with this afternoon, Mr. Chairman. The great emphasis on the fact that three out of four unions ratified this agreement and therefore we should disregard the rights of the fourth; but we could conceivably have a condition where nine unions were involved and five out of the nine would ratify and the other four, representing a far larger number of employees, would have failed to ratify. However, the principle which is embodied in the resolution being urged upon the members of this Committee today, applied in that instance, would force the majority to go to work because a majority of the numbers of the unions had ratified.

It is very bad law; it is very bad precedent. What we are doing here, if we adopt House Joint Resolution 1124, is we are ordering into effect a contract between private parties. And make no mistake about it. We are not providing any interim step, any factfinding, any method of arbitrating as we have in previous cases. This could well be an engraved invitation to the railroad industry to bring its disputes to the Congress of the United States because it is rapidly gaining experience in resolving them. Each time, however, it follows a different formula. Back in 1962 we appointed a special board. In 1967 we decided to arbitrate to finality. And now we, in a shorter span of time intervening, have decided to mandate a contract or to ratify it on behalf of these individuals. I do not think it is good to do this when we have alternatives available to us which preserve the integrity of collective bargaining and yet protect the Nation from an immediate work stoppage on the railroads.

Now, the other point I want to emphasize, Mr. Chairman, is that much was made of the impact upon national defense and upon the economy of this Nation if a work stoppage occurs. If that were the only alternative we had, either adopting this resolution or having a work stoppage, then the situation would be different, but there is a different alternative. Two of them have been offered here this afternoon. One of them has been rejected, and a very modest and moderate one, well reasoned, has been offered by the gentleman from Texas (Mr. ECKHARDT). It would immediately order into effect as interim law the rules which had been agreed upon and permit bargaining to continue, and to continue beween the employees and the employers in the units in which they are employed rather than enforcing a national pattern, which can only bring these issues before us every few years.

Believe me, gentlemen, I have said in this well before in discussing this same issue that it would be coming back again, and I predict next year that we will have the same issues back before us, if we adopt the solution that is proposed in the resolution without the amendment of the gentleman from Texas (Mr. ECKHARDT).

I strongly urge that we preserve this very important principle in American labor relations and adopt the Eckhardt amendment to the resolution.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. MOSS. I am very happy to yield to the gentleman.

Mr. OTTINGER. I rise in support of the Eckhardt amendment. I think it preserves the collective bargaining process, and it will insure that we do not get this kind of a situation with the Congress of the United States resolving disputes by imposition in the future.

Mr. BROTZMAN. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. SPRINGER. Mr. Chairman, if what this body wants—and there are 134 standard railways—if you want 134 strikes, then there is just that much possibility of that many coming back, depending upon whose district it goes through. If you come to an impasse, you will be in here yourselves asking this committee to "please settle the strike on my railroad." Now, is that what this body wants? That is exactly what the Eckhardt amendments does.

Those that are on the Santa Fe and if there is a strike involving the Santa Fe, every Congressman on the Santa Fe will be in before our committee saying, "Please will you take up our legislation and get ours settled on the Santa Fe."

Those on the Illinois Central from Chicago to New Orleans will be in here, if they pick out that railroad to strike, saying, "Please help us with this because we cannot move any goods from New Orleans to Chicago or from Chicago to New Orleans; do something about settling the strike on our railroad."

That is exactly what you are going to be faced with if you adopt the Eckhardt amendment.

What they are seeking to do is to fragmentize the thing to a point where everyone who has a railroad in his district will be coming to our committee to seek some kind of solution to the particular problem with which they are faced.

This is the reason why the Eckhardt amendment is so dangerous to the bill.

It does not in any way, may I say to my colleagues, resemble the legislation which is pending before you. The entire effect of the Eckhardt amendment is different from the thrust and impact of the legislation which we have brought from the committee.

I hope I have made it clear enough to the Members of this body so that we understand what will happen to the various districts if you adopt the Eckhardt amendment. I hope it will be voted down now as it was voted down in the Committee on Interstate and Foreign Commerce. It was voted down by a vote of 16 to 8 or 2 to 1 for the very reasons that I am pointing out at this time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Texas (Mr. ECKHARDT).

Mr. Chairman, I would point out to my good friend from Illinois who is one of our most able Members in this body that he has demonstrated rather conclusively that he has not read or does not understand either the content or the effect of the amendment which has been offered by the gentleman from Texas.

The effect of the amendment offered by my good friend from Texas is simply to stop the national rail strike from occurring. That is precisely what we seek to do today. It is our purpose and intent, to prevent there being a railroad strike national in scope.

The amendment would go further than this. It would permit and indeed encourage something that we very much want, and that is a continuation of collective bargaining by and between the parties so that the issues here may be resolved fully and completely by the parties.

I believe if that is carried forward effectively and satisfactorily, and if there is encouraged more openness to such negotiations through adoption of the Eck-

hardt amendment, the parties will go forward to resolve the differences between them.

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

Mr. DINGELL. I am happy to yield to the gentleman from Texas.

Mr. ECKHARDT. There is just one thing I would like to add here.

In the case of Congress of Railway Unions, et al., against National Railway Labor Conference, and others, C.A. 358–70, in the Federal District Court of the District of Columbia, the court held that whipsaw strikes, the type that my distinguished colleague from Illinois (Mr. SPRINGER) mentioned here, are not legal or permissible.

The only way that individual strikes could exist to accomplish a bargaining objective would be as a result of genuine failure to come to agreement with respect to such things as work assignments or other matters in contest between labor and management.

Mr. DINGELL. Mr. Chairman, I would point out something else here. It is in my own memory unique that this body should be writing contracts. I have spoken of the doubtful constitutionality, and I am satisfied that many of my colleagues do understand that the writing of contracts between parties by the Congress is very probably in open defiance and violation of the Constitution, and probably is an act by this body without due process of law. But I would also point out something else: There appears to be a lack of feeling, I think, in the minds of some about the consequences of our writing of a contract for unconsenting parties. I believe the protection of law and of the Constitution, and, indeed, the principles of fair play are directed at the least influential groups and individuals in our society as well as the greatest and most numerous.

I wonder how many of my colleagues who were so careless and unconcerned over the writing of a piece of legislation whose "whereas" clauses say it is only a small minority of the workers concerned who are involved, would have trouble if we were to set a precedent and write contracts by and between the Government and General Motors for the procurement of trucks; or if we were to write the contracts by and between the Federal Government and the unconsenting railroads for the carriage of goods and services, and do so by legislation.

I believe perhaps the lack of tenderness and sentimental concern that is felt here by some of my colleagues who express so light a concern over the rights of a number of thousands of honest American workers would perhaps be more fully and completely outraged in those circumstances.

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

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

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 40, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Strike out all after the resolving clause and insert in lieu thereof the following:

"That (a) There is hereby established a Special Board for the purpose of assisting such brotherhoods and carriers (hereafter in this section referred to as the 'Parties') in the completion of their collective bargaining and the resolution of the remaining issues in dispute.

"(b) The Special Board shall consist of three members one member to be selected by the employees, one by the employer involved, and one member appointed by the President and such member shall be chairman. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

(c) The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

(d) If agreement has not been reached within five days after the appointment of the Special Board, the Special Board shall hold hearings to determine whether the memorandum of understanding dated December 4, 1969, (1) is in the public interest, (2) is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the provisions of the memorandum of understanding dated December 4, 1969.

(e) The Special Board shall make its determination by a vote of the majority of the members on or before the thirty-fifth day after the appointment of the Special Board, and shall incorporate the memorandum of understanding dated December 4, 1969, with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and the Congress.

(f) (1) If agreement has not been reached by the parties upon the expiration of the period specified in subsection (h) the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, but not after December 31, 1970, as the Board shall determine to be appropriate. The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.)

(2) In the event of disagreement as to the meaning of any part or all of a determination by the Special Board, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the Board for clarification of its determination, whereupon the Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Board, be made with or without a further hearing.

(g) The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits concerning the determination of the Special Board.

(h) The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the parties as defined in subsection (2), so that no change except by agreement shall be made prior to 12:01 antimeridiem on the thirty-sixth day after the appointment of the Special Board by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such dispute arose.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

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

Mr. SPRINGER. Mr. Chairman, reserving the right to object, may I inquire of the gentleman if this is the same long amendment that was offered in the committee?

Mr. ECKHARDT. It is the same amendment that was offered in the committee, and there is no basic changes in it.

Mr. SPRINGER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. ECKHARDT)?

There was no objection.

Mr. PICKLE. Mr. Chairman, this is an amendment which you would refer to as mediation to finality.

This would provide for the appointment of a special Board to consider the merits of the case before us and to ask for its recommendation. It keeps the Congress from writing a contract—something we have not done before except perhaps in an unusual or limited sense. It keeps the Congress from establishing a precedent, perhaps that we ought to avoid, if there is some other way to do it.

This amendment would provide for a special board of three members—one to be appointed or selected by the employees involved, one by the employer and one member to be appointed by the President to serve as the Chairman.

This special Board would have 35 days to consider this particular case that has been pending before the American people for months and months. After the Board was appointed the parties would have 5 days to reach an agreement before the special Board would begin its deliberation.

If the parties have not in 5 days, however, reached an agreement, the special Board would have 30 days to hold hearings and to make recommendations to Congress.

This is exactly the same amendment, word for word, by and large, which the Congress adopted nearly 3 years ago

when we settled the strike at that time by the machinists.

What we are doing here is saying that this is a better approach than Congress writing a particular contract. This amendment will keep Congress out of the business of writing a contract and at the same time it preserves the elements of collective bargaining by sending the dispute to a mediation board where some type of compromise could be reached.

This amendment did not pass in the committee. In effect, it suffered the same type of result the other amendments have, not based on the merits in themselves, but based on the very sharp division by those who would not want any kind of settlement that resembled compulsory arbitration. I recognize that there are some who would not want to vote for any kind of means to settle this dispute. This amendment does provide for exactly the same procedure that we adopted 3 years ago. My friends on this side of the aisle adopted this procedure, and I would remind the chairman on the Republican side that this is what his group and his friends voted for 3 years ago. I am asking that it be done again.

I want to say to my friend that if I felt there was some other way, I would try to advance it. But we are at a point where I think we are either going to adopt House Joint Resolution 1124 exactly as recommended by our committee, or else we are going to adopt this procedure of mediation to finality.

I wish we had permanent legislation on the books. Some of us have been asking for it for years; yet, we have never gotten to first base, and it is high time that we stop these ad hoc solutions of pending strikes.

Mr. WATSON. Mr. Chairman, will the gentleman yield at that point?

Mr. PICKLE. I yield to the gentleman from South Carolina.

Mr. WATSON. I take this opportunity to commend the gentleman in the well for his desire all along to get some permanent legislation so that we will not have to face these issues on an ad hoc basis as we have over the past several years. As I stated in the committee, and as I have stated privately—and I urge all my colleagues to read carefully the amendment offered by the gentleman in the well in the CONGRESSIONAL RECORD later on—I think the amendment provides a very good framework or a genesis for some permanent legislation, and I am going to join the gentleman from this day forth in trying to press forward to get some permanent legislation in this field so as to avoid these ad hoc situations.

I commend the gentleman for it. But, of course, I am sure we need to study this proposal. You can tell by the length of it, its various ramifications, that we need to study it, to have hearings on it. I will press forward with him in trying to get this so we might use it as a vehicle for some permanent legislation so as to avoid the present problem we unfortunately now have.

Under the exigencies of the circumstances we must move forward with what we have, and unfortunately we will have to object to the gentleman's amendment. But I do applaud him, and I commend to everyone in the House a reading of the gentleman's amendment. Hopefully, we can get together and push forward for some permanent legislation.

Mr. PICKLE. I appreciate the gentleman's comment about the measure calling for permanent legislation which I have introduced. That particular bill is H.R. 8446. I do hope that Members will refer to it.

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

(By unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. PICKLE. Mr. Chairman, I wanted to comment 1 minute further along the lines the gentleman from South Carolina has mentioned. I have introduced a bill which provides a choice of procedures, and which I think is generally conceded to be the best approach to try to settle these strikes. This bill would give the President several alternatives to follow in order to prevent strikes. One of the alternatives would allow the establishment of a special board, which I am recommending in this particular amendment. It would also allow seizure, a provision which, in unusual situations, would give the Government authority to take charge and actually run the railroads. Also the bill would give the President the discretion to ask for congressional remedies. These alternatives would be given to the President to use at a point in time early enough to encourage the parties to engage in meaningful collective bargaining.

It would give to the President the power at any given point to put into effect some of these alternatives which would keep the parties guessing and let them know that they will be held to account. I hope the Members will look up this bill and give it some thought.

During the hearings the representatives of those involved—management, labor, and the Department of Transportation—said that it was time we should adopt permanent legislation.

In conclusion, may I say this. Either we are going to accept the resolution which is before us which puts into effect what they say is an agreement when there was not a total agreement—only three out of four unions agreed—or else we are going to adopt this particular amendment, which would provide for mediation to finality. It would appoint a special board that would make a recommendation to the Congress, and if the parties did not agree to it within 35 days after the appointment of the special board, then the recommendation would have the same effect as though arrived at by agreement of the parties. I think this approach is highly desirable.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say to the Members that my distinguished colleague, the gentleman from Texas, is to be commended for his dedication and perseverance in pushing for legislation which would avoid these periodic, one-shot solutions to deadlocked negotiations.

I think the gentleman is to be commended, but may I say this amendment was most carefully considered in the committee, and the amendment was defeated by 17 to 9, with two voting "present."

Why was it defeated? I think there were sound reasons why the amendment was not adopted. In effect, it is almost the same kind of bill we had 3 years ago when President Johnson sent down his recommendations. In that case it did recommend arbitration and set up a board. There was a reason why in that instance we had to do it, because management and labor had in no way agreed. In this particular instance here, three of the four unions have already negotiated to finality. There is not any problem of having a board appointed to negotiate for them. They have negotiated. They are satisfied with the present arrangement and they are willing to accept it. We have just the one in doubt. Why would it be necessary now to appoint an arbitration board to throw all these four unions back into the hopper and then have one representative from labor and one representative from management and then have a Presidential representative in this board to go all over this argument and then have this come back down. I am as sure of this as of anything, that it would be back before our committee again, and we would be out on the floor again with this same legislation if the language of my distinguished colleague from Texas were adopted.

So I think there were sound reasons why in the committee they saw fit, by a margin of 17 to 9, with two voting "present," not to adopt the gentleman's amendment. But I know the gentleman has given a great deal of thought to it, and he is very sincere and earnest. However, I think it is very unwise at this point to accept his amendment.

I might say for my colleagues who might want to know what has happened in the other body, I have the figure on it now, that it passed with only the February 19 amendment, which is now part of our bill, in the other body by a vote of 88 to 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

The CHAIRMAN. The Clerk will read the preamble.

