QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 9 a.m. tomorrow following a recess. There will be no period for the transaction of routine morning business.

Following the recognition of the two leaders under the standing order, the Senate will proceed to consider the joint resolution making continuing appropriations beyond the fiscal year. The time thereon will be limited to 4 hours. The time on any amendments thereto will be limited to 1 hour, with the exception of amendments to amendments, in connection with which there will be a time limitation of 30 minutes. The time on any amendment will be charged against the time on the continuing resolution. Votes on amendments could occur during the 4-hour period.

At the conclusion of the 4 hours—which will be at approximately 1 p.m.—the Senate will proceed to the consideration of the Mondale amendment, amendment No. 233, to H.R. 7109, the NASA authorization bill, the continuing resolution being temporarily set aside.

At the close of the 1 hour on the Mondale amendment—amendment No. 233—it will be temporarily set aside, and a vote will immediately occur on the Proxmire-Mathias amendment—which will have been debated earlier—to the joint resolution making continuing appropriations beyond the fiscal year. This will undoubtedly be a rollcall vote.

Upon the disposition of the Proxmire-Mathias amendment, a vote will occur on the first committee amendment—which will have been debated earlier—to the joint resolution making continuing appropriations. The first committee amendment is with reference to Cuban refugees and efforts will be made to prevent its adoption. This will undoubtedly be a rollcall vote.

Following the vote on the first committee amendment, the Senate will proceed to vote on House Joint Resolution 742, the resolution making continuing appropriations.

Upon the disposition of the continuing resolution, a vote will then occur on the Mondale amendment No. 233—debated earlier—to the NASA authorization bill. This will probably be a rollcall vote.

Upon the disposition of Mondale amendment No. 233, the Senate will then proceed to the consideration of the amendment by Mr. JAVITS, amendment No. 223, on which there is a limitation of time, 30 minutes.

Upon the disposition of the Javits amendment No. 223 to the NASA authorization bill, a vote will occur on the bill itself. This may also be a rollcall vote.

After the NASA authorization bill is disposed of, the majority leader hopes to take up the Treasury, Post Office appropriation bill. Undoubtedly, a rollcall vote would occur thereon.

Conference reports may also be called up during the day.

Mr. President, as has been stated, several votes have been scheduled for tomorrow. Undoubtedly, all or most of the votes will be rollcall votes, and Senators are, therefore, on notice.

RECESS UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 20 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, June 29, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 1971:

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1972, vice Walter Dunbar, resigned.

William T. Woodard, Jr., of North Carolina, to be a member of the Board of Parole for the term expiring September 30, 1977. (Mr. Woodard is now serving in this position under an appointment which expires September 30, 1971.)

Gerald E. Murch, of Maine, to be a member of the Board of Parole for the term expiring September 30, 1977. (Mr. Murch is now serving in this position under an appointment which expires September 30, 1971.)

U.S. ARMY

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3015:

Maj. Gen. Francis Stevens Greenlief, [redacted] Army of the United States (major general, Army National Guard of the United States).

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1971:

DEPARTMENT OF JUSTICE

James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years.

U.S. PATENT OFFICE

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office.

HOUSE OF REPRESENTATIVES—*Monday, June 28, 1971*

The House met at 12 o'clock noon.

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

Let him who is great among you be the least and he who is a leader be like one who serves.—Luke 22: 26.

Almighty God, creator of the world, sustainer of life, and the Father of all men, make Thy ways known to us as we turn to Thee in prayer seeking the leading of Thy spirit for this day. May we be so guided and governed by Thee that we may walk in the way of truth, live the life of love, and be loyal to the royal within us.

Bless all those who give themselves in service to their fellow men. May they have clear vision to see what is wrong in our social order, creative courage to change what can be changed, and confident faith to continue their work until the wrong disappears, the right appears, and the needs of people are met.

Make us sensitive of our union with one another as Thy children and keep us striving to do all things in accordance with Thy will.

In the spirit of Him who served all His life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

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, a bill of the House of the following title:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6531) entitled "An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

4724) entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce."

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

S.J. Res. 118. Joint resolution to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

TRANSFER OF SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the special order I have reserved for today be transferred to Wednesday next.

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

There was no objection.

AMENDMENTS OF MILITARY SELECTIVE SERVICE, PAY, AND ACTIVE DUTY STRENGTHS, 1972

Mr. HÉBERT. Mr. Speaker, by direction of the Committee on Armed Services, I move to take from the Speaker's desk the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

SEC. 101. (a) The Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act'."

(2) Section 3 is amended to read as follows:

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States."

(3) The first two paragraphs of section 4(a) are amended to read as follows:

"Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

"At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title."

(4) The fourth paragraph of section 4(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(5) Section 4(b) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(6) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

(7) Section 4(d)(3) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(8) The second paragraph of section 4(j) is amended to read as follows:

"In the performance of their functions, the National Advisory Committee and the State and local volunteer advisory committees shall, after consultation with the Secretary of Health, Education, and Welfare, or his designee, give appropriate consideration to the respective needs of the Armed Forces and the civilian population."

(9) The last proviso of section 5(a) is amended by striking out "and" at the end of paragraph (1); by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph as follows:

"(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(10) Section 5 is further amended by adding at the end thereof the following new subsections:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

"(e) Notwithstanding any other provision of this Act, not more than 150,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, or in the fiscal year ending June 30, 1973, unless numbers greater than those authorized in this subsection are authorized by a law enacted after the date of enactment of this subsection: *Provided, however*, That in no event may more than 130,000 persons be inducted in the fiscal year ending June 30, 1972, nor more than 140,000 in the fiscal year ending June 30, 1973."

(11) The first sentence of section 6(a)(1) is amended by striking out the period and inserting in lieu thereof a colon and the following: "*Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues."

(12) The second sentence of section 6(a)(1) is amended by striking out "eighteen" each time it appears and inserting in lieu thereof "twelve".

(13) Section 6(a) is further amended by adding at the end thereof a new paragraph as follows:

"(3) Medical doctors (including osteopathic physicians) who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine for a period of not less than four years in medical doctor shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

(14) Section 6(b)(3) is amended by striking out "section 4(i)" and inserting in lieu thereof "section 5(a)".

(15) Section 6(b)(4) is amended by striking out "or section 4(g)".

(16) Section 6(d)(1) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation"; and by striking out "section 4(d)(3) of this Act" each time it appears and inserting in lieu thereof "section 651 of title 10, United States Code".

(17) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" each time it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(18) Section 6(g) is amended to read as follows:

"(g)(1) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service, but not from registration, under this title.

"(2) Students preparing for the ministry under the direction of recognized churches

or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act."

(19) Section 6(h)(1) is repealed.

(20) Section 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(21) Section 6(i)(1) is amended to read as follows:

"(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction."

(22) Section 6(i)(2) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(23) The first sentence of section 6(j) is amended by inserting "induction or to" immediately after "subject to".

(24) Section 6(j) is amended by inserting "(1)" immediately after "(j)", and by adding a new paragraph as follows:

"(2) Any person who is exempted from training and service in the Armed Forces under paragraph (1) of this subsection shall have a potential civilian work obligation of one year in addition to the work period prescribed in such paragraph (1). Such person may be ordered, at the discretion of the President, during any period in which members of reserve components of the Armed Forces or organized units of the reserve forces are being involuntarily ordered to active duty, to fulfill such obligation in civilian work contributing to the maintenance of the national health, safety, or interest. The potential work obligation of any person under this subsection shall continue, after the completion of his regular work obligation under paragraph (1) of this subsection, for a period equal to the normal reserve obligation period applicable to persons inducted into the Armed Forces under this Act and as prescribed under section 4(d)(1) of this Act, except that if such period expires at any time during the performance of such potential work obligation, he may, notwithstanding the expiration of such period, be required to complete the performance of such obligation. Whenever any person is ordered by the President to perform an additional period of work under this paragraph he shall perform such civilian work contributing to the national health, safety, or interest as his local board pursuant to Presidential regulations may deem appropriate, and any such person who knowingly fails or neglects to obey any such order from the President shall be deemed, for purposes of section 12 of this Act, to have knowingly failed or neglected to perform a duty required of him under this Act."

(25) Section 6(o) is amended to read as follows:

"(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

"(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces or subsequently died as a result of injuries received or disease incurred in line of duty during such service, or

"(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service."

(26) Insert a new section 7 to read as follows:

"SEC. 7. (a) The Director shall formulate and administer an intensive counseling program in cooperation with public and private secondary schools in the United States under which comprehensive information pertaining to this Act and the administration thereof shall be made available to every male student in his last academic year of high school and to other male students who have attained the eighteenth anniversary of the date of their birth regardless of their school year.

"(b) The counseling program provided for in this section shall include the opportunity for a representative of the Selective Service System to meet and confer with students. Such program shall also provide an opportunity for the representative of any responsible group or organization, making application through the school concerned, to meet and confer with students. Every reasonable effort shall be made to accommodate groups and organizations representing differing religious and political points of view. Members of the medical profession shall also be given an opportunity to meet with and confer with students to whom counseling service is made available under this section.

"(c) To the extent funds are made available for purposes of this subsection, the Director is authorized to reimburse any State for the salary of any person designated by such State to coordinate and supervise in such State the Selective Service Counseling program provided for in this section.

"(d) The Director shall compile and publish at Government expense and make available to all persons engaged in counseling work under this section a booklet, or other publication, describing in detail the functions and operations of the Selective Service System; all options, rights, privileges, and opportunities available to a registrant under this Act; and opportunities and limitations available with respect to voluntary enlistment in military service, including information pertaining to pay and allowances and other benefits for military personnel. The Director shall also include in such booklet the comments and views (regarding the Selective Service System) of a number of responsible national organizations to be selected by the Director, which request the opportunity to include material in such booklet; but the Director may determine and impose reasonable limitations on the amount of space to be made available for such purpose. The Director shall provide for such revisions of the booklet as may be necessary to keep it current.