The Clerk read as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation service: Now, therefore, be it

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the preamble be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, pursuant to House Resolution 904, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title:

S.J. Res. 190. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

MOTION TO RECOMMIT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CARTER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CARTER moves to recommit the joint resolution (H.J. Res. 1124) to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

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

Mr. 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. The Chair will count.

Mr. ASHBROOK. Mr. Speaker, I withdraw my point of order.

So the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution—Senate Joint Resolution 190.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 190

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the memorandum of understanding, dated December 4, 1969, permits the service of notices or proposals for changes under the Railway Labor Act on September 1, 1970, to become effective on or after January 1, 1971; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that Febuary 19, 1970, shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

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

A similar House joint resolution (H.J. Res. 1124) was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on S. 3253, to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, and H.R. 15207, to provide for a modification of the project for Denison Dam—Lake Texoma—Red River, Tex., and Okla., authorized by the Flood Control Act of 1938, and for other purposes.

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

There was no objection.

NATIONAL ENVIRONMENTAL INFORMATION BANK

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

Mr. DINGELL. Mr. Speaker, several of my colleagues and I have today introduced legislation to establish a National Environmental Information Bank within the Smithsonian Institution.

Joining me as cosponsors of this important environmental quality proposal are my colleagues Mr. BLATNIK, Mr. FEIGHAN, Mr. KARTH, Mr. MCCLOSKEY, Mr. MOSS, Mr. NEDZI, Mr. PELLY, Mr. ROGERS of Florida, Mr. SAYLOR, and Mr. VANIK.

It is my view that enactment of our proposal would provide the final piece of environmental quality machinery needed by the Federal Government.

The Council on Environmental Quality

established under Public Law 91–190 provides the President with a strong unit to advise him directly on environmental policy questions and to assist the President in reporting to Congress on the status of environmental policies and programs.

It is my hope that the Congress in the near future will approve legislation along the lines of House Joint Resolution 1117 to establish a Joint Committee on Environment and Technology. Such a joint committee would afford the Congress the ability to exercise strong and continuing oversight on environmental matters falling within the purview of the Federal Government, as well as activities of State and local governments and private entities.

However, there remains a need for the creation of a unit which would serve as a central depository for environmental data and which would have the capability of scientifically and objectively analyzing legislative and operational proposals in the light of the available environmental information.

The national environmental information bank would fulfill this objective.

After a good deal of thought, the conclusion was reached that the Smithsonian Institution would be the entity best suited to operate the proposed information bank.

The Smithsonian is not a typical, mission-oriented Federal agency with special vested interests. Because of the extraordinary position of the Smithsonian in the Federal and National communities, it serves the role of the honest broker forging communications links between the Federal, public, and private sectors of the Nation.

As a national scientific organization devoted to natural history, the Smithsonian is without peer in this country, and the underpinnings of ecology and ecological assessments are systematics and taxonomy, the Smithsonian as a national center for systematics and toxonomic research is a logical choice for this undertaking.

The Smithsonian's natural history collections, combined with a staff of scholars that span the spectrum of scholarship from astrophysics and molecular biology through ecology, history, and the arts, collectively provide an intellectual environment that is ideally suited for the assessment of the cultural as well as the biological manifestations of our changing ecosystems.

In summary, the Smithsonian Institution was designated as the administrative agency because it is essentially a nonpolitical organization with a highly competent staff of scientists from the various disciplines. It already has demonstrated capability in the evironmental data area in the scientific information exchange which it operates. It is trusted by the scientific community and it is removed from the usual pressures faced by the operating agencies of the Federal Government. This trust and this freedom from operating pressures will enable a Smithsonian-based center to provide broad, prompt dissemination of environmental data and analyses to all levels of our society.

The role of the Council on Environmental Quality will not be adversely affected by creation of the National Environmental Information Bank. Rather, the bank will enhance the ability of the Council to meet its responsibilities since the bank is instructed to provide the Council with information with respect to the impact of operational and legislative proposals and "the Council shall recommend ways and means of assuring that the impact of such proposals will enhance the quality of the environment." Thus, the Council—not the bank—would retain the role of making policy recommendations.

I am advised that the environmental data banks that exist today have, for the most part, two serious defects. They do not incorporate effective systems for eliminating the flow of erroneous or useless environmental data, thereby encouraging the "GIGO" kind of operation—garbage in and garbage out—and, second, these organizations have little responsibility for developing systems for the conversion and collation of environmental data to synthesize useful information for assessing or evaluating the ecological consequences of environmental manipulation.

What is urgently needed, and what our bill would create, is a national center for the collection of ecological models for predicting the ecological changes that may occur as a result of natural or manmade perturbations in the environment. The proposed national environmental information bank would be responsible for bringing together not only the standard environmental data but also biological, sociological, economic, historical, and other kinds of information as appropriate with the objective of, first, providing the basis for ecological systems analysis of selected environmental situations already in existence, and second, synthesizing predictive models of proposed projects that necessitate substantial intervention in or manipulation of the environment.

The center which we propose would not compete with or necessarily supplant such existing data exchanges as the National Oceanographic Data Center—NODC; the Environmental Sciences Services Administration—ESSA; and the Science Information Exchange—SIE. Instead, our proposed center would provide for the first time a blueprint containing information requirements and specifications that the data exchanges I have mentioned, as well as others, could respond to in collecting environmental data in their respective domains. The center would use the data gathered as the raw materials or building blocks for developing systems for measuring, evaluating and predicting the impact of changes in the environment—natural or manmade on living organisms, including man.

Creation of a national environmental information bank would for the first time provide our society with a mechanism for developing what can be called a set of coefficients of environmental enhancement. These coefficients would be incorporated in any formulation, equation or model for planning major projects that would permit us to measure and evaluate the ecological "quality" assets or liabilities that would accrue from any given project, and on the basis of such information make a considered and rational judgment with regard to the actions to be taken.

The text of the bill follows:

H.R. 16848

A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Information Bank within the Smithsonian Institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (P.L. 91–190) is amended by adding at the end thereof the following new title:

"Title III

"National Environmental Information Bank

"SEC. 301. This title may be cited as the National Environmental Information Bank Act".

"SEC. 302. For the purposes of this title—

"(1) The term 'Board' means the Board of Regents of the Smithsonian Institution.

"(2) The term 'Commission' means the National Environmental Information Bank Commission established by this title.

"(3) The term 'Information Bank' means the National Environmental Information Bank established by this title.

"(4) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"SEC. 303. (a) There is hereby established in the Smithsonian Institution a National Environmental Information Bank.

"(b) It shall be the function of the Information Bank to serve as the central national depository of all information, knowledge, and data relating to the environment. In order to carry out such function, it shall be the duty of the Board to collect and receive for deposit in the Information Bank all available information, knowledge, and data relating to the environment. Such information shall be collected and received from both national and international sources, and the President is authorized to enter into such treaties and agreements with other nations, with the United Nations, and with other international organizations as may be necessary to collect and receive such information, knowledge, and data from international sources.

"(c) In carrying out its duties with respect to the Information Bank, the Board shall establish and maintain such facilities as may be necessary, including, but not limited to, buildings, computers, and data processing and other equipment. The principal headquarters of the Information Bank shall be located within the District of Columbia. The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Board to use, without reimbursement, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title, and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Information Bank.

"(d) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall supply to the Information Bank all information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be supplied to the Information Bank as soon as possible after it becomes known to such department, agency, or instrumentality.

"(e) In the administration of all Federal programs resulting in financial assistance to any foreign nation or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, or entering into such contract, shall take action as may be necessary to ensure that all information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will, as soon as possible after it becomes known, be made available to the Information Bank.

"(f) (1) It shall also be the function of the Board through the use of all necessary resources, including but not limited to, predictive ecological models and the Information Bank, to analyze legislative and major operational proposals of the departments, agencies, and instrumentalities of the executive branch of the United States Government as to their probable impact on the environment, and to provide the Council with information with respect to such proposals and the Council shall recommend ways and means of assuring that the impact of such proposals will enhance the quality of the environment. Such recommendations together with the information furnished the Council by the Board under this subsection shall be made a part of the public record of these proposals.

"(2) It shall also be the function of the Board through the use of all necessary resources, including but not limited to, predictive ecological models and the use of Information Bank, to analyze proposals submitted to it by the joint committees of Congress, by the committees of each House of Congress, and by States and their political subdivisions as to their impact on the environment and to provide the committees, the States and political subdivisions, with information with respect to such proposals. Such information shall be made a part of the public record of such proposals.

"(g) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall submit all legislative and major operational proposals to the Board for its analysis and for the recommendations of the Council in accordance with subsection (f) (1) of this section, and no such legislative proposal shall be submitted to Congress, and no such major operational proposal shall take effect, until such recommendations have been obtained and made part of the public record as required by this subsection.

"SEC. 304. There is hereby created the National Environmental Information Bank Commission. The number, manner of appointment, and tenure of the members of the Commission shall be such as the Board may from time to time prescribe. The Board may delegate to the Commission any function or duty of the Board with respect to the Information Bank. The Board may make rules and regulations for the conduct of the affairs of the Commission and the operation of the Information Bank, and to the extent and, under such limitations as the Board deems advisable, the Board may delegate to the Commission the power to make such rules and regulations.

"SEC. 305. (a) The Board is authorized to accept for the Smithsonian Institution gifts of any property for the benefit of the Information Bank, or for the purpose of carrying out the Board's functions under this title.

"(b) Legal title to all property (except property of the United States) held for the use or benefit of the Information Bank or the Board shall be vested in the Smithsonian Institution. Subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, the Board is authorized to sell, exchange, or otherwise dispose of any property of whatsoever nature held by it, and to invest in, reinvest in, or purchase any property of whatsoever nature for the benefit of the Information Bank or for the benefit of the Board for the purpose of carrying out its functions under this title.

"SEC. 306. In carrying out its functions under this Act, the Board shall cooperate to the fullest extent possible with the Council by providing statistical data and other information necessary in connection with the annual report of the Council required under section 201 of this Act, and in the development of long range programs for the enhancement of the environment.

"SEC. 307. (a) The information, knowledge, and data in the Information Bank, and the services of the Board in carrying out its functions under this title, shall be made available on request without charge—

"(1) to Congress and all the agencies of the legislative branch of the Federal Government.

"(2) to all States and political subdivisions thereof, except that, in any case where the Board determines that the service requested is substantial, the Board may require the payment of such fees and charges as it determines necessary to recover all, or any part of the cost of providing such service.

"(b) The information, knowledge, and data in the Information Bank shall be made available to private persons and entities—

"(1) upon payment of such fees and charges as the Board establishes as necessary to recover the cost of providing such services, and

"(2) subject to such terms and conditions as the Board determines necessary to protect the interests of the United States.

"SEC. 308. (a) The Board may appoint and fix the compensation and duties of a director of the Information Bank, and his appointment and salary shall not be subject to the provisions of title 5 governing appointment in the competitive service, classification, and pay. The Board may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Information Bank, and (2) to carry out its functions under this title.

"(b) The Board may delegate to the Secretary of the Smithsonian Institution, as well as to the Commission, any of its functions pursuant to subsection (a) of this section."

AIRCRAFT SECURITY

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

Mr. FRIEDEL. Mr. Speaker, recently, as we all know, one of our truly fine airline pilots was viciously and senselessly gunned to death while in the performance of his important duties. The magnitude of the personal loss cannot be understated and I know the hearts of all Americans go out to the family and loved ones of 1st Officer James E. Hartley. However, in our horror at this deed we must not lose sight of the larger significance of this tragedy. U.S. commercial aviation cannot have this happen again. While I appreciate that the Department of Transportation and the Federal Aviation Administration are grappling with this problem of aircraft security I wish to associate myself, as chairman of the Subcommittee on Transportation and Aeronautics, with the urgency expressed in a recent letter from Robert L. Tully, first vice president, Air Line Pilots Association, to Secretary of Transportation, the Honorable John A. Volpe, and under unanimous consent I include this letter at this point in the RECORD:

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., April 6, 1970.

HON. JOHN A. VOLPE,
Secretary, Department of Transportation, Washington, D.C.

MR. JOHN A. SHAFFER,
Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

GENTLEMEN: Your promptness and courtesy in meeting with representatives of the Air Line Pilots Association relative to aircraft security is appreciated.

The recent incident that resulted in the death of one of our pilots is a tragic example of a situation that, in my opinion, has been perpetuated by a permissive society. This type of incident is neither peculiar or restricted to airborne vehicles. The operators of buses and taxi-cabs in this and other cities will attest to this. Individuals who engage in this type of activity are, to a great degree, a by-product of liberalism. We as air line pilots, will continue to direct our efforts towards safety; however, in areas such as this, our effectiveness is limited by factors beyond our control.

Predictions indicate a tremendous growth in air commerce. Commercial aircraft with a seating capacity in excess of four hundred are a reality. A commercial aircraft capable of exceeding the speed of sound will be placed in service in the near future. The traveling public who utilize the air carriers are entitled to every consideration as related to safety; not to mention the individuals and property over which these aircraft are operated.

The Boston incident should cause an awareness of the potential hazard existing today. While this incident was tragic, little imagination is needed to visualize the holocaust that would result should a large aircraft such as the Boeing 747 slam into a densely populated area. Every precaution must be taken in our effort to preclude such a tragedy. We dare not do less.

While many of the suggestions to solve this problem have merit, supportive action by Congress and affected Federal Agencies is necessary to achieve any lasting success. Individuals who engage in air piracy are criminals and should be handled in a swift, firm and severe manner. The desire and what sometimes appears to be a obsession, to guarantee and protect the constitutional rights of the criminal have resulted in acquittals, light penalties and/or no prosecution at all. This liberalized and overly protective attitude results in abrogating the rights of the law-abiding citizens.

Recognizing the limitations as to the scope of your office, by copy of this letter to the office of President Nixon, Members of Congress, the State Department, the Justice Department and the Federal Bureau of Investigation, we impore this administration to act with all urgency.

The Air Line Pilots Association will be pleased to participate in any effective program designed to deal with this problem.

Sincerely,

ROBERT L. TULLY,
First Vice President.

NURSING HOME CONDITIONS

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

Mr. ANNUNZIO. Mr. Speaker, I commend the distinguished gentleman from Arkansas, Hon. DAVID PRYOR, for his

compassionate and diligent study of conditions surrounding the nursing home industry in the United States. By doing this, he has performed an important service for 20 million elderly Americans and for their concerned sons and daughters.

I endorse Mr. PRYOR's resolution to create a Select Committee on Nursing Homes and Homes for the Aged. It is clearly needed, as recent tragic events have shown. It is unfortunate that only our colleague's determination and the death of 32 people in an Ohio nursing home fire must glaringly bring to light the poor conditions which have long existed in some of our Nation's nursing homes.

Such conditions have occurred in many cases because of the tremendous expansion which has taken place in this industry in the past 15 years. In 1954 there were only 6,539 nursing homes in the United States—today just 16 years later, the number has jumped to 24,000.

Partially responsible for this expansion are medicare and medicaid programs. Nursing homes are guaranteed Federal funds under these programs. In 1969 more than $1.6 billion were paid to nursing homes under medicare and medicaid. With such financial assurances it is no wonder that the industry experienced such rapid development. The industry became known as a "glamour" industry on Wall Street because of Federal guarantees. Last year alone, nearly 40 companies sold $340 million worth of nursing home stock to the public.

Sadly enough, though, standards and regulations for nursing homes have not kept up. Nursing home employees do not necessarily have to be licensed and many do not receive even minimum training. Uniform standards do not exist. What is considered a nursing home in one State is not in another. Even in homes which reputedly have high standards—such standards are often minimum. The Harmar House Convalescent and Retirement Home in Marietta, Ohio, was considered a "good" nursing home. Thirty-two people died there because someone had purchased highly inflammable carpeting—carpeting which gave off billows of black smoke when a fire occurred. If the Harmar House nursing home was supported by Hill-Burton funds this would not have occurred. Hill-Burton support requires a flame spread test for carpets. The Harmar House is privately owned. Such tests are not required for privately owned nursing homes in all States.

Nor is the quality of care in nursing homes uniform. Recent newspaper articles concerning conditions in nursing homes tell of drug abuse, poor food, filth, unscrupulous physicians, and of loneliness and boredom.

Like the rest of the health service industry, nursing homes have health manpower problems. Mr. PRYOR has told us of a nursing home which employed three aides to care for 90 sick and aged people.

Costs to the patient and his family are high. Charges are made for everything—from bibs to shampoo. Such costs are in addition to monthly room rentals.

Increased funds for the support of nursing homes are not the only reason for the industry's rapid growth. Simply speaking—we have more elderly people in the United States today. Older people play a less important role in the life of their families and are no longer secure in the knowledge that someone related to them will care when illness strikes.

Recent medical advances have extended the lives of the elderly—but they still get ill, more frequently and more seriously than young people. It takes them longer to recover from these illnesses and they need more treatment and medication.

Hospitals have no room for these people. This type of care is expensive and often inappropriate. Conditions are too crowded and they do not have the facilities or staff for extended care.

As the general chairman for the Villa Scalabrini Development Fund, I was one of those in the Chicago community responsible for establishing the Italian Old People's Home in Melrose Park, Ill.—Villa Scalabrini.

I know for a fact what can be accomplished with a little thought, effort and imagination in the area of nursing home care. Villa Scalabrini stands today as an outstanding example of a modern facility which provides compassionate care for its residents. It has provided not only physical care, but spiritual comfort and a refuge of peace and happiness for elderly persons during the last 18 years of the Villa's existence.

I agree with my colleague, Congressman PRYOR, that changes must be made in the nursing home industry, and they must be made now. Tomorrow may be too late. Uniform standards must be established, regulations must be upheld, and skilled professionals must be trained and employed. Nursing homes should be places to live—not mere shells of existence.

The distinguished gentleman from Arkansas (Mr. PRYOR) is to be commended for the work he has started. It is important and necessary. His recommendations are vital but only the beginning of what must be an extensive probe into the problems and conditions of the American nursing home industry.

FURTHER LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, first I advise the House that we are not going on with any further legislative business today and we hope and expect to have up tomorrow S. 3690, the Federal Employees Salary Act of 1970. This will be under a rule which will require a two-thirds vote similar to that on the resolution today.

Mr. GERALD R. FORD. May I ask the distinguished majority leader is it the leadership's anticipation that any other legislation on the whip notice will be considered subsequent to that either tomorrow or the next day?

Mr. ALBERT. May I say to the gentleman that if we get that bill up and passed, I think we can put over the one remaining bill that is left.

Mr. GERALD R. FORD. I thank the gentleman.

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

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. The distinguished majority leader said the postal pay bill. Does the gentleman say that this will be limited to postal employees?

Mr. ALBERT. No; postal, Federal, and other employees—an across-the-board 6-percent bill.

Mr. GROSS. I thank the gentleman.

MAINE SUGAR INDUSTRIES, INC., SEEKS ADDITIONAL LOAN

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

Mr. O'NEILL of Massachusetts. Mr. Speaker, less than a year ago I called attention to the fact that Maine Sugar Industries, Inc., had asked the Commerce Department for a reduction of over $1 million in debt service on MSI's $8,745,300 loan from the Economic Development Administration. I said at that time that I had no objection to the Commerce Department's action on this request if it represented nothing more than an attempt to insure repayment of its loan. I recalled the doubts that I had expressed many years ago about the wisdom of locating a beet-sugar factory in Maine and the ill-advised EDA involvement in this project which would tend to cause unemployment in the long-established sugar industry in New England.

I have now received a preliminary prospectus dated March 11, 1970, for 3 million shares of common stock of Maine Sugar Industries, Inc. At page 9 of this document, under the subtitle "Conditions of the Public Offering," I note that MSI is now asking the Economic Development Administration to pay, pursuant to its guarantees, $1,800,000 each to Chase Manhattan Bank, N.A. and Morgan Guaranty Trust Co., trustee and to add such $3,600,000 payment to EDA's second mortgage loan of $8,745,300 to the Aroostook Development Corp., and to further agree that the payments by the company to Aroostook for interest and principal, which payments, in turn are paid by Aroostook to EDA, on the sugar plant at Easton, Maine, shall be based upon tons of beets sliced and raw cane sugar processed by the plant at Easton, Maine, and certain other conditions.

In other words, EDA is begin asked to pay $3,600,000 of the working capital loans of MSI and to bring MSI's total indebtedness to EDA up to $12,345,300, plus whatever other sums may be added due to the deferment by EDA of principal and interest repayments. EDA lays out $3,600,000 in cold cash and adds $3,600,-

000 to MSI's I O U with the further agreement that repayment shall be based on tons of sugar produced. If the plant doesn't run, EDA does not get paid.

Years ago I criticized the EDA grant to Maine Sugar Industries and called it "a colossal waste of the taxpayers' money." In the CONGRESSIONAL RECORD of July 13, 1966; August 11, 1966; September 26, 1966; and April 11, 1967, I presented in detail financial and other facts to illustrate the folly of this project in view of the existing, unused capacity of the two sugar refineries in my district in Boston. In May of last year, I again reviewed this material in testimony in behalf of my bill, H.R. 9958, to amend section 702 of the Public Works and Economic Development Act of 1965, identical to legislation I introduced in the 90th Congress.

Perhaps more eloquent than any review of the facts I might recite is the following statement which appears in bold type on page 2 of the MSI prospectus:

A purchaser of the common stock being offered hereunder is cautioned that due to the company's weak financial condition, lack of working capital, absence of a positive cash flow, defaults on loan and lease agreements, the fact that there is no assurance that the proceeds from said public offering will be raised and since there is no escrow provision with respect to a specified amount of proceeds, he may lose his entire investment.

I would have thought that my long concern with this project and my attempts at securing remedial legislation would have been of some benefit not only to the Economic Development Administration but also to other departments and agencies as well. Apparently my hopes in this regard were ill founded for now I have learned that the Small Business Administration has compounded EDA's dismal record by entering into a $27.4 million lease guarantee commitment to Old Dominion Sugar Corporation for the erection of a new cane sugar refinery in Portsmouth, Va. This latest outrage has only recently been reviewed before the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas under the chairmanship of my able colleague, the gentleman from Illinois (Mr. KLUCZYNSKI). I await with interest the report which his subcommittee will issue as a result of hearings on February 19 and 25, but a number of points elicited in testimony before the subcommittee have already come to my attention and are worthy of mention here.

First, the $27.4 million commitment is the largest such guarantee in SBA history—and is larger in itself than the total of all 79 previous guarantees issued by the agency. It was issued despite the existence of a regulation limiting such guarantees to $9 million.

Second, proponents of the Virginia refinery apparently based their expectations on its success on advice to the effect that sugar users in the five-State area the refinery intends to serve need an additional source of supply. I am advised that existing refineries in Baltimore, Md., and Savannah, Ga., are operating substantially below top capacity and could easily fulfill any additional demand should it develop in the area. Testimony indicated that there has never been a shortage even during the prolonged longshoremen's strike in 1969.

Third, an acknowledged expert from the investment banking field, who is experienced in sugar industry financing, testified, based on material submitted to him, that the proposed new refinery would have to realize 4½ percent on sales even to pay its rent—a rate of return which few established sugar companies receive. In this connection sugar industry executives projected a 5-year loss of over $8 million for this ill-advised venture.

To make matters worse I understand that the actual machinery and equipment for the new plant and the engineering for it are to be supplied by Tate & Lyle, Ltd., of London, England, the largest sugar company in the world. Just as the owners of Maine Sugar Industries chose to spend funds on equipment made in Germany, we now find that advocates of the new refinery are equally anxious to append other Government money abroad.

In closing I quote again from the Maine Sugar Industries, Inc., preliminary prospectus dated March 11, 1970. On page 3 I find the following:

It (Maine Sugar Industries, Inc.) has experienced substantial losses from the past two years' operations totaling approximately $10,694,521 with the result that it has a negative current position, its current liabilities substantially exceeding current assets. The Company is presently unable to meet its financial obligations as they come due and is in default under several of its loan and lease agreements.

This prompts me to ask two questions:

First, how many times is the U.S. taxpayer going to be called upon to bail out Maine Sugar Industries, Inc.; and second, if the Old Dominion Sugar Corp. project is ultimately approved, how long will it be before an obituary similar to the one I have just read is published or written for it.

PUERTO RICAN VIETNAM HERO

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Puerto Rico (Mr. CÓRDOVA) is recognized for 5 minutes.

Mr. CÓRDOVA. Mr. Speaker, the following account of gallantry and intrepidity in the Medal of Honor citation posthumously awarded on April 7, 1970, for Sp4c. Hector Santiago Colón, U.S. Army, speaks for itself. There is little more that I could add except that Sp4c. Santiago Colón is the third Puerto Rican soldier thus to honor his name in military action during the Vietnam conflict.

The citation follows:

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Specialist Four Hector Santiago-Colon, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Specialist Four Hector Santiago-Colon distinguished himself by conspicuous gallantry and intrepidity at the cost of his life on 28 June 1968 while serving as a gunner in the mortar platoon of Company B, 5th Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile) in Quang Tri Province, Republic of Vietnam. On this date, while serving as a perimeter sentry, Specialist Santiago-Colon heard distinct movement in the heavily wooded area to his front and flanks. Immediately he alerted his fellow sentries in the area to move to their foxholes and remain alert for any enemy probing forces. From the wooded area around his position heavy enemy automatic weapons and small arms fire suddenly broke out, but extreme darkness rendered difficult the precise location and identification of the hostile force. Only the muzzle flashes from enemy weapons indicated their position. Specialist Santiago-Colon and the other members of his position immediately began to repel the attackers, utilizing hand grenades, anti-personnel mines and small arms fire. Due to the heavy volume of enemy fire and exploding grenades around them, a North Vietnamese soldier was able to crawl, undetected, to their position. Suddenly, the enemy soldier lobbed a hand grenade into Specialist Santiago-Colon's foxhole. Realizing that there was no time to throw the grenade out of his position, Specialist Santiago-Colon retrieved the grenade, tucked it in to his stomach and, turning away from his comrades, absorbed the full impact of the blast. His heroic self-sacrifice saved the lives of those who occupied the foxhole with him, and provided them with the inspiration to continue fighting until they had forced the enemy to retreat from the perimeter. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Specialist Four Hector Santiago-Colon has reflected great credit upon himself, his unit and the United States Army.

INTRODUCES BILL TO CREATE A NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am today introducing a bill to create a National College of Ecological and Environmental Studies. The college would be administered by the National Science Foundation and would be funded with "seed" money from Federal funds. The bulk of the cost would, however, be provided by the private and commercial sectors of the country.

Students who would participate in the college will be a select group of science and engineering undergraduates. They would be selected by the board of directors chosen by the director of the National Science Foundation.

Mr. Speaker, the merit of this legislation is realized in the recognition that very few of our colleges and universities include environmental studies as a part of their course offerings. It is imperative that concern for the problems of our environment be studied at the university level.

On April 22, the date of the National Environmental Teach-in on college campuses and in many high schools, I and many of the Members of this body will speak to students throughout the country about the environmental crisis which this Nation faces. While the teach-in provides a means to exercise dissatisfaction with present environmental conditions, it is important to react positively as well. A National College of Ecological

and Environmental Studies, such as this bill would establish, will provide our young people a means to be fully educated about the problem and make significant, constructive contributions toward restoration and preservation of our natural environment.

Mr. Speaker, I ask that this bill be printed at this point in the RECORD.

H.R. 16847

A bill to establish a National College of Ecological and Environmental Studies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established within the National Science Foundation a National College of Ecological and Environmental Studies (hereafter in this Act referred to as the "college").

(b) The purpose of the college shall be to encourage the pursuit of ecological and environmental studies and vocations by recognizing outstanding scholarship and potential of undergraduate science and engineering students.

SEC. 2. The college shall be administered by a Board of Directors (hereafter in this Act referred to as the "Board") consisting of 12 members who shall be appointed by and who shall serve subject to the direction (and at the pleasure of) the Director of the National Science Foundation.

SEC. 3. (a) The Board shall—

(1) select annually a number of outstanding undergraduate science or engineering students who have displayed interest in ecological or environmental studies, and

(2) provide by grant or contract with institutions of higher education (or other public or non-profit private organizations) for the attendance of such students at short term institutes or seminars at which the students so selected and professionals in the disciplines of ecology, environmental studies, and related fields may interchange knowledge and materials.

(b) Students attending institutes or seminars shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 4. The Board is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the college. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

SEC. 5. (a) There are authorized to be appropriated $100,000 for the fiscal year ending June 30, 1971, and for each of the four succeeding fiscal years to carry out this Act. Sums appropriated under this subsection shall remain available for expenditure until June 30, 1975.

(b) The aggregate amount expended by the Board from sums appropriated under subsection (a) shall not at any time exceed 33⅓ percent of the aggregate amount of gifts (including gifts of property, valued at fair market value) received by the Board under section 4.

NATIONAL ENVIRONMENTAL TEACH-IN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, 2 weeks from today on April 22, there will be a national environmental teach-in on college campuses all over this country and in many high schools as well.

The youth of America demands to be heard on this very real and urgent problem of environmental degradation. The youth of America wants to participate in the process and have an affect on the judgments that must be made in bringing about a proper ecological balance to the growth of our Nation.

It is important that we listen to what our young people have to say on this issue for it will be their demands for goods and services in the not too distant future that will influence changes in industry, education, and our society as a whole. If we are to be smart managers we must have the vision necessary to comprehend the true purpose of this national teach-in—a need to communicate.

At the University of Michigan last month a 4-day environmental teach-in was conducted which indicated some of the problems that are inescapable in the performance of such an affair.

As I view the intentions of the teach-in leadership, I understand their intrinsic desire to have me—all of us—hear and feel their dislike and repudiation of the past neglect of our environment. Regardless of our actions over the past few years to correct these problems, these young people want to be sure that we continue aggressive policies and changes that will render a quality environment for their inheritance.