"(e) The Director shall formulate and administer a counseling program for registrants under this Act who are unable to receive such service in a secondary school. Such counseling services shall be provided as soon as possible after such persons register under this Act and shall be comparable to those counseling services provided in secondary schools.

"(f) The Director is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this section.

"(g) There are hereby authorized to be appropriated to the Director such funds as may be necessary to carry out an effective counseling program under this section."

(27) Section 9(j) is amended by striking out "or Treasury" and inserting in lieu thereof "or Transportation".

(2) Section 9 is further amended by adding at the end thereof a new subsection as follows:

"(k)(1) Any person described in subsection (a) of this section who, in order to perform training and service in the Armed Forces, withdraws from an institution of higher education while enrolled as a student in such institution and who (A) was performing his schoolwork at such institution in a satisfactory manner prior to his withdrawal, (B) receives a certificate described in subsection (a) of this section, and (C) makes application for reenrollment as a student in such institution within one hundred and twenty days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year, shall, whenever practicable, be accepted and reenrolled in such institution at the next regular term (not including summer terms) which begins more than thirty days after his application for reenrollment is received by such institution. An institution of higher education shall not be required to give a preference to the enrollment of any such person except as a full-time student or to permit any such person to pursue a course of study other than the one he was pursuing at the time of his withdrawal from such institution to enter military service.

"(2) Any person enrolled as a student at an institution of higher education shall be granted an excused absence by such institution for any period necessary for him to report for preinduction or other examination to determine his fitness for training and service in the Armed Forces under this Act. Upon his rejection, completion of his preinduction or other examination, or his discharge from hospitalization incident to that rejecton or examination (not exceeding one year after rejection or examination), he shall, whenever practicable, be permitted by such institution to resume his schoolwork at such institution.

"(3) Any person who (A) was enrolled in an institution of higher education at the time of his induction for training and service under this Act, and (B) was at the time of his induction receiving financial or other assistance in connection with his education under any program carried out in whole or part with Federal funds shall be entitled upon his reenrollment in such institution to a preference, over persons who have not performed active duty with the Armed Forces, for such financial or other assistance to the extent that he is otherwise eligible for such assistance.

"(4) As used in this subsection—

"(A) The term 'student' means a full-time graduate or undergraduate student at an institution of higher education.

"(B) The term 'institution of higher education' means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is

legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

"(C) The term 'full-time' means full-time as determined under the rules and regulations of the institution of higher education concerned."

(29) Section 10(a)(3) is amended to read as follows:

"(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate."

(30) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: *"Provided,* That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director;"

(31) Section 10(b)(3) is amended by striking out all down through the first period and the succeeding seven sentences, and inserting in lieu thereof the following:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments in the future the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than twenty years or after he has attained the age of sixty-five: *Provided,* That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each inter-county local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area".

(32) Section 10(e) is repealed.

(33) Section 10(f) is amended by striking out "$50" and inserting in lieu thereof "$250".

(34) Section 10 is further amended by adding at the end thereof a new subsection as follows:

"(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is presently constituted, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency."

(35) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case."

(36) Section 12 is amended by adding at the end thereof a new subsection (d) as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

(37) Section 13(b) is amended by adding at the end thereof the following: "Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) give public notice to that effect at the time such regulation is issued."

(38) Section 15(d) is amended to read as follows:

"(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the Reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

(39) Section 16(g)(3) is amended by inserting "bona fide" immediately before "vocation."

(40) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

(41) At the end of the Act add a new section as follows:

"REGISTRATION FOR VOTING IN FEDERAL ELECTIONS

"SEC. 22. (a) Except as provided in subsection (b) of this section—

"(1) At the time any person registers with the Selective Service System pursuant to section 3 of this Act he shall be informed of his right to be registered at the same time for voting in all Federal elections held in the State in which such person is being registered for purposes of this Act. Persons who elect to register for voting in Federal elections under this section shall be so registered in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State in which they are being registered for selective service purposes.

"(2) Under such regulations as the President may prescribe, the Director shall furnish to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under this section for voting in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

"(3) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

"(b) The provisions of subsection (a) shall be inapplicable with respect to persons registering under section 3 of this Act in any State if the Governor of such State notifies the Director in writing within thirty days after the date of enactment of this section that such State does not desire to have the

registration provisions of this Act for voting in Federal elections apply in such State.

"(c) The President is authorized to issue such regulations as he deems necessary to carry out the provisions of this section.

"(d) As used in this section (1) the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico, and (2) the term 'Federal election' means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member or Delegate to the House of Representatives."

(42) At the end of the Act add a new section as follows:

"PROCEDURAL RIGHTS

"SEC. 23. (a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

"(b) Pursuant to such rules and regulations as the President may prescribe—

"(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

"(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

"(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

"(5) Each registrant shall have the right to be accompanied and advised by private counsel before any local or appeal board. Unless otherwise ordered by the board, such counsel shall not be permitted to participate in the proceedings except to advise his client."

(b) Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 made by subsection (a)(19) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act and during the 1970–1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed.

(c) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall conduct a joint study of practicable means of meeting the medical needs of the Armed Forces through means which would require less dependence on medical personnel of the Armed Forces. In carrying out such study special consideration shall be given to the feasibility of providing medical care for military personnel and their dependents under contracts with clinics, hospitals, and individual members of the medical profession at or near United States military installations within and outside the United States. The results of such study, together with such recommendations as the Secretary of Defense and the Secretary of Health, Education, and Welfare deem appropriate, shall be submitted to the President and the Congress not later than six months after the date of enactment of this subsection.

(d)(1) Subject to the provisions of paragraph (2) of this subsection any surviving son or sons of a family who (A) were inducted into the Armed Forces under the Military Selective Service Act, and (B) are serving on active duty with the Armed Forces on or after the date of enactment of this subsection and such son or sons could not, if they were not in the Armed Forces, be involuntarily inducted into military service under the Military Selective Service Act as a result of the amendment made by paragraph (25) of section 101(e) of this Act, such surviving son or sons shall, upon application, be promptly discharged from the Armed Forces.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has been completed with respect to such charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations.

SEC. 102. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 103. Section 9 of the Act of June 27, 1957, Public Law 85—62, as amended, 81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 104. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 105. Section 16 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 106. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term "facility or installation operated by the Department of Defense" shall include, but shall not be limited to, any officer's club, non-commissioned officers' club, post exchange, or commissary store.

TITLE II—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
0–9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
0–8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2 011.20	2,001.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
0–7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
0–6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
0–5	971.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
0–4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
0–3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
0–2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
0–1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

"COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
0–2	0	0	0	773.10	798.30	814.20	856.50	899.80	914.40	914.40	914.40	914.40	914.40	914.40
0–1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50

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"WARRANT OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20

"ENLISTED MEMBERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9[1]	0	0	0	0	0	0	$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	0	0	0	0	0	$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	301.50	0	0	0	0	0	0	0	0	0	0	0	0	

"[1] While serving as sergeant major of the Army, master chief petty officer of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under sec. 205 of this title."

SEC. 202. (a) Chapter 5 of title 37, United State Code, is amended by adding after section 302 a new section as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"302. Special pay: optometrists."

immediately below

"302. Special pay: physicians and dentists."

SEC. 203. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 308 a new section as follows:

"§ 308a. Special pay enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.".

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"308a. Special pay: enlistment bonus."

immediately below

"308. Special pay: reenlistment bonus."

SEC. 204. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 428. Allowance for recruiting expenses

"In addition to other pay allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following item:

"428. Allowance for recruiting expenses."

SEC. 205. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3 For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in lieu thereof the following:

" E-4 (four years' or less service)	$70.20	$105.00
E-3	60.00	105.00
E-2	60.00	105.00
E-1	60.00	105.00".

SEC. 206. The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971.

TITLE III—ACTIVE DUTY STRENGTH LEVELS FOR FISCAL YEAR 1972

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 974,309;

(2) the Navy, 613,619;

(3) the Marine Corps, 209,846; and

(4) the Air Force, 755,635;

except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six months thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of

North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

TITLE IV—VOLUNTEER FORCES

SEC. 401. No later than June 30, 1972, the Secretary of Defense will report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of title II of this bill in increasing the number of volunteers enlisting in the active duty uniformed services of the United States.

TITLE V—IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENT PERSONS IN THE ARMED FORCES

FINDINGS AND PURPOSE

SEC. 501. Drug and alcohol dependence is rapidly increasing within the Armed Forces, especially among draftees. National and international organizations and experts representative of those most knowledgeable and most experienced in the treatment and rehabilitation of drug and alcohol dependent persons have found that drug or alcohol dependence is an illness or disease which requires treatment through health and rehabilitation services.

Drug and alcohol dependent persons commit a high percentage of crime in order to secure funds with which to supply their drug habits. Incarceration and other punishment without appropriate treatment has proved ineffective to deter drug and alcohol related crime and to meet the human need of drug and alcohol dependent persons. Effective and successful treatment and rehabilitation services offer the best possibility of meeting such human needs and of avoiding a high rate of recidivism.

A national effort to identify and reduce the public health problem of drug and alcohol dependence in the Armed Forces should be made. Such an effort requires an immediate, major commitment of health and social resources and Federal funds. It is the purpose of this title to mandate such a commitment.

IDENTIFICATION OF DRUG DEPENDENT PERSONS

SEC. 502. The Secretary of Defense shall prescribe and implement procedures for identifying drug and alcohol dependent persons at the earliest possible stage of their dependence. Such policy shall include provisions for—

(a) utilizing all practical available methods to identify drug and alcohol dependent persons among individuals examined at Armed Forces examining and entrance stations. Such persons, if drug or alcohol dependent, shall be refused entrance into the Armed Forces and shall be referred to civilian treatment facilities; and

(b) utilizing all practical available methods to periodically examine each member of the Armed Forces to determine if such person is a drug or alcohol dependent person.

TREATMENT ENCOURAGED

SEC. 503. The Secretary of Defense shall prescribe and implement a policy which shall embody the following principles and guidelines:

(a) Drug and alcohol dependent persons who are members of the Armed Forces shall be encouraged to seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces and shall not be subject to disciplinary or other punitive action based on information given in seeking or receiving such assistance. Medical confidentiality should be preserved unless competent medical authority determines that such a person is a danger to himself or to others: *Provided*, That nothing herein shall be interpreted to prohibit the informing of the commanding officer of such a person of the latter's condition, if such information would be required for the protection of such a person or the national security. No information divulged by such a person in medical confidence shall be admitted into evidence in disciplinary proceedings against him without his consent. When a specialized job classification or the pay advantages directly related to such classification has been withdrawn from a member of the Armed Forces who has sought assistance for his drug or alcohol dependence because medical authorities have determined that a continuation of the member's job responsibilities will constitute a danger to the member or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and rehabilitation progress.

(b) Drug and alcohol dependent persons who are members of the Armed Forces who seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces shall be afforded every opportunity to be restored to useful military service and shall not be discharged from the service because of their drug or alcohol dependence unless they have refused to accept such appropriate treatment and rehabilitation services as shall be offered by the Armed Forces or medical authorities have determined that they have failed to respond to adequate treatment and rehabilitation services, or if they have fulfilled their service obligations, unless they request to be discharged.

(c) Drug and alcohol dependent persons who are members of the Armed Forces and are charged with or have been convicted of drug-related or alcohol-related offenses and are being processed within the military justice system shall be afforded every opportunity for treatment and rehabilitation services within the Armed Forces.

SCOPE OF TREATMENT AND REHABILITATION SERVICES REQUIRED

SEC. 504. The Secretary of Defense shall prescribe and implement a policy under which any member of the Armed Forces who is found to be a drug or alcohol dependent person shall immediately be afforded treatment and rehabilitation services within the Armed Forces for his dependence. Such services shall be provided through Armed Forces based treatment programs or through any suitable drug dependence or alcohol dependence treatment and rehabilitation facility or program, including but not limited to facilities and programs administered by the Department of Health, Education, and Welfare and the Veterans' Administration, under such agreements as shall be acceptable to the Secretary of Defense and consistent with this title. Notwithstanding any other provision of law, any member who is placed in a facility or program under the authority of the preceding sentence shall not be released from active duty until a competent medical authority has certified that such member: (1) is rehabilitated, (2) has failed to respond to adequate treatment and rehabilitation services, or (3) has refused to accept such services, or, if such member has fulfilled his service obligation, until he requests to be released.

REPORT BY THE SECRETARY OF DEFENSE

SEC. 505. Within sixty days from the effective date of this Act, the Secretary of Defense shall present to the Congress a detailed description of the policy he has prescribed under sections 502, 503, and 504 of this title, a detailed description of the steps being taken to implement such policy, a detailed description of the expenditures necessary to implement such policy, and such other information or recommendations as he may deem necessary.

DEFINITIONS

SEC. 506. As used in this title:

(a) "Alcoholic beverage" includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxification in any form or in any degree.

(b) "Drug dependent person" means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

(c) "Alcohol dependent person" means a person who is using an alcoholic beverage and who is in a state of psychic or physical dependence, or both, arising from the use of that substance or beverage on a continuing basis. Alcohol dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

(d) "Treatment and rehabilitation services" means screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, or outpatient services), vocational training and services, and other rehabilitation services.

(g) "Civilian drug abuse program" means any program operated by any public or private nonprofit entity for the purpose of providing treatment and rehabilitation services to drug dependent persons or for the purpose of providing education or other services relating to the prevention of drug abuse.

SEC. 507. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this title, formulate and carry out a comprehensive program under which military and civilian personnel will be trained most effectively to (1) provide medical and other counseling, treatment and rehabilitation services to drug dependent persons in the Armed Forces of the United States, and (2) provide education and other services to persons in the Armed Forces for the purpose of avoiding and preventing drug dependency among members of the Armed Forces.

(b) In formulating any program under this section, the Secretary of Defense shall incorporate the advice of the Veterans Administration, National Institute of Mental Health and other Federal, State, and local agencies and private individuals charged with or engaged in the treatment or rehabilitation of civilian drug dependent persons.

(c) Any program formulated and carried out by the Secretary of Defense under this section shall include, but shall not be limited to—

(1) cooperation by the Department of Defense, the Veterans' Administration, the National Institute of Mental Health, and other public and private agencies, including those administering any civilian drug abuse program, to provide training in the most effective known methods and means of preventing drug abuse and providing treatment and rehabilitation services to drug dependent persons;

(2) creation of military occupation spe-

cialties concerned with the prevention of drug abuse and the treatment and rehabilitation of drug dependent persons;

(3) efforts to seek out and encourage drug-dependent persons and persons who were formerly drug dependent to participate in training programs carried out under this section;

(4) utilization of civilian training programs and facilities, to the maximum extent feasible, in order that military training programs (A) will relate to both military and civilian problems of drug dependency, and (B) will contribute to the effort of such civilian training programs in providing similar training for nonmilitary persons;

(5) opportunities, wherever practicable, for any person upon the completion of any training program provided pursuant to this section, to obtain any license, certificate or other legal prerequisite required of persons who engage in the treatment or rehabilitation of drug dependent persons under State or local jurisdictions;

(6) opportunities for persons not employed by the Department of Defense to enroll in and receive training to the extent that space, facilities, and teaching personnel are otherwise available, in any program provided for under this section if it is determined that such persons intend to work in civilian drug abuse programs or are already working in such programs;

(7) systematic research and development efforts, including clinical research, for the improvement of treatment and rehabilitation services and the development of cost effective strategies for preventing and controlling drug abuse; and

(8) systematic evaulation, including consultation with recognized experts in agencies other than the Department of Defense, of the results of such programs.

(d) The Secretary of Defense shall make every reasonable effort to encourage military personnel who receive training under this section to utilize such training in a civilian drug abuse program after their discharge or release from military service and shall, where practicable, allow early discharge from military service in order to accept appropriate employment in a civilian drug abuse program. The Secretary shall communicate to such personnel the serious need for and the opportunities available to persons trained in the treatment and rehabilitation of drug dependent persons.

(e) The Secretary of Defense shall consult with the Administrator of Veterans' Affairs and such other persons as he deems appropriate for the purpose of maximizing opportunities that may be available to veterans who wish to enroll in and pursue a program of education or training which would prepare such veterans to provide skilled treatment and rehabilitation services to drug dependent persons. The Secretary shall make information relating to such opportunities available to all members of the Armed Forces engaged in the counseling or care and treatment of drug dependent persons and, upon request, to any other member of the Armed Forces.

(f) The Secretary of Defense shall, within sixty days after the date of enactment of this section, and thereafter at the conclusion of each calendar year, submit to the Congress a written report of the actions he has taken to implement this section. He shall include in such report (1) an estimate of the funds needed to fully implement the program provided for under this section, and (2) any recommendations for further legislative action he deems appropriate.

SEC. 508. The Secretary of Defense shall formulate and implement programs of information exchange, cooperation and other assistance relating to the control and prevention of drug abuse to aid local communities which have experienced an increase in the incidence of drug abuse arising from the presence of a military installation or military personnel in or near such communities.

TITLE VI—INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

FINDINGS AND DECLARATIONS

SEC. 601. The Congress makes the following findings and declarations:

(1) The elimination of illicit traffic of heroin and other narcotic drugs from foreign countries into the United States is essential to the well-being of the United States, but efforts to curb illegal traffic have not been sufficiently successful and the supply of heroin and other narcotic drugs into the United States continues; and

(2) The National Institute of Mental Health estimates there are presently two hundred and fifty thousand heroin addicts in the United States whose heroin addiction is a major cause of violent and serious street crimes in America's cities because of their tragic need to obtain funds to pay for their heroin addiction;

(3) Heroin addiction among United States military forces has reached alarming proportions, and their return to civilian society as heroin users and addicts further threatens the quality of life in America; and

(4) The way to halt the continued illegal flow of heroin and other narcotic drugs from abroad and into wherever our forces are stationed, a problem of international magnitude, is cooperation among foreign nations and the United States.

INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

SEC. 602. The President shall seek renewed methods of international cooperation and report to Congress within thirty days after the date of the enactment of this Act, and every six months thereafter, on the measures being taken in concert with foreign governments to control and eliminate the production, processing, or traffic in heroin and other narcotic drugs which are illegally imported into the United States or illegally come into the possession of United States forces wherever they are stationed; specifying those countries who have failed to initiate and enforce appropriate measures to control such production, processing, and traffic; advising how economic assistance furnished by the United States may (a) aid opium producing nations in developing alternative crops and markets for such crops; (b) help provide new employment opportunities for those foreign nationals engaged in opium production who become unemployed as the result of the limitation or eradication of opium production; (c) help strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing, and distribution of heroin and other narcotic dangerous drugs; and to make recommendations regarding the need for an international conference of representatives of all countries involved in international narcotics traffic to achieve agreement and coordination of improved methods and procedures for the control of illicit traffic in heroin and other narcotic drugs.

TITLE VII—SPECIAL ASSISTANCE TO VETERANS

SEC. 701. (a) The Administrator of Veterans' Affairs is authorized to make grants to, or to make contracts with, any institution of higher education for the purpose of assisting such institution to employ a full-time veterans' advisory and assistant officer to counsel and advise veterans on all matters relating to education and career guidance, and to assist and advise veterans on other matters as provided herein.

(b) The office of the veterans' advisory and assistance officer at any institution of higher education shall serve for veterans as a central coordinating office on matters relating to campus orientation, academic and career guidance, counseling, financial assistance, placement planning, registration processing, and tutorial assistance. Such office shall also serve as a central point to counsel and assist eligible veterans who may be interested in pursuing an undergraduate or graduate work on a full-time or part-time basis.

(c) The veterans' advisory and assistance officer at any institution of higher education shall be authorized, in accordance with such regulations as the Administrator may prescribe, to accept and process the claim of any veteran enrolled in such institution for any education and training benefit or for any other veteran's benefit.