Many of their suggestions will be thoughtful and sincere and will warrant consideration. Yet, the general nature of the teach-in, will smother much of the good, solid thinking of many students. The University of Michigan teach-in, though well planned, was splintered with conflicts of purpose once it was underway, consequently hurting its validity and the conscientious hard work of its leaders.

This kind of interference is frustrating and leads to a useless feeling on the part of students who really have worthwhile thinking to contribute. We need to encourage the students who have the scholarship to offer constructive thought and who desperately desire to contribute organized thinking to the leaders of our society.

Presently, these young Americans do not have an organized communications system to accomplish this purpose. The teach-in has provided a means to exercise this need to communicate. I believe there is a better means for these young Americans to communicate and I feel we should establish an organized forum as a better means without inhibiting the creativity of these students.

Therefore, I am introducing legislation today that will create a National College of Ecological and Environmental Studies under the direction of the National Science Foundation.

The term "college" as used in this legislation identifies a select group of undergraduate science and engineering college students who would be recognized for their outstanding scholarship and potential for the purpose of encouraging these students to pursue careers and further studies in the fields of environment and ecology as well as to provide a forum in which to receive their ideas and suggestions for action that could be taken by the Government, commercial, and private sectors of our society to restore an ecological balance to our environment. The legislation offers:

An opportunity for students to exercise their intellects in an organized atmosphere of conferences and problem-solving seminars;

An opportunity for the private and commercial sectors of society to exemplify their interest and concern over youth involvement in environmental problem solving by providing at least two-thirds of the cost of the program; and

A new role for Government leadership by providing "seed" money to ignite the program—$100,000 per year—and utilize the input of these intellectual forums.

Organized and funded in this fashion, the input of these intellectual forums can be utilized by the Federal Government. But the Government could not inhibit the growth or the content of the program since the strength and longevity of the program would be dependent upon the moneys contributed by the private and commercial sectors of our society.

The quality and the quantity of the activities of this College would emanate from the interest of the students themselves with the guidance of the Board of Directors and would be dependent on the financial structure provided by the private and commercial sectors.

This legislation does not specify any mandate nor does it set criteria for results. It allows for the free and original thinking on the part of bright young students who want to participate and who should be encouraged to participate in the intellectual process of selecting, defining, and solving national problems relating to the environment and ecology.

The members of this College would be selected by the Board of Directors chosen by the Director of the National Science Foundation.

As chairman of the Republican Task Force on Earth Resources and Population which has studied for the past 10 months the complexities of this problem of environmental degradation, depleting natural resources, and population growth, I can understand the concern of our young people over these problems. It is their future that is at stake and it is their generation that will bear most of the burden of our mistakes.

Environmental quality is an international problem. President Nixon has pledged a national effort of restoration. Young Americans are due consideration in what they have to offer in solving this urgent problem. We not only need to enlist their intellects but also their enthusiasm and willingness to be involved. We must encourage them to continue this involvement beyond their younger years. Environmental problems will never end. The future will demand dedicated environmental managers of various sciences and engineering disciplines.

This legislation is unique in several ways but its merits do not lie in just its uniqueness. Its total merit is realized in recognizing that our social structure

lacks an organized nonpolitical youth forum where needed communications could be channeled in solving the problems of an extremely fast changing world.

FREE-WORLD-FLAG SHIP ARRIVALS TO NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the figures for the number of free-world-flag ship arrivals to North Vietnam during the first quarter of 1970 are now available. I am encouraged that they reveal a 50-percent reduction in the level of traffic as compared with the first quarter of 1969.

This past March witnessed the arrival of four more free world ships—three British flag and one Somali registry—bringing the total so far this year to 14 arrivals. Over the period of January, February, and March of 1969 the number of such arrivals stood at 28.

The administration is to be commended for its efforts to date to dry up this source of supply to the enemy and I would strongly urge that it continue to make every effort to end this traffic so long as North Vietnam persists in its prosecution of the war in the South.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of china clay in the world. In 1967 the United States produced 3,973,143 short tons of china clay. The United Kingdom was second producing 2,935,000 short tons.

A RESPONSIBLE POSITION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota (Mr. MACGREGOR) is recognized for 10 minutes.

Mr. MACGREGOR. Mr. Speaker, the single word which best describes President Nixon's recent comprehensive statement on school desegregation is "responsible." No one who reads this statement can miss the central point: the President will not stoop to formulas or oversimplification in dealing with this highly complex problem.

A wise man once said:

> The essence of intelligence is the ability to make distinctions.

By this test, the President's statement displays high intelligence, indeed, for it draws critical distinctions which too many have missed.

Most importantly, it distinguishes between officially imposed, de jure segregation and de facto school segregation resulting from patterns of housing. It draws further distinctions between various Supreme Court decisions on both these topics and between the decisions of various other Federal courts. The statement also distinguishes between what has been made clear in the law at this time and what requires further clarification. All of these distinctions constitute significant contributions to the public understanding of a most difficult issue.

The highly responsible nature of the President's approach is also evident in his determination to go beyond mere rhetoric. He says:

> Words often ring empty without deeds. In Government, words can ring even emptier without dollars.

But one can detect the ringing of no empty words in this message. For the deeds are present and so are the dollars—some $1.5 billion of them over the next 2 years to ease the transition to desegregated and high quality education.

When the President calls for "compassionate balance" in approaching this problem, his call is highly credible. For compassionate balance is precisely what characterizes the President's statement. Because it is a responsible statement it will produce a responsible reaction—and that is precisely what the Nation needs most as we seek more light and less heat on school desegregation.

COAST GUARD RESERVE PHASEOUT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the budget submitted by the President for fiscal year 1971, contains a request for $10 million to phase out the selected Coast Guard Reserve. The President's message with respect to the proposed Federal Economy Act of 1970, includes a statutory proposal to terminate the Selected Reserve.

I am strongly opposed to this proposal. Since the administration contends the the proposed phasing out is an economy measure, I will begin my analysis of the proposal in that area first.

In his message with respect to the proposed Federal Economy Act of 1970, the President states:

> First full year savings are approximately $25 million.[1]

In fiscal year 1970 the Coast Guard requested $26.6 million for reserve training, the fiscal year 1971 budget includes $10 million just to phase out the Selected Reserve. It seems to me the difference is about $16.6 million and not $25 million as the President contends.

Phasing out the Selected Coast Guard Reserve will significantly curtail the effectiveness of the Coast Guard to respond in case of war or national emergency. For the mission of the Coast Guard in time of war or national emergency I turn to the testimony of the Coast Guard Commandant, Adm. Willard J. Smith, speaking before the Subcommittee on Coast Guard, of the House Merchant Marine and Fisheries Committee in 1969. Admiral Smith said of the Coast Guard:

> It has grown to become a multipurpose uniformed service, capable of performing a vast variety of water connected missions.[2]

Some of the missions Admiral Smith named were, search and rescue, aids to navigation, merchant marine safety, maritime pollution control, and port security. Speaking of port security the admiral said:

> In times of national emergency or war, the emphasis is placed on preventing loss through sabotage or other subversive acts while still maintaining a high-level of port safety.

The Coast Guard Reserve is already trained in the area of port security and provides training to entire reserve units in specialties such as explosive loading and dangerous cargomen.

I contend this type of training is unique to the Coast Guard and that they alone would be able to provide trained personnel to meet the need in case of a war or national emergency. Consider also the fact that entire Reserve units could be recalled and deployed to major port areas. The fact that Coast Guard reservists are trained as units increase their operating efficiency.

The fact is, Mr. Speaker, that the Coast Guard has already trained these personnel—the program is operative—the costs for the training have already been paid. There can be no doubt as to the need in case of a war or national emergency. If the Selected Coast Guard Reserve is phased out, another branch of the Armed Forces will have to train new personnel to assure the kind of defense we would require in an emergency. New programs would have to be instituted at an additional cost to the Government. The additional expenditure of funds to duplicate existing programs is far from being economical. Unless personnel are trained to perform the port security mission, there will be a serious gap in our military readiness.

Let me turn for a moment to testimony Admiral Smith gave in 1969 before a subcommittee of the House Appropriations Committee. In response to a question on Reserve callups similar to those made by the National Guard, Admiral Smith said in part:

> I think a good example of that is a thing such as the hurricane that recently hit the gulf coast where I think if we had had some Reserve units that we could have called on at that time that these people would have been more than willing to step in and help and contribute. I think it would be an asset to their morale to be occasionally contributing in a positive way rather than always in a purely training status.[4]

[1] CONGRESSIONAL RECORD, February 26, 1970, page 5093.

[2] Hearings before the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation of the Committee on Merchant Marine and Fisheries, House of Representatives. Ninety-first Congress. Page 7. First session. See also page 12.

[4] Hearings before a subcommittee of the Committee on Appropriations, House of Representatives. Ninety-First Congress. Part I. Page 258. First session.

We can conclude from Admiral Smith's statement that reserve personnel could be utilized in times of disaster and not only in time of a war or national emergency.

Testifying before the House Armed Services Committee in connection with fiscal year 1971 Selected Reserve strength authorizations, Admiral Smith said:

> With respect to the possibility of Reserves being called we note that the call-ups made since World War II have not included the Coast Guard.[5]

Using the reasoning that the Coast Guard Reserve has not been called up since World War II, as justification for phasing the program out is analogous to canceling one's automobile insurance simply because he has not had a claim for the past 20 years—or of doing away with the fire department simply because our fire prevention measures have become more effective.

The Reserve—any Reserve component—provides an insurance against future need. In short, if the Reserve does not exist—they cannot be called up. In view of the stated need for port security personnel, the administration's economic argument is of questionable validity. We must also consider the fact that Coast Guard reservists could be utilized for emergencies other than military in nature.

Any of the reasons which I have cited are sufficient for continuation of the Selected Coast Guard Reserve, but I want to make a brief additional analysis of some of the new problems which will arise if the program is phased out.

The Selected Reserve contains both officers and enlisted men who have continued to reenlist and serve once their original military obligation has been completed. They are serving toward a retirement after 20 years of Reserve service. What are their alternatives? Are they to transfer to another Reserve component? Will they complete their training through correspondence courses? How will they be allowed to complete their 20 years—or I should ask, Will they be allowed to complete 20 years?

Second, what about the reservists who only recently completely active duty for training? Will they be discharged "for the convenience of the Government" while having completed only a portion of their obligated military service? Will they again be subject to the draft? Will they be called up for extended active duty? Certainly, there are many questions which remain unanswered.

It seems to me the Federal Government has a commitment to these men—that contract will be changed if the Selected Reserve of the Coast Guard is phased out.

Finally, Mr. Speaker, I am most concerned about the actions which have already been taken by the Coast Guard to phase out the Selected Reserve. Specifically, reserve recruiting has been discontinued and reserve training is being phased down.[6]

The Congress has the constitutional responsibility to raise and maintain an Army and Navy. Because the President has failed to include a request for sufficient funds to operate the Coast Guard Selected Reserve during fiscal year 1971—the Coast Guard is already moving to phase out the program.

It seems to me that if the President and the Coast Guard phase out the reserve—the Congress will have no prerogative as to whether the program should or should not have been phased out. The action will already have been accomplished.

The President contends the proposal is an economy measure, however, after making an economic analysis I find the administration faces a strange dilemma. If another branch of the Armed Forces does not train personnel to perform a port security mission we will have a serious gap in our ability to respond in case of a war or national emergency. If, on the other hand, new training programs are instituted, it will be an additional expense and the economic contention is not valid. Second, what alternatives will individual reservists be given toward completing either their initial military obligation or service toward retirement?

Mr. Speaker, I will introduce a proposal which will provide sufficient funds for the Selected Coast Guard Reserve to operate at a fiscal year 1970 level. Second, I call upon the Coast Guard to halt action to phase out the program until the Congress makes the final decision.

YOU HAVE TO GET THEIR ATTENTION BEFORE YOU CAN INFLUENCE THEM

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

Mr. SIKES. Mr. Speaker, 28 years ago, the Voice of America took to the airways to tell America's story abroad. In 1953, President Eisenhower set up the USIA, an agency independent of the State Department, to broaden our capabilities of winning friends and influencing people in other countries. During the intervening years, America's popularity abroad has waxed and waned: today, the American image, I am sorry to say, is not what it ought to be. This matter has been discussed many times in the Appropriations Committee and on the floor of the House. Today, I do not intend to argue whether the fault lies with the U.S. Information Agency, with the Government policies it defends, or with the growth of nationalism and other forces in the world beyond our control. Yet one thing is certain. We cannot hope to influence people whom we do not even try to reach.

Promoting understanding between the people of the United States and the people of other countries is given by Public Law 402—the Smith-Mundt Act of 1948—as the purpose of the U.S. information program. To reach most people, you must talk to them in their own native languages. Yet it is a fact that the Voice of America is not broadcasting in some of the world's most important languages. You have to get people's attention before you can influence them. You cannot get their attention if you speak a language which they do not understand.

We do not even broadcast in Japanese, although Japan is the third nation on earth in terms of gross national product and one of the largest in population. This year Japan produced more goods and services than Germany and France combined. It may be that our current difficulties with the Japanese over Okinawa, over bases, and over trade polices could be helped if more Japanese understood us.

The VOA, because of budget problems, was even forced to eliminate a Japanese language feed, which transmitted material to be picked up and rebroadcast by Japanese broadcasting stations. Our foreign broadcasting effort is dangerously behind that of the Soviet Union and Communist China in volume. In many respects it is well behind Great Britain also. Indeed, the Voice of America is outbroadcast in hours by the United Arab Republic—Egypt.

Radio Moscow, supplemented by the so-called radio peace and progress and other broadcasts from the non-Russian Union republics of the U.S.S.R., carries 1,920 hours of programs for foreign listeners every week, in 82 different languages. VOA broadcasts only 848 hours per week in 36 languages and this is about to be reduced. At the present time, VOA is broadcasting to the Chinese, the world's most populous nation in only one language—Mandarin. Russia, on the other hand, broadcasts to China in Uighur, Mongolian, Shanghai dialect and Cantonese, as well as Mandarin. I can but ask, are we not deficient in our efforts to communicate with these people? Communist China broadcasts 1,469 hours weekly, in 38 languages, the United Arab Republic for 1,001 hours in 33 languages and the British Broadcasting Corporation for 730 hours in 39 languages. In other words, the United States is fourth, both in number of hours and in the number of languages broadcast.

I am concentrating on radio broadcasts because they constitute our primary means of reaching people directly, rather than through foreign intermediaries. Unlike other USIA activities, direct broadcasts do not depend upon the cooperation of foreign governments. Since the 1967 Arab-Israel war, for example, VOA broadcasts have become our only effective means of reporting on American policy and world events to people of the Arab world, in the nations of Egypt, Iraq, Syria, and Algeria. After the coup of last fall, USIS was also virtually put out of business in Libya.

Since USIS offices in these nations

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[5] Statement of Admiral Willard J. Smith, Commandant, U.S. Coast Guard, before the House Armed Services Committee, in connection with fiscal year 1971 Selected Reserve strength authorizations, February 1970.