SEC. 702. (a) The Secretary of Health, Education, and Welfare is authorized and directed to carry out on a trial basis a special program for veterans who have a high school diploma or the equivalent thereof and who have an academic deficiency which prevents them from qualifying for entrance in any education or training program, under standard entrance criteria, in any institution of higher education. Such program shall be carried out in cooperation with any institution of higher education which agrees to participate in such program (referred to hereinafter as a "participating institution").

(b) Under such regulations as the Secretary of Health, Education, and Welfare may prescribe, after seeking the advice of and consulting with appropriate officers of institutions of higher education, academically deficient veterans who have completed high school or the equivalent thereof shall be permitted to enroll in a participating institution on a one-year probationary basis. No agreement entered into between the Secretary of Health, Education, and Welfare and any participating institution shall require such institution to continue the enrollment in such institution of any veteran who has failed to meet the minimum standards prescribed for all first-year students.

(c) In order to encourage institutions of higher education to participate in the trial program provided for under this section the Secretary of Health, Education, and Welfare is authorized to make grants to, or contracts with, institutions of higher education.

SEC. 703. As used in this title, the term "institution of higher education" means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

TITLE VIII—MILITARY HOUSING STUDY

SEC. 801. (a) The Secretary of Defense is authorized and directed to conduct a comprehensive study and investigation to determine the housing needs of military personnel both on and off military installations and both in and outside the United States, the extent to which such housing needs are being met, and the most effective means of meeting such needs. In carrying out such study and investigation the Secretary shall also determine the extent to which military personnel continue to be discriminated against in housing on account of race or national origin, what actions are being taken by the military departments to eliminate such discrimination, and what further action can be taken to totally eliminate it.

(b) The Secretary shall submit a report to the President and the Congress on the results of the study and investigation carried out under this section not later than six months following the date of enactment of this Act, together with such recommendations for legislation as he deems necessary to adequately meet the housing needs of military personnel and to eliminate discrimina-

tion against military personnel in housing on account of race or national origin.

TITLE IX—APPOINTMENT OF CERTAIN RESERVE OFFICERS TO BE MADE SUBJECT TO ADVICE AND CONSENT OF THE SENATE

SEC. 901. Section 593(a) of title 10, United States Code, is amended to read as follows:

"(a) Appointments of Reserves in commissioned grades below pay grade O–4, except commissioned warrant officer, shall be made by the President alone. Appointments of Reserves in commissioned grades above pay grade O–3 shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 3352 of this title."

SEC. 902. Section 4447(b) of title 10, United States Code is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Army shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Army shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 903. Section 5787(e) of title 10, United States Code, is amended by inserting the following sentence after the second sentence: "Each such appointment of an officer in the Naval Reserve or the Marine Corps Reserve in a grade above pay grade O–3 shall be made by the President, by and with the advice and consent of the Senate."

SEC. 904. Section 8447(b) of title 10, United States Code, is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Air Force shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Air Force shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 905. Section 275(f) of title 14, United States Code, is amended by inserting the following sentence after the second sentence: "An appointment under this section to a grade above lieutenant of an officer in the Coast Guard Reserve shall be made by the President by and with the advice and consent of the Senate."

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. Section 412(d)(2) of Public Law 86–149, as amended, is amended by (1) striking out "the President" and substituting in lieu thereof "the Secretary of Defense", (2) striking out "January 31" and substituting in lieu thereof "March 1", and (3) adding at the end thereof the following: "Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services. Such justification and explanation shall also include a detailed statement of the way in which the above missions, capabilities, strategies, and deployments would be affected by a ten-percent reduction in authorized strength for each service below that recommended in the budget for the next fiscal year."

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. 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. 166]

Anderson, Calif.	Fish	Murphy, Ill.
Anderson, Tenn.	Ford, William D.	Pickle
Ashbrook	Fraser	Purcell
Ashley	Gallagher	Roe
Biaggi	Gettys	Rooney, N.Y.
Brasco	Goldwater	Rosenthal
Celler	Green, Pa.	Rostenkowski
Chisholm	Hagan	Roybal
Clark	Halpern	Runnels
Clausen, Don H.	Helstoski	Ruppe
Clay	Hicks, Mass.	Scheuer
Davis, Ga.	Hillis	Selberling
Delaney	Ichord	Shipley
Denholm	Jarman	Sisk
Dent	Long, La.	Staggers
Devine	McCulloch	Stanton, James V.
Diggs	McDade	Stephens
Donohue	McEwen	Stuckey
Dow	Macdonald, Mass.	Taylor
Edwards, La.	Martin	Teague, Tex.
Esch	Mathias, Calif	Thompson, N.J.
Fascell	Mollohan	Vander Jagt
	Mosher	Whalley
		Wright

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 17, 1971:

H.R. 6359. An act to amend the Water Resources Planning Act to authorize increased appropriations.

On June 23, 1971:

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; and

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes.

AMENDMENTS OF MILITARY SELECTIVE SERVICE AND PAY, AND ACTIVE DUTY STRENGTHS, 1972

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) is recognized for 1 hour.

Mr. HÉBERT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and Members of the House, you have before you the usual motion which is made and adopted in matters of disagreement between the other body and the House. In this particular instance the disagreement occurs in the draft bill—which I shall refer to as the draft bill.

There are some 28 differences between the two bodies. My motion gives your conferees a free hand to negotiate and try to come out with a bill by June 30 in time that we may be able to have the law on the President's desk before its expiration.

The matter in contention—and I am trying to be as open and as candid as I possibly can—the matter in contention is what is commonly known as the Mansfield amendment. This amendment has nothing in force, it is a statement of policy, but it does indicate to the people of the world that the Congress has told the President to do that which he may or he may not want to do. In other words, the language is meaningless, but the psychological and the propaganda effect is terrific. It is a repudiation or will be a repudiation of the President in laying down some direction for the President.

I ask you to allow your conferees to enter the conference with the Senate with latitude to try to work out some acceptable language both to the Senate and to the House to avoid a possible filibuster in the Senate, and to be something that would be acceptable to this body. It is as simple as that.

The parliamentary procedure, and I shall explain it to you as best I can, is that the motion before you is the motion to disagree with the Senate amendment, to appoint the conferees and agree to the conference which the Senate has already requested.

Under the rules of the House, the sponsor of the motion has 1 hour which is controlled by that individual—in this case myself. Immediately upon this hour being consumed, which we shall use completely in order that all sides may be heard, so that there will be no attempt to cut off anybody, we shall discuss this matter for an hour, I will make the motion that my motion be adopted. Immediately upon the adoption of that motion, and I assume it will be adopted, there is no opposition in that area, then the gentleman from Ohio (Mr. WHALEN) will make a motion to instruct the conferees to accept the so-called Mansfield amendment.

Immediately upon the motion by the gentleman from Ohio, I shall make a motion to table. In other words, we will have 1 hour of discussion. I have agreed that there shall be a full and open discussion, and I shall yield as much time as I possibly can to as many Members as I possibly can. I think this is the situation as we find it now and this is the situation I want to lay before the House. You know me—I think I have demonstrated—I have leaned over backward trying to be fair and I plead with you again—do not tie my hands on going into the conference. Have confidence in your conferees, that we will do the best we can. Keep in mind that this is most important, particularly to our prisoners of war. Nobody has fought harder for the release of our prisoners of war than I have and if our hands are tied now in

making any suggestion, it means further anguish for those people who have been so brave in the past.

In the name of the people who want our prisoners of war released and who want them called in as quickly as I do and as you do—do not tie the hands of your conferees.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I thank the gentleman from Louisiana (Mr. HÉBERT) for yielding.

Mr. Speaker, I think the chairman has stated very precisely the parliamentary procedure that will be followed. As he has indicated, I will offer after the one hour of debate a motion to instruct the conferees to adopt the so-called Mansfield amendment.

Mr. Speaker, I believe it would be in order at this point to read the so-called Mansfield amendment because perhaps some Members of this body are not familiar with the language of the amendment.

The amendment reads as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. Speaker, what, then, is the thrust of the Mansfield amendment? First, it states that it shall be the policy of the United States to withdraw its troops—all troops—from Indochina not later than 9 months after the enactment of this bill. Provided, however, that agreement is made with respect to prisoners of war being held by the North Vietnamese and their allies and, provided further an agreement is made that an orderly and uninterrupted withdrawal of American troops be guaranteed.

I would like to cite several reasons why I believe the House conferees should be instructed to accept this amendment.

You will recall from the debate attendant to the so-called Nedzi-Whalen amendment that most of those who spoke for and against this amendment were in agreement on one subject, that is, the United States should withdraw its troops from Indochina at the earliest possible date.

The difference really centered around two questions—the first being the time of withdrawal and, the second, how this would be accomplished.

Certainly the Mansfield amendment does not tie the hands of the President with respect to the very important question of the prisoners of war. This amendment would not become effective if the North Vietnamese and their allies fail to take positive action to release the American prisoners of war that they are holding.

This, I submit, meets the objection against the Nedzi-Whalen amendment when it was considered by this body 10 days ago.

Second, the Mansfield amendment is an important policy issue. It seems to me that we in this body are ready either to adopt it or reject it. By instructing our conferees we merely will be expressing the sense of this body regarding the desirability of an expeditious withdrawal of our troops from Indochina. At the same time we will be carrying out the functions and prerogatives which are ours as members of the legislative branch of Government.

Third, if my motion to instruct is adopted, this will expedite the ultimate passage of the draft bill. As you know, the induction authority ends on June 30. The Mansfield amendment is the major difference between this body's and the other body's version of the bill. Failure to instruct our conferees today could prove costly in that the conferees could become bogged down discussing the Mansfield amendment beyond the June 30 induction authority cutoff. Conversely, adoption of my motion would expedite the work of the conferees in that the remaining differences between the two bodies are slight.

For these reasons, Mr. Speaker, I urge adoption of my motion to instruct House conferees to accept the Mansfield amendment to the Draft Act of 1971.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WHALEN. Mr. Speaker, may I ask the chairman for 2 additional minutes?

Mr. HÉBERT. I am sorry. I have tried to divide the available time, and I now have a full schedule of Members who wish to be recognized.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I would first like to commend the distinguished chairman of the House Armed Services Committee for his fairness this afternoon in making this hour of debate available, and in making sure that both the proponents and the opponents of the motion to instruct the conferees will have some time to discuss their positions.

In the decade that I have been in the Congress there has surely been no more agonizing issue that has confronted this body than the policy we should pursue and the course we should follow in trying to resolve this issue. We in the Congress have a great deal of lost ground to recover in the entire area of foreign policy, and if the Pentagon papers make nothing else very clear, they do reveal the shocking extent to which not only Congress as a whole but congressional leaders seem to be excluded from any meaningful role in the decisionmaking process, and in view of the clear constitutional mandate of power to the Congress in matters which involve a responsibility for making war, it is surely time to reclaim this authority.

Let me remind the Members of this House this afternoon that we here and now at this particular moment are engaged not in making war but in the very difficult and delicate business of attempting to make peace, and if I for one believed for even one single instant that the President of the United States was intent on continuing the war in Vietnam, that he was intent on securing yet another illusory military objective, then I would be the very loudest here this afternoon in making a demand that we adopt the motion of the gentleman from Ohio and that we do instruct the conferees.

But I personally believe that this administration is committed to waging peace and not war, and that its maximum efforts are now being concentrated, not toward finding a military solution, but toward developing meaningful negotiations that will bring about the release of our POW's. It seems to me that the return of Le Duc Tho to Paris, despite the bland denial he offered to the press upon his arrival there, that despite what he had to say, that his return indicates something of significance is going on with respect to those negotiations, and I very frankly am not privy to exactly what those developments may be.

You may say it is merely a visceral feeling I have that we are on the eve of what may be some climactic developments in this regard. But I for one do not at this particular moment want to take the responsibility for frustrating the successful accomplishment of those negotiations. I do not stand before this House to say that that will be my attitude 6 weeks from now or 2 months from now. But specifically standing before you at this particular, and I believe critical juncture in the history of these negotiations, I feel it would be the better part of wisdom for this House to turn down the motion to instruct.

I introduced a resolution last Thursday and testified before the subcommittee chaired by the distinguished gentleman from New Jersey (Mr. GALLAGHER) and actually that resolution which I proposed differed from the Mansfield resolution only in one material regard, and that is with respect to the phrase that appears in subpargaraph 1:

Such a date to be not later than 9 months after the date of the enactment of this act.

I very frankly would hope that when the conferees of this body meet with the

conferees of the Senate, that they will consider the kind of language of the resolution which I proposed as setting forth clearly and sensibly what the objectives of this Congress are with respect to the policy that we should follow in Vietnam and the negotiations that I hope will take place.

It seems to me that there is a kind of middle ground that will enable us to discharge the responsibility that I think is ours to share with the President, some of the burden of making peace, and yet do so in a way that will not be harmful, that will not frustrate the successful accomplishment of that objective.

So I would say in conclusion I think there is a role for the Congress to play. I cannot honestly today believe that that role consists of telling our negotiators in Paris, "You sit down, first having given away to the enemy the precise date by which the withdrawal will be accomplished." But subject only to the contingency of the release of our prisoners of war, I think we ought to declare that it is our clear and irreversible policy to withdraw and to withdraw totally from Vietnam.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN). I hope, on both sides of the aisle, this is a nonpolitical issue. I hope everyone votes with his heart, mind, and conscience, and never with regard to how his party feels on this matter. To me the war is not a party matter, and I speak as an elected Representative, just as each and every one of you, without any title whatsoever.

I have followed the war, as you have. You have known I have been opposed to it now since 1966.

I read with interest articles and watched with interest television over the weekend. I saw that colonel on television yesterday, Colonel Hochworth, who said that 25 percent of our deaths had been because of lack of preparedness in the forces we had sent over there. I read the article about dope in Vietnam, about how 10 percent of the American forces were now affected by dope. I read the article quoting General Ky, and it said how Thieu was wrong, that the Laos and Cambodian invasions had been a failure.

These are just the things we read every day in the week. How long are we going to continue this war?

Mr. Speaker, I support the motion of the gentleman from Ohio and urge the Members to vote to instruct the conferees to accept the Mansfield amendment. This is a reasonable approach to ending the war in Vietnam and, most importantly, it reaffirms congressional responsibility in the formulation of American foreign policy.

This amendment gives great leeway to the President in ending the war in Vietnam. It declares that U.S. policy is to end at the earliest practicable date all military operations of the United States in Indochina and provides for the prompt and orderly withdrawal of all U.S. forces not later than 9 months after date of enactment of this section, subject to release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

In order to do this, we urge the President to set a date for withdrawal contingent on the release of prisoners of war, to negotiate for a cease-fire, and to negotiate for a concomitant phased and rapid withdrawal of American forces and a phased release of all prisoners of war.

In truth, I do not see how anyone can criticize this amendment. The administration has said that the only thing that is preventing the end of the war is the fact that Americans are still being held prisoners of war.

If this be so, then certainly the Mansfield amendment is the answer.

There are in Washington today families of prisoners of war who are asking us to support and pass this provision so that their sons, husbands, and fathers may be brought home.

We give the President 9 months and, certainly, if he does not intend to have this war ended by April of 1972, he should tell us so.

Nine months is a very long time. It is 9 months more than this war should last.

I think the most important thing we have done lately in the attempts to end this war is to try to reaffirm congressional responsibility in the area of foreign policy. There are too many who wish to give the President the entire responsibility for the conduct of foreign policy. Constitutionally, he cannot have it, and, morally, no one man should have it.

Just as we are responsible for the conduct of the war so let us be responsible for ending it. I support the gentleman, and I urge my colleagues to do so.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker and Members of the House, this may be our biweekly futile effort to have this body face reality. It may also be a replay of what this country experienced in 1963 and in 1964, because added to the element of the POW's—which I think is a "phony" issue, and I use the word deliberately, because we have killed and wounded more people in the time POW's have been an issue than ever before—added to that is the ingredient of our uncertainty as to whether the South Vietnamese can really find their own way.

As we look at the papers, revealing recently the work and discussion which occurred in the early 1960's, I cannot help but feel that we are on a course we were following and confronted with then.

It seems to me the effort ought to be to do something to recognize this, and, more importantly, to realize that the Senate, whether we like it or not, is determined to have us face this squarely and to face it if it takes the entire summer to do it.

So I hope, whether the Mansfield language or something akin to it is adopted, that we will realistically face the problem and not evade our responsibility—which has been a preoccupation in many ways with this branch. I hope we will also face up to the fact that this is an issue on which the American public wants some definite determination that we are going to do something to end our involvement.

I hope that out of this this afternoon and out of an effort to instruct the conferees will come a realization on the part of the conferees that they have an inherent obligation to work toward the direction of the other body and the implementation of American policy, and I think more importantly something that is sought by an increasing majority of the American people.

Mr. Speaker, I rise in support of the effort to accomplish this.

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

Mr. BINGHAM. Mr. Speaker, I would like to make just two points:

First, I do not think this is a case where the House would be improperly tying the hands of the conferees by adopting the motion which has been offered by the gentleman from Ohio (Mr. WHALEN) and which I support.

This is not a matter which is pertinent to the draft bill. The Mansfield amendment would have been ruled out of order as nongermane if it had been brought up in the House. It is, basically, a separate resolution that was tacked onto the draft bill in the other body.

Mr. Speaker, what is before us now is an opportunity for Members of the House to vote as to whether or not they agree with the broad lines of the Mansfield amendment. If Mr. Whalen's motion fails, the Members will clearly not have such an opportunity again.

The second point I want to make is that the Mansfield amendment falls far short of being satisfactory to those of us who have been trying to get real congressional action to force an end to this war. It is not congressional action. It is the expression of congressional opinion.

I think it was for that reason that this amendment offered by Senator Mansfield did attract a majority of the other body; whereas, other efforts to force an end to the war had failed to attract a majority.

The establishment of a date certain for U.S. withdrawal, contingent upon the release of prisoners, is the heart of the matter—more important than whether the date is December 31, 1971, or 9 months from sometime in July 1971.

Why is it so important that a termination date should be set, either by the President or by the Congress? The answer in my judgment is threefold: First, this is one sure way to assure that American combat participation in this tragic war does come to an end; second, the President's approach gives us no chance to obtain the release of the American prisoners in the foreseeable future—setting a withdrawal date would give us such a chance; and, third, in my judgment setting a withdrawal date would provide the first real opportunity for the

warring parties in Vietnam to come together in a political settlement. In particular, it would force Saigon to negotiate realistically, which it has never done till now.

As for the Mansfield amendment itself, I have heard statements made here that the amendment overlooks the American men who are now listed as missing in action in Indochina, and also that it calls for total U.S. withdrawal from Indochina while negotiations for the release of the prisoners were still going on. Both statements are completely false. The amendment clearly states in the opening paragraph that the American withdrawal is to be "subject to the release of all American prisoners of war" held by Hanoi and its allies, and again in paragraph (1) that such withdrawal is to be "contingent upon the release of all American prisoners of war." The final paragraph states that the President should "negotiate" for "the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States."

Obviously, the release of all American prisoners of war means the release of all who are in the hands of Hanoi and the Vietcong, whether or not their names have been previously listed. So the MIA's are included, if they in fact are in custody.

As to the other point, it is a gross distortion of the clear intent of the Mansfield amendment to suggest that all the other side is expected to do is to "discuss" the release of the prisoners. Yet, that is precisely what has been argued here.

The Whalen motion to instruct the conferees to accept the Mansfield amendment should be agreed to, and the motion to table the Whalen motion should be defeated.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. I thank the chairman for yielding and would like to compliment the chairman of the committee for taking the full hour of debate on this motion.