[6] Hearings before the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation of the Committee on Merchant Marine and Fisheries, House of Representatives. Ninety-First Congress, Second Session, Page 32.

were closed, the VOA became the only fast, direct line of communication between our Government and Nation and the Arab governments and people. This imposed upon the Voice of America an awesome task and responsibility.

And how are we doing with our Arabic programs? Before the 1967 war the VOA received about 100,000 letters a year in response to Arabic broadcasts. The audience in Arab countries was estimated at 2 million weekly with a high percentage of college students. Today the audience is hard to estimate. But it is not difficult to see that the resources we put into Arabic broadcasts are inadequate. Britain surely does not have greater interests in the Near East than does the United States; yet the BBC broadcasts 10 hours a day in Arabic, compared to 6 for the VOA. More important, the staff of the BBC Arabic Service is about three times as big as the staff of VOA Arabic. Overall, the programing effort of the BBC External Services is much greater than that of the VOA.

Let us look at Africa, where Secretary Rogers and Assistant Secretary Newsom have been trying to make friends and mend fences. It is a continent which suffers not only from frequent changes in government but also from severe communications limitations. Listening to foreign broadcasts is common. What sort of a job is the Voice of America doing there? I am told that it broadcasts in just four languages: English, French, Arabic, and Swahili, of which only the last is native to the continent. Meanwhile, the U.S.S.R. beams programs to Africa in 15 languages, including 11 native tongues. Radio Cairo, whose propaganda is certainly not geared to serve the interests of the United States, broadcasts to Africa in 20 languages.

Language is one of the most politically explosive issues on the Indian subcontinent. The quality of English spoken there, even among the elite, is falling off. Russia broadcasts in 14 languages native to Pakistan and India. The VOA now broadcasts in four: Hindi, Urdu, Bengali, and Tamil. Due to measures of economy—false economy, in my opinion—the Voice is about to eliminate its program in Tamil, spoken by some 60 million people, mostly in the area around Madras. Meanwhile, the Indian government has demanded that we close five USIS centers which have been doing their best to promote understanding between the United States and the world's most populous democracy.

Of all the countries which we need to reach most urgently, the Soviet Union is certainly the first. Half of the population of the U.S.S.R.—now more than half if our demographers are right—is made up of non-Russian peoples. The Voice of America broadcasts in six languages spoken there, besides Russian, and this is a good thing, although the Ukraine, which has a population and resources comparable to France, deserves more than 1 hour a day in Ukrainian. So far, however, we have ignored the Turkic-speaking peoples in the strategically significant area of Soviet Central Asia, bordering on China. The Moslems of the U.S.S.R., most of whom speak Turkic languages, now number some 35 million. Their birth rate is 2½ times that of the Russians. Far from being assimilated, they have maintained their religious, cultural, and national traditions, despite Communist attempts to eradicate them. The Voice of America should be broadcasting in Uzbek, in Tatar, in Azeri and perhaps in Kazak, Turkmen, Tadzhik and Uighur.

Who else but the Voice of America can carry the American story—be it policy justification or information—to the world accurately and dependably and under our control? The answer is nobody, because except by the electronic medium of radio we have no other way of reaching a large proportion of the people of the earth.

The Voice of America should do the best job it possibly can in English as well as in other languages. English is our language. It is far and away the most important international language. The President, Members of Congress, Americans from all walks of life can speak over the Voice of America directly to some 800,000,000 English-speaking people outside this country. But people who have learned English are a small minority in most countries and most people who use it as a second language can get more out of broadcasts in their native tongues.

Radio broadcasts are our only effective means of reaching people in countries with governments unfriendly to the United States. They cross boundaries in spite of hostile governments. They go over the head of hostile leaders directly to the people. They constitute a prime means of keeping people friendly elsewhere—not only the government officials and the elite but also the masses. I say that we should not abdicate the airways to Moscow, Peking, and Cairo. I say that we should not be content with fourth place. The Voice of America should speak to people in their own languages. And every effort should be made to see that the VOA is the best international broadcaster in the business. It should have larger and better quarters, more transmitters, more people, and more money.

The greatest force for opening closed minds and closed societies is the free flow of ideas. Since we cannot always arrange exchanges in societies closed to us, such as China and many of the Arabic areas, we must do much more to insure that ideas and truth do reach the people of those nations. And the only practical way available today is by radio. For that reason we should enlarge and strengthen the radio arm of our Government, the Voice of America, and give it the wherewithal to talk to the peoples of the world in their own languages as well as English and with programs of adequate length.

The United States of America, if it will enlarge the Voice of America, can have an instrument to deepen and broaden worldwide understanding and leading hopefully to a more stable and peaceful world. I consider this a very urgent priority.

THE F–111, THE ONLY COMPLETELY MODERN PLANE IN OUR INVENTORY, DESERVES ANOTHER LOOK

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

Mr. SIKES. Mr. Speaker, recently I had the gratifying experience of receiving a letter—a long and quite detailed letter—from a constituent, Mr. C. C. Widaman, who is very actively engaged in a test program involving the F–111. This program is being carried on at Eglin Air Force Base in my district.

The letter is at the one time so expert in its analysis, so important to all of us here in the Congress and to the decision-makers in the Department of Defense, and so uncontrived in its presentation of the facts, that I have sent that letter to the Secretary of Defense for his study and consideration.

Mr. Speaker, I will take the time allotted to me to read my letter to the Secretary because I believe the subject is important at this particular time and because all of us here will be called upon in the near future to make decisions which can be rendered somewhat easier by reason of the expressed concern of a man who is both a dedicated employee of his company and a dedicated American.

It is my intention both to read my letter to the Secretary and to have printed in the RECORD at the conclusion of my remarks the letter that I have received from my constituent. Please note in particular the appended record on aircraft destroyed in accidents. It places the F–111 in an entirely new and improved light.

The material follows:

HON. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At this critical time in the deliberations concerning the future of the F–111, deliberations which must lead to judgments both in your Department and in the Congress, I wish to draw your attention to a letter that I have received from a constituent. I consider the letter to be an important one for three reasons: first, the writer can obviously be classified as an expert in his field; second, the information which his letter contains is of very particular import at this time; third, perhaps most importantly, it is a letter of such spontaneity as to give the message it conveys a very special credibility.

My correspondent, Mr. C. C. Widaman, is, as he describes himself, a member of "a small but effective contingent of contractor personnel . . . directing and implementing an extensive . . . flight test program. The flight test program is one, Mr. Widaman says, that is directed for the most part to the F–111's penetration aids, electronic countermeasures, weapons-airplane compatibility, and weapons delivery accuracy. The letter also points out that although the activities enumerated comprise the principle purpose of the test program in which Mr. Widaman is engaged, the program by its very nature reveals a much broader spectrum of the capabilities of the F–111 than those being specifically studied.

I personally am very much impressed with the description given of the F–111's Penetration Aids System which makes note of the fact that where conventional fighter-bombers require integrated formation tactics in order to penetrate enemy defenses, the F–111 penetrates these defenses by flying autonomously at low altitude, following the terrain, and slipping under ground-surface radar screens. And it appears from information gained during the testing that the relative loss rate is three times greater for conventional fighter-bombers than for the F–111 with its high speed, terrain following

capability and the self-contained penetration aids.

Similar impressive information is presented with respect to the extraordinary capability of the F–111 in the launching, firing, or ejection from the F–111 of virtually all types of ordnance. While I cannot speak from the standpoint of expertise on the subject, Mr. Widaman states it to be his belief that the F–111 is the only airplane that has successfully and repeatedly launched weapons from a weapons bay at speeds in excess of Mach 1.0.

I will not enumerate all of the special, sometimes unique, capabilities and actual performances of the F–111 as set out in the letter. They are all there to be read and considered. Certainly they constitute an impressive endorsement of the only fully modern aircraft in our inventory today.

Knowing you as I do I am wholly confident that this rather remarkable expression of confidence in the F–111 will be read by you in the same spirit with which I sent it to you: an always abiding determination that this country have the weapons that its military forces require, and the best weapons available.

With all good wishes, I am,
Sincerely,

BOB SIKES.

FORT WALTON BEACH, FLA.,
March 12, 1970.

Hon. BOB SIKES,
First District, Florida,
Washington, D.C.

DEAR BOB: For the past several months I have observed much adverse publicity concerning the future of the F–111 program, and on this date came the public announcement that F–111 production would be limited to 556 articles. As a citizen and constituent of your district, I am writing you this letter in the hope that you will elect to take some action on the floor of Congress that will help set the record straight regarding at least those facets to which this missive addresses itself. I feel that you and others who are dedicated to a free and defensive country and are looking out for the national interests of its people must not let unfortunate political harangue or unqualified rationale by the uninformed obscure the fact that the F–111 is a credible weapon system and that it must be given continued considerations in our defense posture. The investment in the F–111 to this point has been sound. We are now at the point where it will begin to pay dividends. This is not the time to sell it short. The following will illustrate some of the dividends of which I speak. It is based on first-hand knowledge resulting from involvement in very pertinent F–111 flight test activity that has been conducted at the Armament Development Test Center, Eglin AFB, Florida.

Over the past four years a small but effective contingent of contractor personnel has been directing and implementing an extensive Category I flight test program. The contractor group, working in concert with the myriad of dedicated military and civil service personnel of the test center, comprise a team of outstanding capabilities. During this test period, more than 600 data flights have been conducted by the contractor for purposes of development and performance certification of many facets of the F–111 weapon system. The most significant of these flight test activities have evolved around, but has not been limited to, the penetration aids, electronic countermeasures, weapons-airplane compatibility, and weapons delivery accuracy. In the next few paragraphs, I would like to address the results of these test activities to you.

Since late 1965 there have been 265 data test flights conducted over the Eglin ranges for evaluation of the Penetration Aids System. The F–111 penetration aids consists of several subsystems whose basic function is to give the airplane protection against attack from enemy ground and airborne weapons systems. These subsystems give warning and provide automatic countermeasures against enemy radars and missile-equipped interceptors. Evaluation of the performance of these systems demands a tremendously complex text support capability. This support involves two primary functions; first, to create a realistic tactical environment and, secondly, to enable the recording of accurate quantitative test data so that system capability can be analyzed and evaluated. This support environment, available only at Eglin AFB, consists of tactical radars, radar and phototheodolite for aircraft space-position data, a central time correlation system, and a multitude of special ranges for conducting the test flights.

Results of these tests utilizing such support and an equally sophisticated onboard data recording system have verified the capability of the F–111 Penetration Aids System in detecting and displaying the presence and operating characteristics of tactical type radars as well as providing countermeasures against these radars. Another facet of this penetration system has repeatedly performed the prescribed function of detecting jet-engine interceptors and missiles, and dispensing decoy countermeasures. Conventional fighter-bombers require integrated formation tactics in order to penetrate enemy defenses, whereas the F–111 penetrates enemy defenses by flying autonomously at low altitude, following the terrain, and slipping under ground-surface radar screens. It has been forecast that the relative loss rate is three times greater for conventional fighter-bombers that do not enjoy the high speed, terrain following, and the all-important self-contained penetration aids capabilities of the F–111.

The above-noted penetration capability is for naught if the ordnance and the airplane are not compatible, hence the requirement to establish and certify a family of weapons suitable for fulfilling the operational mission of the airplane. In the course of some 290 weapon-airplane compatibility data test flights at Eglin, almost 2000 ordnance items of various types and configurations (conventional bombs, nuclear shapes, missiles, rockets, dispenser, racks, pylons, tanks) have been launched, fired, or ejected from the F–111 aircraft at varied wing sweep angles and altitudes up to 50,000 feet, and at speeds up to 2.0 Mach number. With few exceptions, these drops have validated empirical and wind tunnel weapon separation data. The variable sweep wing and the large family of munitions which the airplane can carry makes it a tremendously potent weapon system—one capable of covering an extensive range of operational requirements. It is the only airplane that I know of that has successfully and repeatedly launched weapons out of a weapon bay at speeds in excess of 1.0 Mach number, and its high speed weapon launch capabilities at sea level is uncontested by contemporary fixed wing aircraft.

The Fire Power Control System provides the F–111 with a highly accurate means of navigation and bombing for either visual or blind conditions. A key feature of this facet of our flight test activities has been to evaluate and demonstrate these capabilities. The Eglin bombing ranges are equipped to provide highly accurate data as to space-position of the aircraft versus time; and, the space-position of the munition versus time from weapon release point to target impact.

Ballistic range and onboard data results from 55 flights to date show that exceptionally satisfactory bombing accuracies were obtained in both visual (optical sight) and all-weather (radar) modes of operation. In the optimum delivery mode (clear day and undefended), it has been determined that the F–111 bombing accuracy is two times better than that of any other conventional fighter-bomber. In an all-weather or night delivery mode, navigation accuracy is important in finding the target. The F–111's navigation accuracy is greater than twice that of conventional fighter-bombers.

Since World War II the Army Air Corps, and later the Air Force, has sought the ability to bomb at night and in all-weather conditions to preclude the movement of enemy troops and supplies. It took until the early 1960's for technology to provide a solution of this night/all-weather bombing gap. By this time, enemy defenses had become so sophisticated that the ability to penetrate became an issue. And this, a penetration gap, was added to the already existing night/all-weather bombing gap. Again, the technology of variable sweep aerodynamics, afterburning turbo-fan engine, fully self-contained and autonomous penetration aids and terrain following radar, all converged to provide the high speed, low level, penetrator to fill these gaps. The F–111 represents the Air Force's only all-weather fighter-bomber and its only true penetrator against a sophisticated defense.

In my opinion the above technological developments and flight test activities have successfully demonstrated the advanced electronic penetration aids capability of the F–111; the F–111's ability to carry and deliver a broad spectrum of ordnance (for example, as many as 24 M–117 bombs—19,000 lbs.) which is two to three times that carried by present day conventional fighter-bombers; and, the extreme accuracy of its navigation-bombing system. These capabilities give the F–111 its remarkable effectiveness of delivering ordnance around the clock and in all-weather conditions.

Most of the recent publicity has been prompted by the accident which occurred at Nellis AFB. As a result of that accident the contractor has been compelled to conduct unprecedented fleet inspections and test procedures to insure against a similar type failure in the future. I feel it is pertinent to state that the subject discrepancy was in the nature of an adverse metallurgical-manufacturing phenomenon and not one of design deficiency or poor quality control. As such, it is felt that the phenomenon that precipitated the material failure and subsequent accident has a significantly low probability of occurring again. The contractor has agreed to an unprecedented demonstration of the airplane's structural integrity by proof loading each and every airplane manufactured to the maximum load it is expected to encounter under flight conditions. Normally, this is done only on one test article which suffices for the entire fleet. In consequence, I feel proof testing each and every airplane to this extreme to be an over-response to the problem and that a well selected sample of airplanes for such testing would suffice. Further, this approach would seem technically reasonable based on the excellent safety record which the F–111 has enjoyed. Enclosed are some Air Force accident data which you may peruse at your leisure. In essence, these data state the safety record of the F–111 and its contemporaries in the Century Series. From this data you will see that the F–111 accident rate has been less than half that of the Century Series average. It is unreasonable and discouraging to think that an airplane with such a safety record should be constrained and jeopardized relative to fulfilling its intended mission.