I think the Mansfield amendment does represent a reasonable approach, one the executive branch can and should embrace. I think we have the right as a coequal branch of the Government to help determine national policy in this area. If the amendment is sustained by the House, then the President is at liberty to sign or veto the bill. Of course, knowing the President's views and his opinion, we would be saying to him that he must decide for himself as to what he should do. If we pass the Mansfield amendment, and the President signs it into law—then, together, we will have taken an important step forward.

It is important we again emphasize the fact that this legislation can only become operative upon the relase of our prisoners of war.

Now, much has been said here today about the possibility of negotiations working out within the next few days or few weeks if we in the Congress remain patient and passive. I think we must reject this motion.

Mr. Speaker, if I am not mistaken we have lost nearly 30,000 Americans in Vietnam since the start of the peace negotiations in Paris. As I understand it—the only agreement reached thus far has been on the shape of the table.

Now I have heard the same arguments used before by members of my own party, urging blind support of the administration's war policy in the vague hope that a negotiations breakthrough might suddenly occur. Over a year ago, I was urged by minority whip, the gentleman from Illinois (Mr. ARENDS), to vote for Mr. WRIGHT's Vietnam resolution. He argued the outcome of the vote might bear importantly on the Paris peace talks at that time. In good faith, I followed his advice and supported it. I am since convinced that vote meant nothing in Paris. Our negotiations have yielded nothing, and I believe that the talks will remain on dead center until we are willing to talk in terms of a complete American military withdrawal.

I think if we put ourselves in the shoes of the North Vietnamese and the Vietcong, we know that they know that we are going to get out of Vietnam. Whether it be in 6 months, 9 months, 2 years, or 6 years, they have only to wait for us to leave. No less a personage than our own President has given them this assurance, publicly, time and time again. We should recognize that our adversaries live there in Southeast Asia; they have no place to go. No matter how long we drag out our withdrawal, they will still be there when we leave. We ought to face that fact—and move now to stop the killing by ending our military involvement in the shortest possible time.

I believe then that it is time that we set a definite limitation of 9 months for our military involvement in Vietnam and make it our national policy, pending only the safe release of our American prisoners of war.

Mr. Speaker, this seems to me to be an eminently workable approach and I hope that the House would see fit to pass this amendment.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mr. DRINAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I rise in support of the motion by the gentleman from Ohio (Mr. WHALEN) to instruct House conferees—with respect to the Selective Service Extension Act, H.R. 6531—to accept the Mansfield amendment, which would establish as U.S. policy the withdrawal of all U.S. military forces within 9 months, subject to the release of all American prisoners of war.

The amendment, which is a scrupulously prudent means of informing the President of the will of the people and of their elected representatives, merely "urges and requests the President to implement the above-expressed policy." The amendment in no way circumscribes the President's constitutional powers as Commander in Chief. It does not cut off funds. It does not set a specific date for the conclusion of the war. It does not in any sense seek to embarrass the President. It does not recriminate against past policy. It does not compromise the safety of prisoners, or of troops stationed in Indochina.

The amendment seeks to explode the myth—a myth already disproven by every analysis of Vietnamese politics which I know of—that continued indefinite participation in this war by a massive American troop force will yield a stable, democratic government in South Vietnam. In the jargon employed by the executive branch, this myth is entitled "Giving the South Vietnamese Government a Chance To Survive."

No "chance," Mr. Speaker, has ever been so costly or so improbable. For this chimerical improbability, the exponents of which ignore every demonstrated disproof, we are asked to send thousands more men to their deaths, we are asked to continue the rape of a country, and to facilitate its plunder by the Communists. We are asked to perpetuate this horrible tragedy which ranks among the most callous abuses of power ever perpetrated.

For this "chance" we are asked to commit our national treasure—the treasure of our young men and of money desperately needed to put out the fire storms of domestic turmoil and deprivation—to commit that treasure in a way which will aggrandize the so-called leaders of South Vietnam. These are men who brook no disagreement, who imprison their political opponents, who close down newspapers not servile to their beliefs, who foster and benefit from a pervasively corrupt economy, who dictate, but who do not govern.

With the greatest respect, I would ask each of my colleagues in this House whether, if given the choice, he would personally send young men—young men he knew and loved—to risk and lose their lives in order to give men like Ky and Thieu "a chance."

Mr. Speaker, today we have such a choice, and I urge you to take it. I urge you, in terms so strong there are no words which can convey them adequately, to utilize your constitutional right, your legislative prerogative, to bring this ungodly horror to an early end.

Mrs. ABZUG. Mr. Speaker, as one who opposed America's role in the war from the beginning I rise in support of Mr. WHALEN's amendment to instruct the conferees to support the Mansfield amendment.

Three-quarters of the American people have indicated that they want this war to end and that they want the troops and funds to be cut off by December 31, 1971. Americans rightly wonder what it will take to move the Congress to act. Must we top My Lai? Must we go beyond the disclosures of the Pentagon study which, in its entire 47 volumes shows no expression of concern on the part of American policymakers as to how their decisions and escalations of the war would affect the actual lives of the American people or the people of Indochina?

I personally believe that we should

withdraw immediately. I have always believed that, and that the President would have the support of the Nation if he would set a nearby date. I proposed 4th of July as the date of withdrawal. I supported the Vietnam disengagement bill which proposed the end of this year as the cutoff point. I supported the Nedzi-Whalen amendment to the military authorization bill. All of these have been turned aside by a Congress that still accords the President powers far beyond those he warrants constitutionally. Now, in reaction to the events of the past week, the Senate has turned about and has approved the Mansfield amendment which calls for a total withdrawal from Indochina, no later than 9 months after enactment, subject to release of prisoners of war.

The Mansfield amendment very wisely ignores the administration's fantasies about the viability of the Thieu government or committing our people to its perpetuation and confines itself solely to the prisoner of war issue calling for negotiations for an immediate cease-fire.

It proposes negotiating an agreement with North Vietnam which "would provide for a series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all military forces of the U.S. by not later than the date established by the President pursuant to paragraph (1) hereof (the nine months date), or by such earlier date as may be agreed upon by the negotiating parties."

A majority of the New York delegation endorsed this proposal and asked that Members of the House be given an opportunity to direct their Representatives to support it in House-Senate conferences on the select service bill.

It is my belief that if the Congress finally bends to the will of the electorate and adopts even such proposals as the Mansfield amendment it can, by this single step, revitalize the negotiations in Paris, elicit a favorable reaction from the North Vietnamese, and finally bring the war to a close.

If Congress finally takes this necessary action and instructs the President to set a date for withdrawal, I believe that the North Vietnamese and the NLF will by the logic of their own public statements have to begin negotiating immediately for the release of our prisoners. In fact their chief negotiator last week has said he would.

It has always been in the power of Congress to undeclare the war. It has not chosen to do so. I submit that it must do so now.

Our people are asking for a revolution of values in this country, a reversal of priorities. As their Representatives, we need to share in this inner revolution—a revulsion from death and destruction, a yearning for full life, for restoring the health and economy of our Nation, and for replacing America's worldwide network of military bases with international agreements for peace and mutual security.

Last week it appeared that the Congress had turned its back on the American people. The Mansfield proposal, approved by the Senate, gives us an opportunity to repair that error and to look our people in the face with good conscience. I urge this body to use its full authority and to so act by supporting the Whalen amendment.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I rise in support of the motion proposed by the chairman of our committee, the gentleman from Louisiana (Mr. HÉBERT), and against the effort that will be made to instruct the conferees to accept the Mansfield amendment.

I would like to make a few observations. I want to be sure that Members understand what this is all about. This is the same issue on which we have voted before, but in addition to that, the Mansfield amendment proposal is a lot more dangerous than the Nedzi-Whalen amendment. In the first place, it makes no exception for providing for the normal protection of our embassies by U.S. Marines after our forces are withdrawn as the Nedzi-Whalen amendment did. It makes no provision for a military assistance group so that after all our combat forces have been withdrawn, we might be able to provide military equipment to the South Vietnamese to defend themselves, just as we do now to many other countries around the world.

The assumption which the Mansfield amendment is based on is that if we just set a date for total withdrawal, then our prisoners of war will be released. But it is perfectly clear from the record that the North Vietnamese have said that they will not release our prisoners merely on our fixing a date of total withdrawal; they will only discuss that release. The Evans-Novak column that appeared in the Washington Post on June 24 mentions this point and refers to the fact that our colleague, the gentleman from California (Mr. LEGGETT), discussed this matter with the Vietcong earlier in Paris and then reported publicly that as soon as a date was set they would then release the prisoners. But our Ambassador in Paris queried the Communist delegation at the peace conference later on this report, and they said, "Oh, no, we will only discuss the prisoner release."

So we will not insure the release of our prisoners through the Mansfield amendment. As a matter of fact, in the long run, all that we will accomplish through this amendment, if we instruct our conferees to adopt it, is that we will be trying again to negotiate with the enemy on the floor of Congress, and that function should not be done here but by our negotiators and by our trained staff in Paris.

So, Mr. Speaker, I think we should support the motion offered by the gentleman from Louisiana (Mr. HÉBERT) and allow our conferees to go to the conference with a free hand. I hope the conferees can come up with some wording that will express the desires of every Member of this House and of the other body that indeed we should withdraw from Vietnam as early and as rapidly as possible. And I believe the conferees can do just that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I thank the gentleman for yielding, and I am supporting the motion to go to conference, but I also intend to support the motion to be made by the gentleman from Ohio (Mr. WHALEN) to instruct the conferees.

I think that if we can remove the issue of the war from next year's election, this will be the very best thing that can occur, so far as the President is concerned, and certainly he should favor this policy decision by the House.

Sixty-nine percent of the American public favor setting a date for getting out by Christmas if our prisoners of war are taken care of.

The Mansfield amendment which is now before the House is much, much less liberal, if you want to call it that, than is the attitude of the American people. The amendment provides 9 months and is expressly conditional.