It is particularly alarming when one reflects on how badly the free world needs an airplane with the capabilities of the F–111.

In the foregoing I have attempted to keep the material specific, yet in unclassified layman terms. As you know, qualitative data are available through channels to those who need to know.

Thank you very much for your interest

and indulgence in this subject. We are looking forward to seeing you in Northwest Florida soon.

Respectfully,

C. C. WIDAMAN.

TOTALLY DESTROYED AIRCRAFT AT 50,000 FLIGHT-HOURS

F-100	25
F-101	14
F-102	15
F-104	29
F-105	17
F-106	8
F-111	*13

* Does not include the F-111A crash on 22 December 1969 at Nellis AFB (it occurred after 50,000 hours), but does include 2 Navy F-111B's and 2 F-111A's listed at missing in Southeast Asia.

The above numbers refer only to aircraft totally destroyed in accidents. However, at the 50,000 flight hour mark, F-111's had been involved in fewer major accidents than any aircraft in the Century Series.

"Major accidents" include those in which aircraft were destroyed and those in which aircraft sustained substantial damage.

A BILLION FOR DEFENSE AGAINST CRIME

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

Mr. PEPPER. Mr. Speaker, on March 17, 1970, I had the honor of testifying before Subcommittee No. 5 of the House Committee on the Judiciary in support of my bill, H.R. 15949, which would authorize $1 billion for the Law Enforcement Assistance Administration for the fiscal year ending June 30, 1971.

My conviction that $1 billion is necessary to continue and to expand this program results from the direct testimony of literally hundreds of witnesses who have appeared before the Select Committee on Crime, which I chair, during our hearings last year and this year in cities across the Nation.

Thus far, we have held seven hearings away from the Capitol, in communities often very different in their social, cultural, ethnic, and economic patterns. The members of this committee have had a unique opportunity to meet and talk with concerned citizens and key officials in cities of the east coast, the west coast, the Midwest, and the South.

Wherever we have gone we have found dedicated and able officials and citizens, well aware that crime is, indeed, one of our greatest domestic problems, and bristling with sound ideas for applying practical solutions to the problem of crime in their own backyards. Yet, we found these officials and citizens constantly expressing their frustration over their inability to translate these ideas into meaningful action against crime.

Mr. Speaker, they are ready; they are willing; but they are not able. The financial muscle simply is not there. Nor will it be there if the Congress agrees to do no more than meet the administration's request for less than a half billion dollars for LEAA in fiscal 1971.

Congress acted responsibly and wisely in 1968 when it enacted truly landmark legislation that provided Federal financial resources for the first time to States and localities to aid in their law enforcement and crime control efforts. Since then we have been involved in the intricate planning process and, last year, in the first tentative experiment with action funds. We would be shortsighted in the extreme if we failed to recognize that now is the time for the massive input that Congress envisaged in 1968.

In my testimony I pointed out some of the problems revealed in the early operation of the funding program. We must provide more funds for the high-crime cities and provide a flexible formula of matching grants, taking into consideration the ability of the States and cities to bear their share of the costs.

Mr. Speaker, I would like to call my remarks before the subcommittee to the attention of my colleagues and urge their support of the fullest possible funding of this vital anticrime assistance program:

STATEMENT OF THE HONORABLE CLAUDE PEPPER, CHAIRMAN, SELECT COMMITTEE ON CRIME OF THE U.S. HOUSE OF REPRESENTATIVES, BEFORE THE SUBCOMMITTEE NO. 5 OF THE JUDICIARY COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, MARCH 17, 1970

Mr. Chairman and members of the Subcommittee, it is indeed a great pleasure to appear before you this morning. Because of your full schedule, I will try to keep my remarks as brief as possible.

I have introduced H.R. 15949 to bring before this subcommittee my strong personal belief that we must make massive infusions of federal funds available to state and local criminal justice authorities.

I appear today in my capacity as a member of the Congress but also to express the sentiments of colleagues of both parties on the Select Committee on Crime who share the sense of urgency that has led me to propose a one-billion-dollar appropriation for the Law Enforcement Assistance Administration for fiscal 1971.

This funding is embodied in the bill before you. The one billion dollars is the minimum amount we can afford to spend on what we all agree is the nation's gravest domestic concern. Such a dramatic infusion of Federal funds would make it abundantly clear to the American people that there is as much cash as there is rhetoric in the national commitment to prevent and control crime.

As you perhaps are aware, the Select Committee on Crime, which this Body created some ten months ago, has conducted field hearings across the country. The seven members began without preconceived notions or doctrinaire solutions. We went to listen and learn, and the message we bring back to Washington is that the American people demand a solution to the problem of crime and are willing to pay for it. In every city we visited, whether it was Boston, Mass.; Omaha, Nebraska; or Columbia, South Carolina, the people have asked for our help. We were told of the need for more and better trained policemen, expanded court facilities, improved correctional facilities. The Congress must be prepared to help pay for these expensive but absolutely necessary programs.

I propose that of the one billion dollars I have recommended, $650 million be disbursed by LEAA through its established procedures and $350 million be designated as added discretionary funds, to be spent by LEAA in the manner in which it presently makes direct grants.

In this way, we would ensure that the States continue to receive block-grants proportional to their population, while at the same time making available a substantial sum to be spent in the nation's high crime areas, the large cities.

However, it would be a grave error, I believe, to channel all LEAA funds into high crime areas. That is why, with $650 million dollars at its disposal, LEAA could continue to help less crime-ridden areas develop programs to keep their crime rate low. It would be both unwise and dangerous for us to neglect fighting crime in areas where the problem has not become epidemic and to concentrate solely on areas where it has. With $650 million available under the present grant system, LEAA could maintain a needed flow of funds to all areas of the country.

But at the same time, the $350 million that I propose be given to LEAA for discretionary expenditure would be the added weapon that is needed to fight crime in high crime areas. These funds would in large measures be available to our large cities, which must cope with a highly disproportionate incidence of crime. Our cities need help, they are crying for help, and the Congress must respond. If our cities are to survive as the economic, social and cultural centers of the nation, we must give them every tool we can to help them fight crime.

And so, Mr. Chairman, I maintain that the $480 million requested by the Administration for LEAA is simply inadequate to meet the challenge. It is insufficient even to begin to fulfill the Administration's pledge to give the war on crime the highest priority and it is insufficient to meet the demonstrated needs of the country.

In his testimony before this body last week, the Attorney General maintained that LEAA could not effectively spend more than $480 million in fiscal 1971. Yet it is no secret that LEAA officials themselves felt they were capable of utilizing effectively and fairly $650 million under the present funding system. This is what they requested of the Bureau of the Budget and this is what we in the Congress should give them. In addition, I feel we must also provide them with $350 million more for discretionary grants, which are not processed through state planning bodies.

I would remind you that the Attorney General himself predicted that the federal government's commitment would probably reach a billion dollars annually in the near future. I maintain that the time to make that commitment is now, not at some later date when the problem has grown worse. A billion dollar commitment now, today, will save other billions in the years to come. It is an investment we cannot afford not to make.

Understandably, LEAA funds to date have concentrated on the needs of law enforcement. But we all recognize that the solution to the nation's crime problem lies not only in the hiring of more policemen, or the building of more jails, of added courtrooms or improved correctional facilities. The solutions lie in a comprehensive program that recognizes that law enforcement, the courts, and the jails and reformatories are all integral and inseparable parts of a complex criminal justice system.

To accomplish these objectives, I believe that certain statutory changes as well as funding increases are required for LEAA's future operations.

The term law enforcement" should be broadened to include the courts, corrections, probation, parole, rehabilitation and related social services in addition to the present definition of police efforts.

I further recommend removing the prohibition against funding programs that ask for more than one-third of the grant for personnel costs.

We would all agree that ideally a police department should attract the highest caliber of personnel, preferably persons with college training and backgrounds in criminology.

Yet, very soon a city in my State hopes to make application to LEAA for funds to materially upgrade its force by providing

for lateral entry from other departments and seeking college trained personnel. In exchange, the department would offer significantly higher salaries.

The LEAA application may be turned down because funds in excess of one-third of the program cost for personnel may be required.

But I am almost certain that even if the one-third limitation is removed, LEAA will nevertheless turn down this exciting opportunity on the grounds that it does not have enough funds. Can we not provide LEAA with enough money to finance a breakthrough in police recruitment and personnel management? I propose that we give LEAA the funds to make a real beginning in changing our out-dated police personnel practices.

I propose that we give it the money to make these and other breakthroughs in the common objective of controlling and preventing crime. We should not allow those who tell us today that they cannot use additional money to blame us tomorrow for not providing them with the funds to do the job.

I also take issue with those who say that the courts, correction and probation services are generally state functions. In innumerable instances, this is simply not the case.

In my own District, for example, the county government administers an 11-story jail filled to over-capacity, a county home for delinquents, a dilapidated Youth Home for detaining juveniles, a barracks-like stockade and a Metropolitan Court with an ever-increasing case backlog problem. Most of the 27 municipalities in the Metropolitan Miami area also provide city courts and maintain police departments of varying size.

Nearly all of these local units of government are strapped to maintain, let alone upgrade, their courts and police forces.

When the Attorney General states that community matching money for LEAA programs is reaching a breaking point, I can understand the reasons why.

There are simply not enough funds available on the local level for undertaking expensive new programs. It is not a question of need, it is a question of money. Therefore, I suggest that the Committee consider a flexible matching fund ratio based on the ability of a state or city to contribute.

President authority provides 75 percent Federal and 25 percent local contribution for organized crime and civil disorder control; a 50–50 split on construction of new buildings and facilities and 60 percent Federal and 40 percent local funds for the remainder of the fundable programs.

We may well consider it in the best interest of the objectives we seek to judge an application for improving the courts, the police or correctional facilities not on the basis of local matching contribution but on the basis of need and ability of local unit of government to pay. If it is clearly demonstrated that a program is sound though the funds may be lacking under a matching fund formula, then LEAA should be flexible enough to make up the difference through a larger Federal share.

We should not, for example, turn down an application for funds to fight organized crime simply because a state is able to pledge only 15 or 20 percent matching funds though 25 percent may be required.

I also suggest that an appeal procedure be established that would permit cities to bypass State Planning Agencies and request Regional LEAA consideration of a program if the State fails to act favorably on an application within 90 days.

I agree with the statements of others before this Committee—notably the Attorney General—in claiming that there is not enough expertise on the Federal, state and local level to plan for the efficient expenditure of LEAA funds.

If cities in my own District are examples, of the nation as a whole—and I believe they are—then there is not enough knowledge among local officials of how to submit fund applications or even what funds are available.

As a service to small and medium size cities, LEAA should consider providing field personnel through its regional offices to advise municipalities on the drafting of applications.

All of this requires a lot of money—a good deal more than the Administration has seen fit to request at this time.

In his statement to the Committee, the Attorney General said: "I think the day is gone when cities were independent political fiefdoms, running their affairs without any consideration for the areas and even the states they dominate."

This could perhaps equally be said of the relationship of the States to the Federal Government. For it is for Congress to search out the means to assure that a citizen will be just as safe in life and property in Portland, Oregon, as in Portland, Maine.

THE PUBLIC WELFARE

(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, today Senator MONDALE's Special Subcommittee on the Evaluation and Planning of Social Programs has reported favorably legislation which addresses itself to the vital need to understand and evaluate more scientifically the social progress and the unmet social needs of the American people. As the House cosponsor of Senator MONDALE's proposal, I am delighted by this significant action in the other body.

Last July I was privileged to testify before the subcommittee in support of S. 5, which I had introduced as H.R. 9483. Entitled "The Full Opportunity Act," this measure would establish a Presidential Council of Social Advisers to devise a system of social indicators to be used in evaluating national policies and to assist the President in the preparation of an annual social report to the Congress. It would also establish a Joint Committee on the Social Report composed of Members of Congress from both bodies to study this report and to make recommendations to the Congress. The Council, the social report, and the Joint Committee on the report would parallel the present structure we have for determining our economic progress through the President's Council of Economic Advisers, the economic report, and the joint committee on that report.

I would like to draw your attention also to an important addition to this bill offered by Senator JAVITS and included in the committee report, establishing within the Congress an Office of Goals and National Priorities Analysis which would "conduct a continuing nonpartisan analysis of national goals and priorities" and would provide Congress with the information necessary for making more enlightened decisions on matters of national policy. It is my opinion that this amendment fills a need that has long been felt by Congress in assessing our priorities and coordinating them with the legislative proposals at hand. This would provide analysis for the Congress in a manner similar to the financial analysis of the General Accounting Office.

I would like to insert a copy of the legislation, as reported by Senator MONDALE'S subcommittee, in the RECORD. I commend this bill to my colleagues and ask that they join me in sponsoring what may prove to be a most effective tool for systematically evaluating our social needs and directions and for formulating responsive public policy.

The bill follows:

A bill to promote the public welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and National Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education, and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs is such areas as health, education and training rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 104.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities

of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination of such States and localities information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) The Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activites; and

(4) (1) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and others as needed to fulfill its duties and functions enumerated in section 103(c); and

(2) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

JOINT COMMITTEE ON THE SOCIAL REPORT

SEC. 104. (a) There is established a Joint Committee on the Social Report, to be composed of eight Members of the Senate, to be appointed by the President of the Senate, and eight Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by five members and the minority party shall be represented by five members and the minority party shall be represented by three members.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of all matters relating to the social report; and

(2) as a guide to the several committees of the Congress dealing with legislation relating to the social report, not later than April 1 of each year to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the social report, and from time to time make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the services, information, and facilities of the departments and agencies of the Government and private research agencies.

(e) There is hereby authorized to be appropriated for each fiscal year the sum of $425,000, or so much thereof as may be necessary, to carry out the provisions of this section to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

TITLE II—NATIONAL PRIORITIES

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public polices and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consider-

ation of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national priorities report and copies of such report shall be furnished to the Committees on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national priorities, of the Federal programs in annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 per day; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b)(1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Bureau of the Budget will furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) The Director, Assistant Director, and employees of the Office of Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national priorities report and on such other reports and duties of the Office as it deems advisable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

HORTON STRESSES NECESSITY OF RAILROAD ANNUITY INCREASE

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

Mr. HORTON. Mr. Speaker, the need for increased railroad annuities was very evident in the minds of my colleagues yesterday, when the House passed H.R. 15733, the Railroad Retirement Act, by a vote of 379 to 0.

I unavoidably missed the vote because I was on necessary business in my district. Had I been here, I would have certainly cast my vote in favor of such an increase.

The bill provides a 15-percent increase in railroad retirement benefits and modernizes the method of investment of funds. The bill also stipulates that a study of the railroad retirement system is to be undertaken by the Railroad Retirement Board and a report is to be made to the Congress on or before July 1, 1971.

The necessity for the bill is very simply the increase in the cost of living. Congress realized the fact that the people hardest hit by inflation are those on fixed incomes, when we increased social security several months ago.

It would certainly be unjust to increase social security and do nothing about railroad retirement. The purpose of H.R. 15733 is to extend to those on railroad retirement the same benefits received by others under social security. Historically, railroad retirement benefits have risen whenever social security did.

For many years, I have felt that these increases should be automatic so that our senior citizens would be spared the constant and real fear of a shrinking fixed income. In 1967, I introduced legislation which would provide for automatic increases in the levels of both railroad retirement and social security based on periodic changes in the national standard of living.

Mr. Speaker, H.R. 15733 will benefit many railroaders in my district. There is no question in my mind that this is the equitable treatment railroad retirees deserve, and I am therefore most pleased that my colleagues passed this measure.

MISSILE RACE MORATORIUM

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was pleased to read in this morning's New York Times that President Nixon's policy advisory committee to the Arms Control and Disarmament Agency has recommended that the United States propose to the Soviet Union an immediate and mutual halt to missile deployment while the arms talks are in progress. The General Advisory Committee of ACDA is headed by New York banker and former diplomat John J. McCloy and is comprised of distinguished representatives of the business, labor, and scientific communities as well as former Government officials.

The committee's recommendation closely parallels the thrust of the Brooke-Cooper resolution now pending in the other body. That resolution calls on the President to propose to the Soviets an immediate suspension on the further testing and deployment of strategic weapons. The resolution now has the support of 54 Senators, the most recent being the distinguished minority leader.

A similar resolution aimed at a mutual cessation of multiple-warhead-missile testing was introduced in this body last year by myself and the gentleman from California (Mr. COHELAN) and is cosponsored by one-fourth of the House membership.

It is my fervent hope that the President will see fit to adopt this approach as we enter the second round of arms talks with the Soviets in Vienna on April 16. Should we fail to reach a limitation agreement at those talks there will likely be a dangerous new spiral in the arms race that will drain away billions of dollars without providing us with any additional security. That is why it is so crucial that we seize upon this opportunity while there is still time; it may be the last chance we will ever have to check the mad momentum of the arms race.

At this point in the RECORD I include the New York Times article:

NIXON PANEL ASKS MORATORIUM NOW IN MISSILES RACE

(By John W. Finney)

WASHINGTON, April 7.—A prestigious Administration advisory committee has recommended that the United States propose to the Soviet Union an immediate moratorium on further deployment of strategic weapons when the talks on control of arms resume in Vienna next week.

The committee, which serves as a policy adviser to the Arms Control and Disarmament Agency, was appointed by President Nixon with the Senate's consent and is composed of representatives of business, labor and the scientific community, as well as former government officials.

With only one dissenting vote, the committee reportedly decided at a recent meeting that the United States should propose to the Soviet Union an immediate and mutual halt to further deployment of strategic weapons while they attempt to work out an agreement on control of strategic arms.

M'CLOY IS CHAIRMAN

As part of such a halt, according to disarmament specialists who have seen the recommendations, the committee proposed an immediate suspension of the testing of multiple warheads for offensive missiles.

The committee's chairman is John J. McCloy, the New York banker who served as a disarmament negotiator in the Kennedy Administration. Among its other members are Dean Rusk, former Secretary of State, William W. Scranton, former Governor of Pennsylvania, Cyrus R. Vance, former Deputy Secretary of Defense, William C. Foster, former director of the disarmament agency, and James R. Killian Jr., former Presidential scientific adviser.

The Senate Democratic Policy Committee meanwhile told the President that he could count on Democratic Congressional support if he chose to propose such a mutual halt to the Soviet Union. At a meeting today, the

policy committee adopted a resolution endorsing an immediate mutual freeze of weapons deployment and stating that Senate Democrats would support the President if he took the initiative in proposing it.

As he approached critical decisions on the United States position in the talks with the Soviet Union, President Nixon finds himself under pressure from several directions to propose an immediate suspension on the deployment of both offensive and defensive weapons.

The talks resume on April 16. In preparation for them, the President will meet with the National Security Council tomorrow to draft the United States negotiating position.

KISSINGER'S SUGGESTIONS

The White House press secretary, Ronald L. Ziegler, gave an insight into the Administration's approach today when he referred to past briefings by Henry A. Kissinger, the President's National Security Adviser, in which Mr. Kissinger suggested that the Administration wanted to go into the talks not with a set position but rather with a series of adjustable proposals that could be adapted to meet the Soviet Union.

But it is just such a flexible, noncommittal approach that the President now finds himself being urged to abandon in favor of a proposal under which the United States would seize the diplomatic initiative by recommending right at the outset of the talks an immediate halt to the deployment of strategic weapons. The last-minute advice is coming from within the Administration, from Congress and from the scientific and Academic communities.

The Senate later this week is exepcted to adopt a resolution calling upon the President to propose to the Soviet Union an "immediate suspension" of deployment of strategic offensive and defensive weapons. Privately, some prominent Republican Senators have called upon the President to urge his adoption of the Senate proposal.

Senator Hugh Scott, the Senate Republican leader, today became the 51st co-sponsor of the Senate resolution, originally introduced by Senator Edward W. Brooke, Republican of Massachusetts, and amended by Senator John Sherman Cooper, Republican of Kentucky. With more than a majority of the Senate cosponsoring the resolution, it seemed certain of adoption on Thursday or Friday.

A similar proposal for an "interim halt" in deployment of strategic weapons came last week from a panel of scientists and arms-control specialists convened by the American Assembly of Columbia University.

COMMITTEE IS INFLUENTIAL

But the recomendations that may have the greatest influence upon the President—though they are not binding—are those coming from the General Advisory Committee of the Arms Control and Disarmament Agency.

In outlining its concept of a moratorium, the committee was said to have proposed a freeze on the further deployment of offensive missiles as well as on defensive antiballistic missiles. Thus the Soviet Union would stop further deployment of its large SS–9 intercontinental missiles while the United States would defer deployment of its Safeguard antiballistic missile system.

In addition, under the committee's recommendations, the two sides would agree to halt further construction of missile-carrying submarines. This step would particularly apply to the Soviet Union, which has begun a substantial submarine program in an apparent attempt to offset the United States advantage in missile-carrying submarines.

The committee also proposed that the two sides agree that they would make no changes in their antiaircraft systems, particularly by installing new radars, during the suspension. The purpose would be to make sure that neither side, under the guise of improving antibomber defenses was developing antimissile defenses.

The underlying purpose of the proposed halt, as stated by the committee, would be to bring about a pause in the nuclear arms race while the two sides attempt to work out a permanent agreement limiting their strategic weapons arsenals.

AIR TRAFFIC SAFETY

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. DINGELL. Mr. Speaker, in recent days the chilling problem of air traffic safety throughout the Nation has been brought into public view by the so-called sickout of a substantial portion of the 8,500 professional air traffic controllers employed by the Federal Aviation Administration. While the number of controllers who are participating may be open to question, depending upon whose figures you believe, there certainly is no question that the Nation's commercial aviation system has been severely disrupted in the last week.

My purpose here is to ask the question I have heard no one ask: Why has this occurred. As an example, the first time that the controllers voiced their concern over air traffic safety took place in the summer of 1968 when they started going, as it were, strictly by the FAA safety manual concerning the number of miles that separate airliners in flight. The result was a massive slowup of traffic in and out of the Nation's major airports—a rude but dramatic way of alerting the public to the fact that something was wrong.

At the time I remember being surprised that the air traffic controllers had to take such a drastic step to bring the air traffic safety problem to the public's attention. This seemed to me to be the FAA's responsibility, and, when the facts came out that substantiated the controllers' contentions, I felt that the FAA had somehow been derelict in not informing the public about these conditions.

The controllers' self-styled "Operation Air Safety" in the summer of 1968 did suceed in spotlighting the problem. For instance, a severe shortage of controllers was revealed; while aviation operations increased by 80 percent at FAA-run facilities in the years 1963–68, the number of controllers was increased by less than 8 percent during the same period. To cover for the shortage, the FAA was found to be using the dangerous expedient of working controllers up to 60 hours a week.

Another revelation was that controllers largely were working with outdated equipment—150-mile-per-hour radar for 650-mile-per-hour jets, as one controller put it—or used military radar that adapted poorly to commercial aviation usage.

In short, Mr. Speaker, a potentially dangerous situation was brought to light.

I bring up this background information because it bears directly upon what I intend to say here on the floor about the present controversy.

It is questionable just how much has been done to improve working conditions for the controllers or safety on our airways. Congress is moving forward with enactment of a multimillion-dollar air safety and airport construction bill. But what has the FAA done?

While we have heard optimistic statements voiced by Secretary of Transportation John Volpe and FAA Administrator John Shaffer, the events of last week are sufficient for one to make the inquiry: Is something still wrong with the FAA? The controllers' "sickout" obviously was not merely staged by a small minority of dissidents, as they have been categorized. Nor do I believe it was precipitated by a fight for survival by Patco, as has been suggested.

Something is wrong when upward of 3,500 intelligent, highly motivated and well paid men leave their jobs to protest the conditions under which they work, something has to be wrong. The question is: What?

Is it true, as the New York Daily News suggested editorially on March 26, that the FAA "has been long on promises and short on performance as regards hiring and training enough personnel to handle the intricate and nerve-taxing work of directing air traffic from the Nation's airport control towers?"

In its analysis of the controversy on March 29, the New York Times suggests that the dispute "perhaps as much as anything is a contest of wills between Mr. Shaffer and F. Lee Bailey, the Boston lawyer who became executive director of Patco last year after serving as its general counsel." The Times also sees much of the conflict resulting from "a personal battle between Messrs. Bailey and Shaffer."

Mr. Speaker, I would hate to think that this unfortunate slowdown, with its resulting discomfiture to the flying public and to the Nation's commerce, had been caused largely by a personnel battle. I would hope that a high ranking official, such as the Administrator of the Federal Aviation Administration, would be above such motivations. I hope that the New York Times has it wrong and that this slowdown has been caused by something of more substance than a mere contest of wills. Yet, I suspect that this is, unfortunately, the case. Mr. Shaffer has said as much himself. "The struggle is for their loyalty," he is quoted as saying.

In fact, while I am somewhat acquainted with the basic outlines of this controversy, there are many questions about it to which I do not pretend to have the answers. And I am not alone in my ignorance. For instance, the New York Daily News has suggested "an in-depth probe of the FAA."

I think this is a good idea. My preference would be for an indepth series of hearings to be held by the Transportation Subcommittee of the Committee on Interstate and Foreign Commerce. This subcommittee, with its vast expertise in the field, should be able to quickly get to the heart of what is wrong between the FAA and the controllers.

There are many questions that need to be answered. In general, how well has the FAA followed the mandate given it by Congress with respect to air traffic safety? In its December 5, 1969, report on the Airport and Airways Development Act, the Senate Committee on Commerce points out that—

There are administrative remedies available to correct, without legislation, many of these problems.

Meaning those held by air traffic controllers.

For example—

The committee points out—

the FAA should immediately abolish the practice of allowing inexperienced controllers to control traffic without direct and constant supervision by an experienced controller.

Has the FAA adopted this suggestion? I think the Congress should know.

What is the FAA doing about providing adequate rest periods for controllers in high density traffic areas? What is it doing about allowing controllers to transfer from high density locations to centers and towers of lower density, after considerable service at the former location, without being reduced in grade?

Many questions of this nature have been raised by an admirable document released on February 1, 1970, by the Department of Transportation. Titled the "Air Traffic Controller Career Committee Report," it is the result of a committee appointed last August by Secretary Volpe to inquire into various aspects of the air traffic controller career. The committee, headed by Dr. John J. Corson of Princeton University, has produced a brilliant study that should be examined by everyone concerned with aviation in the United States.

Certainly the questions raised by the Corson committee should be subjects of inquiry by the Aviation Subcommittee. In fact, I would hope that Dr. Corson would be one of the first witnesses called because of his broad range of independent expertise on the subject.

There are operational questions, questions that bear upon the relationships between FAA officials and individual controllers, that also need to be answered.

For instance, there was a controller in Indianapolis who went on a local television show after last September's collision of a DC–9 and a small private plane and told the audience that he was working with inadequate equipment. He was fired—why?

Are the three controllers at Baton Rouge, La., being involuntarily transferred because they have consistently reported unsafe conditions at this facility?

I believe that the subcommittee should explore questions of this nature because, uniquely, there do not seem to be any real economic issues in this dispute. Nor do there seem to be any points of great difference involved in this controversy. I have heard and read Mr. Shaffer's testimony on the air traffic control problem, and he seems to agree with practically all the points brought up by the controllers. Their demands for early retirement, rotation between high and low density facilities, more aggressive recruiting, area pay differentials, and better equipment have been publicly recognized or endorsed by the FAA.

Given this stance and with the imminent enactment of the Airport and Airways Development Act by Congress, which will provide the funds to do the job, it is a wonder that this controversy ever errupted. But the fact that it did, with its resulting pains to both passengers and airline companies, should not be ignored by the Congress. An unpleasant situation must be exposed to the light of investigation.

In the Washington Post of March 29 I was disturbed when I read a story quoting individual controllers in this area. One of them was quoted as saying:

For years we've been looking for improvement, and all we've gotten is promises. The Administration promised to give priority to controllers. But we got Mr. Shaffer who has done nothing but create an atmosphere of distrust.

Is there an "atmosphere of distrust" at the FAA? Have relationships between FAA officials and a key group of employees deteriorated to such a low point?

And, even more important, what will happen in the aftermath of the current controversy. How will the Government handle the controllers who participated in the "sickout"?

I would be personally hopeful that the Government will maintain a judicious attitude of sympathetic understanding toward these controllers—and for every practical reasons. As a steady airline passenger, as are most Members of Congress, I do not want to see an "atmosphere of distrust" between the FAA and the controllers grow worse than it already appears to be. I do not want to see the agency attempt to play off one group of controllers against another. I do not want to see unwise measures taken to increase both the controversy and the hazards before us.

In summation, Mr. Speaker, we have before us a situation which cries for early investigation by the Congress. We need to know whether the airways are safe. Is air safety equipment of all types sufficiently modern and adequate to the task? Are the FAA rules and the FAA air safety manual adequate to the demands of today's air traffic, and are they being properly enforced and carried out? Is there sufficient equipment to handle adequately the safety of the American traveling public? Are the working conditions and the hours of the air traffic controllers within the bounds of the requirements of air safety? Is the relationship of the FAA and the traffic controllers of the sort which the safety of the American traveling public requires? Are the requirements and findings of the Corson committee valid and are they being properly and promptly implemented? Is Mr. Shaffer, the Administrator of the FAA, doing an adequate job of employee-management relations, and is he taking steps necessary to assure to the highest degree safety to the American traveling public? Are complaints and recommendations of controllers with regard to safety questions being properly handled and fairly reviewed by the FAA and the administration under Mr. Shaffer? The Government has before it a controversy of major importance not only to the safety of the American traveling public, but also to good Government administration.