I believe that if we would free up our negotiators in Paris and give them the discretion to negotiate, recommending a withdrawal date, I believe then that we would be working in line with the attitude of the American public. They want us to set a withdrawal date, and they want us to take care of the prisoner-of-war issue. The Mansfield amendment is really a policy decision that we here in the Congress state, "Mr. President, set a withdrawal date about 9 months away, handle the prisoner-of-war issue on a phased withdrawal." It is the same kind of program that 10 percent of this House have coauthored in House Concurrent Resolution 317, which the gentleman from Michigan (Mr. RIEGLE) and myself have filed with 10 percent of the House as coauthors. Let us see if we cannot resolve this war crisis in this way. I am firmly convinced that we can go ahead with negotiations if we will merely free up our negotiators in Paris to set a date.

Evans and Novak referred to the gentleman from New York (Mr. STRATTON) are all wrong when they say that the information I brought back from Paris was erroneous—to wit, that serious negotiations and action will follow the setting of a date.

We have not agreed to set a date, so we are not prepared, and the other side is not going to indicate that they are prepared to do anything in response to American intransigence.

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

Mr. LEGGETT. I yield to my colleague, the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from California (Mr. LEGGETT).

I, too, am in support of instructing the conferees to accept the Mansfield amendment.

I would also say that in my judgment, it would seem to be very clear that a vote against such a motion can only create

the inference that you do not share the sentiments of those of us voting for such a motion, that this war be terminated within 9 months.

Mr. LEGGETT. I want to thank the gentleman for his contribution.

Mr. Speaker, in my remaining time I would just like to cite a statement by the President where he said in his last press conference on June 1:

> So far as we are concerned, we at this time are not making any kind of agreement with regard to prisoners that is not going to be followed by concurrent action.

Actually, the Mansfield amendment is concurrent action and I think it is in line with the President's policy and we all should support it.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, if we instruct the conferees today, we are saying in effect they can only vote the Mansfield amendment up or down. We would be tying their hands. We would preclude any chance for our conferees to improve the language of the Mansfield amendment and make it more workable.

My purpose in the few minutes that have been allotted to me today is to prove that the language is imperfect and should be reworked in the hope that we can bring about an improvement which is in the national interest.

Let us look at the language of the Mansfield amendment as it pertains to prisoners of war. It says that American prisoners should be released under certain conditions "by the Government of North Vietnam and by all forces allied with such government."

Let us not forget that two-thirds of our prisoners of war are held by the Pathet Lao and by the Vietcong.

North Vietnam has never admitted to an alliance with the Vietcong and the Pathet Lao. So, in effect the Mansfield amendment totally ignored two-thirds of our men held as prisoners.

That omission needs to be perfected in conference.

The chairman of our committee received a letter from Mrs. Jean M. Vinson national coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia, and she calls attention to the fact that not a single word is in the Mansfield amendment which requires the North Vietnamese to account for the missing. She says that only 370 of the more than 1,600 American servicemen who are missing in Southeast Asia have been accounted for. Her organization has furnished the following estimate of the number of missing men, those captured, and the country where they were lost or captured:

	Missing in action [1]	Captured [2]	Total
North Vietnam	405	378	783
South Vietnam	469	81	550
Laos	255	3	258
Cambodia	24	0	24
Total	1,153	462	1,615

[1] 50 civilians missing in action.
[2] Those listed as "Captured" have been identified by DOD as having been captured.

Do you want to ignore those who are missing in action or do you want to go to conference and perfect the Mansfield amendment so they will not be forgotten?

What is the position of the North Vietnamese at the present time? They say—set a date and then we will talk about returning prisoners. The language of the Mansfield amendment is not too different from the position of the North Vietnamese because for all practical purposes it sets a date, with conditions, after which we will negotiate a cease-fire as provided in clause 2, and we will negotiate a phased withdrawal and we will negotiate prisoner exchange as provided in clause 3.

For all practical purposes that is the position of the North Vietnamese today—set a date and we will talk.

One last point. If we phase out our forces in exchange for a corresponding series of phased releases of American prisoners of war and we reach the point where the North Vietnamese are confident of their military superiority while 20 percent of our prisoners are still left in North Vietnam, Laos, and in the hands of the Vietcong. What do you think North Vietnam will do with those prisoners? They could continue to hold them for ransom, reparations, and anything they would like. I ask you whose son, whose brother, whose father is going to be among the last 20 percent there? Do you want, simply for the sake of passing some wordage, which needs improving, to go ahead and condemn those men to that possibility? The motion to instruct must be defeated.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, once again we find ourselves discussing this very perplexing and frustrating question of Vietnam and suggested amendments relating thereto.

As I have stated on numerous occasions, the central question, limiting our ability to accelerate the desired solution to the U.S. involvement in Vietnam, is the prisoner-of-war matter. And, of course, the North Vietnamese Communists are exploiting it, psychologically, to the maximum.

While many have chosen to offer amendents to various pieces of legislation to express their feelings on Vietnam policy, I have chosen to advance my suggestions to the key people in the State Department, the Defense Department, the executive, and the President himself. I have done so because I feel strongly that we in the Congress have a responsibility to participate in the development of foreign policy guidelines.

As a matter of fact the President has always encouraged me to channel ideas and suggestions on foreign and domestic policy matters, particularly those that I feel are representative of the constituency from my district.

From personal experience, I can testify to the fact that this approach has been successful.

In addition, I have advanced these suggestions to our House leadership, as well as the key members of the Armed Services and Appropriations Committees of the Congress.

Quite frankly, the Mansfield amendment comes closest to the point of view that I have been advancing through Executive and congressional channels, as did the McDade substitute amendment.

However, in my view, it places too much emphasis on negotiations before the prisoners are released or exchanged and in view of our past experiences with Hanoi and their negotiators, I believe we should place more emphasis on negotiations after the prisoners are released or exchanged.

I am pleased to see a growing number of people that share this view.

Earlier in June, I discussed and suggested a three-point proposal that I will repeat here today with the suggestion that the conferees of the House and Senate give careful consideration to the content for possible compromise language to the Mansfield amendment, which is deficient in that there is no requirement for a Communist withdrawal from Vietnam and also does not enhance our ability to negotiate on realistic terms.

My suggested three points are as follows:

First. Call for an immediate multilateral cease-fire terminating all offensive combat operations in Southeast Asia for a period of 60 days.

Second. Immediately following the mutual declaration of a cease-fire, agree to discuss and resolve the direct exchange or transfer to a neutral country of all prisoners of war.

Third. Commensurate with the effective date of such exchange or transfer—of POW's—the United States will further agree to withdraw all U.S. ground combat forces from Vietnam in 6 months, and all remaining U.S. support units in 1 year, within the context of an overall agreement.

And, in conclusion, as I suggested a number of years ago, a restructure regional security organization must be formed to handle this problem and future threats to security through the creation of a free Asian security organization. I believe this can and would lead us to a more rapid phased withdrawal from our tragic overinvolvement in Vietnam.

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

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

Mr. PUCINSKI. Is there any doubt in the gentleman's mind that all of our troops will be out of Vietnam before the middle of 1972? Are you really saying that they will not be?

Mr. GUBSER. It is my feeling the troops will be out by 1972, if we give the President of the United States as the man with the constitutional responsibility to carry on negotiations with foreign nations the chance to get those troops out. He is getting them out and they will be out if we stick to legislating instead of meddling in the conduct of foreign affairs.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I intend to support the motion to instruct the conferees to accept the Mansfield amend-

ment to the Selective Service Act Amendments of 1971. If a motion to table the motion to instruct the conferees is made, I will vote against the motion to table.

The Mansfield amendment declares that it is U.S. policy "to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

The amendment urges the President to:

First, set a date for withdrawal of all U.S. military forces from Indochina, contingent on release of prisoners of war, not later than 9 months after enactment;

Second, negotiate with North Vietnam for an immediate cease-fire.

Third, negotiate with North Vietnam for a series of phased withdrawals of U.S. military forces in return for a corresponding series of phased prisoner-of-war releases, and for withdrawal of all U.S. military forces and return of all prisoners of war not later than the date set, or by an earlier date if one is negotiated.

The point about the Mansfield amendment, contrary to the statement of the gentleman from California (Mr. GUBSER) is that it does not constitute affirmative congressional action to end the war. I wish that it did. But it does express the sense of the Congress that the war should be ended and all U.S. military forces be withdrawn within 9 months, provided the prisoners of war are released. Therefore, it leaves ample latitude and discretion to the President to take whatever action be deems necessary to bring the war to an end.

My own view, of course, is that the Congress should assert its responsibility. It should—and I voted for the Nedzi-Whelan amendment, and for the Hatfield-McGovern amendment last year—it should cut off funds to prosecute the war.

The Vietnamization policy of the administration is a policy which will only perpetuate the war. It is calculated to insure that the present regime in South Vietnam is propped up for an indefinite future period, and it contemplates a continued American presence in Vietnam.

The gentleman from New York (Mr. STRATTON) revealed, the intentions of those who believe the United States should continue its involvement in South Vietnam, by referring to the fact that he interprets the Mansfield amendment as prohibiting continued U.S. military assistance and advisory assistance to South Vietnam. I say it is time to end our involvement. It is time to end military assistance. It is time to end advisers. It is time to recognize what the Pentagon papers reveal, and that is, that over a long period of years the American people have been misled. Facts have been concealed from the Congress. The documents published by the New York Times and the Washington Post show not only a lack of candor but outright deception by the executive branch. It is now up to Congress to exercise its responsibility. At the least the Mansfield amendment should be accepted by the House conferees.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to the Mansfield amendment. I am not pleased, especially with the way the amendment is drawn up.

The gentleman from California (Mr. GUBSER) had a strong point when he mentioned that the MIA's are not even mentioned in the amendment. This is the first time our country has ever had before it an amendment that completely forgot the missing in action.

I would encourage the conferees to be sure that this would be included in the amendment, even though I do oppose the Mansfield amendment in any form.

Mr. Speaker, I ask unanimous consent to have printed in the RECORD the listing of Americans missing in action and captured.