In resolution of this controversy, careful factfinding will be required and large grievances must be taken into account. It is my hope that the administration will follow a careful course. If this is not done, the Congress must independently seek to ascertain the facts and, if necessary, by legislative action work out this situation.

Mr. Speaker, I include the text of a commentary by Clayton Fritchey as carried in the Washington Evening Star of April 6, 1970, entitled "Two Egos Delay Settlement of Controllers' Sick-out," at the conclusion of these remarks:

TWO EGOS DELAY SETTLEMENT OF CONTROLLERS' SICK-OUT

(By Clayton Fritchey)

Both the postal workers' strike and the walkout (or sick-out) of the Professional Air Traffic Controllers Organization could have, and should have, been avoided, but outside of that they don't have much in common. Unlike the airline situation, the mail shutdown did not center on individuals or personalities. It was a spontaneous explosion, sparked by prolonged governmental neglect, with neither Congress nor the Administration responding to the just complaints of postal workers who had been denied even a small raise of 5 percent, despite a low wage scale starting at $6,176 a year.

Many public officials, both executive and legislative, were involved on the government side, and the mailmen (over 700,000) were represented by half a dozen unions. So the problem was much larger and more diffuse than the one which resulted in PATCO's small union (7,500 members) tying up air travel.

While government neglect is also a factor in the controllers' sick-out much of the blame in this case can be traced to the willful, high-handed, public-be-damned attitude of two egoistic opponents who are bent on putting each other down, namely: F. Lee Bailey, the theatrical criminal lawyer, who is executive director of PATCO, and John Hixon Shaffer, the blustery head of the Federal Aviation Administration, which is locked in combat with the controllers it hires.

Even a cursory examination of the situation indicates the differences between the union and FAA could have been resolved if there had been any will to do so on the part of Bailey and Shaffer, for the difficulties are relatively minor compared to those in the mail strike. After all, many controllers already make from $17,000 to $25,000 a year, so the usually difficult problem of pay is not the vital issue.

The statements of both Bailey and Shaffer are charged with the kind of inflexibility which has led to the public interest being subordinated to a feud, rather than vice versa. Bailey, for instance, led off by saying, "It's beginning to look like a long haul, but eventually the FAA will have to buckle." Shaffer, in turn, said, "These people have been misled by a handful of men whose actions have been characterized by a thirst for power and an utter disregard for the law."

With good cause, the controllers have been complaining for years of overwork and fatigue because the FAA failed to train enough men to handle American's rapidly expanding air traffic. Some improvements have been made in working conditions, but relations between the union and FAA have deteriorated since Shaffer was appointed by Nixon.

"The new administration," says one union member, "promised to give priority to controllers. But we got Shaffer, who has done nothing but create distrust." The chairman of the union, Michael Rock, adds, "Controllers have lost all faith in Shaffer."

The key issue in the immediate dispute has been Shaffer's transfer of three PATCO members from an FAA control tower in Baton Rouge, La. to other cities, which, in the eyes of PATCO, is a union-busting move. Bailey and other union officers want to let the issue be resolved by the Federal Mediation Service, but Shaffer has opposed this, and hence the airlines were shut down while force was substituted for mediation.

Shaffer's view is that the sick-out is illegal and there is nothing to negotiate. As for the controversial transfers, Shaffer brusquely says, "There'll be a lot more of this around the system. We're going to have more mobility." In his modest way, he adds, "I intend through my demonstrated leadership to bring them (the controllers) around to my side—or bring them back to the FAA, I should say."

Shaffer is also quoted as saying, "I've got the best job in Washington—better than Nixon's." He is entitled to be proud of his place, but he shouldn't confuse it with the presidency. The Chief Executive has recommended mediation and binding arbitration for the transportation industry as a whole, and so he should lose no time in directing Shaffer to embrace this principle in settling his conflict with PATCO.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. WIGGINS (at the request of Mr. GERALD R. FORD), for the week of April 6, on account of official business as a member of the Select Committee on Crime.

Mr. GUDE (at the request of Mr. GERALD R. FORD), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANDGREBE) to revise and extend their remarks and include extraneous matter:)

Mr. CÓRDOVA, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BUSH, for 5 minutes, today.

Mr. CHAMBERLAIN, for 5 minutes, today.

Mr. MACGREGOR, for 10 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CORBETT.

Mr. MCCLORY to revise and extend following Mr. CELLER on H.R. 4249.

(The following Members (at the request of Mr. LANDGREBE) to revise and extend their remarks and include extraneous matter:)

Mr. BROWN of Ohio in two instances.

Mr. GUBSER.

Mr. HORTON in three instances.

Mr. NELSEN.

Mr. MCKNEALLY.

Mr. HOGAN.

Mr. ZWACH.

Mr. MIZE.

Mr. PELLY in two instances.

Mr. SCHADEBERG.

Mr. WYMAN in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. KLEPPE.

Mr. SCHERLE.

Mr. MILLER of Ohio in five instances.

Mr. DELLENBACK in three instances.

Mr. SCHWENGEL.

Mr. CONTE.

Mr. HALL.

Mr. KEITH.

Mr. GUDE.

Mr. BUSH.

Mr. BELCHER.

Mr. FULTON of Pennsylvania in five instances.

Mr. FREY in two instances.

Mr. DERWINSKI in two instances.

Mr. LLOYD.

(The following Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous matter:)

Mr. ANDREWS of Alabama.

Mr. WILLIAM D. FORD in three instances.

Mr. PUCINSKI in six instances.

Mr. MOLLOHAN in five instances.

Mr. WOLFF in three instances.

Mr. MATSUNAGA.

Mr. GILBERT.

Mr. KYROS.

Mr. GONZALEZ in two instances.

Mr. PODELL.

Mr. CHARLES H. WILSON.

Mr. GREEN of Pennsylvania.

Mr. PATTEN.

Mr. TEAGUE of Texas.

Mr. WALDIE in two instances.

Mr. CULVER.

Mr. EVINS of Tennessee in two instances.

Mr. SCHEUER in three instances.

Mr. O'NEILL of Massachusetts.

Mr. STOKES.

Mr. FOUNTAIN in two instances.

Mr. HELSTOSKI.

Mr. ANDERSON of California.

Mr. TIERNAN.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas; to the Committee on Agriculture.

S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

S. Con. Res. 49. Concurrent resolution providing for congressional recognition of the Goddard Rocket and Space Museum; to the Committee on Science and Astronautics.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 514. An act to extend programs of assistance for elementary and secondary education, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2363. An act to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert; and

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 514. To extend programs of assistance for elementary and secondary education, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, April 9, 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:

1900. A letter from the president and the national executive director of the Girl Scouts of America, transmitting the 20th annual report of the Girl Scouts including an audited financial statement for the fiscal year ending September 30, 1969, pursuant to section 7 of the act of incorporation (H. Doc. No. 91–302); to the Committee on the District of Columbia and ordered to be printed, with illustrations.

1901. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 30, 1969, submitting a report, together with accompanying papers and an illustration, on Manteo (Shallowbag) Bay, N.C., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted April 17 and September 26, 1963 (H. Doc. No. 91–303); to the Committee on Public Works and ordered to be printed, with an illustration.

1902. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes; to the Committee on Armed Services.

1903. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the prevention and control of air pollution at Federal facilities, pursuant to section 111(b) of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

1904. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign

vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

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. COLMER: Committee on Rules. H. Res. 904. Resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. (Rept. No. 91-985). Referred to the House Calendar.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 780. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oreg., and for other purposes; with amendments (Rept. No. 91-986). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9854. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes; with amendments (Rept. No. 91-987). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 4. A bill to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes; with amendment (Rept No. 91-988). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 15207. A bill to provide for a modification of the project for Denison Dam (Lake Texoma), Red River, Tex. and Okla., authorized by the Flood Control Act of 1938, and for other purposes; with amendments (Rept. No. 91-989). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of the Congress of the United States from the State of Illinois from 1933 to 1969; with amendments (Rept. No. 91-990). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 16833. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims Case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket No. 349, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 16834. A bill to provide that, after January 1, 1971, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the second Monday in November of each year; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 16835. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday, and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. GILBERT:

H.R. 16836. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 16837. A bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPE:

H.R. 16838. A bill to amend the Internal Revenue Code of 1954 with respect to the additions to the reserves for bad debts of certain agricultural and livestock credit corporations; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 16839. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 16840. A bill to amend title 38 of the United States Code to increase from $3,200 to $4,000 the annual income amount which a veteran with dependents may have in order to qualify for the minimum non-service-connected disability pension; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 16841. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. REUSS (for himself and Mr. HANLEY):

H.R. 16842. A bill to amend the Federal Water Pollution Control Act as amended, and for other purposes; to the Committee on Public Works.

By Mr. STRATTON:

H.R. 16843. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. DULSKI, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. HAMILTON, Mr. CHARLES H. WILSON, Mr. BRASCO, Mr. BUTTON, and Mr. HOGAN):

H.R. 16844. A bill to increase the pay of Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Tennessee:

H.R. 16845. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 16846. A bill to transfer responsibility for the Coast Guard Reserve to the Secretary of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. BUSH (for himself, Mr. BELL of California, Mr. CARTER, Mr. COUGHLIN, Mr. ESCH, Mr. FREY, Mr. GUBSER, Mr. HASTINGS, Mr. HOGAN, Mr. HORTON, Mr. LUKENS, Mr. MCCLOSKEY, Mr. MOSHER, Mr. PETTIS, Mr. POLLOCK, Mr. RAILSBACK, Mr. REID of New York, Mr. STEIGER of Wisconsin, Mr. WEICKER, Mr. WHITEHURST, Mr. WINN, and Mr. WYDLER):

H.R. 16847. A bill to establish a National College of Ecological and Environmental Studies; to the Committee on Science and Astronautics.

By Mr. DINGELL (for himself, Mr. BLATNIK, Mr. FEIGHAN, Mr. KARTH, Mr. MCCLOSKEY, Mr. MOSS, Mr. NEDZI, Mr. PELLY, Mr. ROGERS of Florida, Mr. SAYLOR, and Mr. VANIK):

H.R. 16848. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Information Bank within the Smithsonian Institution; to the Committee on House Administration.

By Mr. EILBERG:

H.R. 16849. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

By Mr. GREEN of Pennsylvania (for himself, Mr. BARRETT, Mr. BYRNE of Pennsylvania, Mr. NIX and Mr. EILBERG):

H.R. 16850. A bill to encourage the State to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 16851. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. MILLER of Ohio (for himself, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DERWINSKI, Mr. OBEY, Mr. MYERS, and Mr. TUNNEY):

H.R. 16852. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 16853. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. EDWARDS of California, Mr. MCCLOSKEY, Mr. BROWN of California, Mr. CHARLES H. WILSON, Mr. REES, and Mr. HANNA);

H.R. 16854. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the Eel, Klamath and Trinity Rivers as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H.R. 16855. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. MCKNEALLY:

H.J. Res. 1157. Joint Resolution proposing an amendment to the Constitution of the United States permitting the right to read from the Holy Bible and to offer nonsectarian prayers in the public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. BOGGS:

H.J. Res. 1158. Joint resolution authorizing the President to proclaim the second week of March 1971 as Volunteers of America Week; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 1159. 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELCHER:

H.R. 16856. A bill for relief of M. Sgt. George H. Jennings, Jr.; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 16857. A bill for the relief of Soon Ho Yoo; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 16858. A bill for the relief of Joseph A. Coan; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 16859. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 16860. A bill for the relief of Song Han Kyou; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

349. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to insuring continued operation of the U.S. Coast Guard Reserve, which was referred to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

436. The SPEAKER presented a petition of the Florida State Chamber of Commerce, Jacksonville, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system, which was referred to the Committee on Science and Astronautics.

SENATE—*Wednesday, April 8, 1970*

(Legislative day of Tuesday, April 7, 1970)

The Senate, in executive session, met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia.

The Chaplain, the Rev. Edward L. R. Elson, D.D., offered the following prayer:

O Thou supreme judge, to whom men and nations are accountable, help us to walk uprightly, to work diligently, to contend fairly, and to judge wisely here that in the final judgment we may not be found wanting. Help us this day and every day to be obedient to conscience, the silent sentinel of the soul, and to be guided by the inner light of Thy truth. May Thy spirit sustain us without blemish or regret to the end. Then in Thy mercy grant us a safe lodging, a holy rest, and peace at the last. Through Him whose name is above every name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed, with the time to be taken equally out of both sides.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a number of votes today—and I ask the distinguished minority leader to confirm this, because we have discussed this matter jointly. After the Carswell nomination is disposed of, the Senate will proceed to the consideration of Calendar No. 761, Senate Joint Resolution 190, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; and that will be followed, hopefully, after its disposition this afternoon, by Calendar No. 767, S. 3690, a bill to increase the pay of Federal employees.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. I should like to point out that today will be one of the most important days in this session of the Senate.

I hope that all Senators and attachés will be particularly careful to be here because, as has been said, we have not only a vote on the confirmation of the nominee to the Supreme Court, but we have also the extremely difficult problem of what to do on settlement of the railroad labor dispute. We also have the Federal employee pay raise bill and that, in turn, will be a prelude to what I hope will be a further carrying out of the agreement reached among the heads of the various postal unions and the administration, whereby, as the first step in the act of good faith, the administration agrees to support the postal pay raise which will be before us today; and, in turn, the administration and the union leaders have agreed that before there shall be any additional pay raise to the postal unions as distinguished from the general pay raise, there will be a tie-in with postal reorganization and reform, which is a very much needed development, in my opinion, and a bonanza, if it is properly structured, in that we can save the budget about $1 billion a year.

Therefore, I think, if we are going to keep the faith all around, it should be remembered that the pay raise bill today, which applies to virtually all Federal employees, is only step No. 1 in a good faith commitment which involves two more steps, a further postal raise, a restructuring of the postal organization into a new kind of unit and, of course, the final phase, how to pay for it. That is the responsibility of the administration and Congress. The President has spoken out on that. We will have our opportunity here to work out the way in which it is to be paid.

Essentially, the money will have to be found for the fiscal 1971 budget, but if certain postal rates are approved later, then other budgets will, more or less, take care of themselves as regards this problem, but there will be a shortage in the fiscal 1971 budget unless we find some way to make it up.

I do thank the majority leader for yielding to me.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, that the Journal of the proceedings of Tuesday, April 7, 1970, be approved.

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

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. BIBLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. How much time does the Senator require? Is his speech on Judge Carswell?

Mr. BIBLE. Yes; it will not be too long.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Nevada or, if the Senator needs it, more time.

Mr. BIBLE. I do not know whose time I shall speak on. I believe it will be apparent in a few moments, though.

I think I would ask the Senator from Michigan to allow me 5 minutes to proceed.

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

The ACTING PRESIDENT pro tem-