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

There was no objection.

The information is as follows:

	Missing in action [1]	Captured [2]	Total
North Vietnam	405	378	783
South Vietnam	469	81	550
Laos	255	3	258
Cambodia	24	0	24
Total	1,153	462	1,615

[1] 50 civilians missing in action,
[2] Those listed as captured have been identified by DOD as having been captured.

Mr. MONTGOMERY. Mr. Speaker, this is a bad amendment. It is an open-ended amendment. It will help the enemy more than it will help the South Vietnamese or the United States.

Really, Mr. Speaker, it is an unusual way to negotiate—we withdraw fully and leave certain options to the enemy.

I might ask, why do not the Communists agree to a ceasefire, as we did in Korea, and negotiate for the release of prisoners of war? This is the way we have done it in the past.

Mr. Speaker, how can we forget the 45,000 Americans who died for the cause? If we instruct the conferees we are in effect cutting off any further negotiation, and we are tying the hands of the President, for negotiating a just and honorable peace.

Mr. Speaker, I certainly hope this House will not instruct the conferees in any manner.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

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

Since we last year repealed the Tonkin resolution the Congress has been, in effect, a silent partner on war policy. As I mentioned last week, we have as yet to express one legislative word either for or against the policy of withdrawal of our forces.

Perhaps I speak only for myself, but I have a feeling that the House conferees will go to the conference without any intention of accepting any language. They will be totally opposed to any part of the Mansfield amendment.

Now, there are parts of the Mansfield amendment I should think almost all of us could enthusiastically support. I have asked for this time in order to ask the distinguished chairman of the Armed Services Committee if he could accept the following words taken from the Mansfield amendment, and I read them from the amendment:

> It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

If the gentleman can give us encouragement that he would accept that language I would joyfully support the motion to table and oppose the motion to instruct.

Mr. HÉBERT. The gentleman from Louisiana, as Members know, will be the chairman of the House conferees, and the gentleman just hit on the point I have been trying to make. Do not tie my hands.

That is very persuasive language the gentleman has given. This is a typical example of why the hands of the conferees should not be tied, so that we can sit down and talk it over. I can say the gentleman is very persuasive, but as a conferee asking not to be instructed, I could not commit myself to specific language now. I am a creature of the House, to do what the House tells me.

Mr. FINDLEY. Will the gentleman state at least this much, that he is inclined to accept this language?

Mr. HÉBERT. No; I said I am a creature of the House. I receive my instructions from the House. If the House does not take that language, I cannot.

I ask not to be instructed.

Mr. FINDLEY. The President opposed the Nedzi-Whalen amendment. In a letter to those who voted against it, he said, in part:

> While we continue to reduce American forces in Indochina, various proposals may be advanced in Congress similar to Nedzi-Whalen. Their adoption would seriously jeopardize the progress we are making in ending American involvement in Vietnam and in achieving a just peace.

The Mansfield amendment differs substantially from Nedzi-Whalen. It expresses policy without purporting to cut off funds. It expresses a final term for our military involvement but in ambiguous language.

Nevertheless, the President clearly prefers that it, too, be rejected.

For some Members, the President's wishes will suffice as justification for voting "No." Certainly, all of us have a duty to take into full account every request he makes in regard to war policy.

Undoubtedly, the Mansfield amend-

ment will be viewed in some quarters as a rebuke, however gentle, to the President who is doing the best he can, advancing courageously and resolutely down the right course, extricating our forces from Vietnam as rapidly as prudence permits, fulfilling every commitment he makes on force withdrawal.

Those who would so interpret it as a rebuke simply ignore the reality of our continuing withdrawal from Vietnam. They also ignore the President's often-expressed pledge to withdraw all our Armed Forces at the earliest practicable date.

On his record, the President can be expected to stick to the course he has set.

In these circumstances, is a legislative statement of policy similar to the Mansfield amendment in the national interest? Should the Congress spell out in legislation its support to the policy of total withdrawal from Vietnam at the earliest practicable date?

I believe that we should adopt total withdrawal as national policy.

While all of us, Republicans and Democrats alike, have a heavy responsibility to the President, we have an even higher responsibility under the Constitution and beyond to the people. We should not be, we cannot properly continue to be, silent partners in war policy.

We have a duty to say what policy we support. The pace and degree of troop withdrawals will be influenced by many factors, including the expressed attitude of Congress. So long as we refuse to express even one word of approval or disapproval concerning withdrawal policy, the President lacks policy guidelines from the peoples' representatives. He must review, readjust, rethink long-term and short-term goals and programs in a legislative policy vacuum.

Our silence has another, even more ominous effect. It yields ground to advocates of policy who are not silent, advocates of stay and fight. Many forces and influences are brought to bear against the President in behalf of policy that may be related directly or peripherally to withdrawal.

Undoubtedly, many people in prominent positions will wish to give the heaviest possible weight to a factor the President has mentioned several times; that is, the ability of Saigon to defend itself. In my view, this factor can properly be considered only to the extent that it is essential to the safe withdrawal of our forces. But others differ, and will attempt to give it importance far beyond the question of safe withdrawal, and even beyond the importance given it by the President. They remind us of the often expressed policy of President Johnson, a policy rejected by the American people in November 1968, and similarly rejected by President Nixon since then.

Others will say that the Mansfield amendment is defective because it calls for unilateral withdrawal. They would rather see the United States remain in Vietnam until Hanoi agrees to pull out its own troops. Naturally, everyone would prefer a mutual reduction in troops, but is this a realistic policy? It, too, was the policy of President Johnson, a policy rejected by the people and by President Nixon.

In opposing the Mansfield amendment because it contemplates unilateral withdrawal and because it makes no provision for Saigon being able to defend itself, we clothe outselves with the threadbare garments of the past; we adopt as our own the discredited policies of the previous administration.

If, instead, we recognize the wise policy of withdrawal which President Nixon has embarked upon, we can support the basic theory of the Mansfield amendment.

Enactment of the Manfield language will put the prestige of the Congress in support of total withdrawal of our forces and in opposition to discredited policies of the past.

On the assurance of the gentleman from Louisiana (Mr. HÉBERT) that he is openminded and interested in working out language on withdrawal policy, I will vote to table the motion.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I appreciate the gentleman yielding. I take this time to explain to my constituents my position on this matter.

This amendment reflects the frustration many of us in Congress feel. We have watched, perhaps with increasing anger, the visible emasculation of the legislative branch. With hindsight now a useful tool, we can take a better look at our situation; what brought us to it and where we should go from here.

First let me say that I agree with the gentleman from Louisiana (Mr. HÉBERT). This particular amendment makes Congress look like a lion, when in reality it roars like a mouse. I support this amendment because I would like the people of my district to know that although we are weak, we are not yet dead.

Let me just briefly explain how the Congress, and the country has come to this set of circumstances. I believe we have come to the situation we are in for a very good historical reason. In 1776, when this country declared its independence, it was primarily a moral power in the world. Our political ideals were our strength. Our functioning democracy in a world of monarchs was to eventually ignite Europe. We had no real army, no navy, and very little economic strength, yet we were quickly recognized as a new force in a tired world.

The next position of power that we developed was economic. Our increasing economic power was mixed with our moral foundation, which was further developed to generate more economic power. When we entered the 20th century, we had two legs on our power stool—the economic and the moral suasion of America. Our institutions reflected this tremendous and proud strength. We were showing that a democracy could be prosperous and compete.

It was in this century that we put the third leg on the stool. This third leg is our military expression of power. In World Wars I and II, Germany said to the world that military strength is the source of power, and the world said no, and we hoped that we could say no. We came out of World War II as the outstanding military power. We were so impressed with it that we made a precedent of it.

But first Korea to some degree, and now Vietnam has shown that the third leg of our power is not as strong as the first two. The failure of American military intervention in Vietnam exposed serious deficiences in American policy abroad and in our institutions at home. Until Vietnam, we had been comfortable and complacent in our belief that the United States could eventually overcome any threat or challenge to our image or policy. This belief was reinforced by the overwhelming military establishment that had been created during World War II and maintained during the long cold war that followed. Korea, perhaps, created doubts, but those doubts were dissipated after the election to the Presidency of a popular General, and were buried in the nationalistic rhetoric of the 1950's crusade against the Communist bloc.

This habit of relying on and deferring to the military and the Executive gradually eroded the congressional will. On the most critical questions of foreign policy, Congress enthusiastically and with bipartisan fervor united behind the various administrations. Each year Congress has willingly offered mammoth appropriations to the altar of improved military technology. And each year both the public and the Congress comfortably committed more and more of its confidence to the military and strategic planners.

Thus, the two decades following the German and Japanese surrenders were characterized by an ever increasing U.S. military presence throughout the world, while at home all of us, in varying degrees, endorsed the policy of Pax Americana. The artificial security of this policy managed to silence most critics. Unwittingly, congressional participation on foreign and military matters eroded to the point of insignificance.

Vietnam has brought all this home. A frustrated Congress has watched a war being waged without its consent or guidance. The Congress has seemed almost impotent in its frustration.

I say to you that when the United States expresses its power as moral power that we are coequals with the Executive. When we express our power as economic power, we are coequal with the Executive. However, when we express our power in the form of military policy, then we are not coequal by the very nature of this power and Congress never will be coequal as long as we emphasize this power. The people feel this and they know this and they say to the Congress, "Will you please say, do, act." And we cannot—or can we?

We can. We can insist that the basis for our policies return to the strengths that made this country the most imitated in the world. Our real power is in our moral and economic strength—our two sources of strength were badly deemphasized as our military power grew. Only by reemphasizing our real greatness will we

regain the respect of the world, and more important, our own citizenry. Only by re-emphasizing these two fundamental strengths will Congress regain the co-equal role our founders intended it to play in the decisionmaking process of the Republic.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. O'KONSKI).

Mr. O'KONSKI. Mr. Speaker, I am basing my vote strictly on the record. In the years that I have been in the House, 29, I have always looked with a little suspicion on anything that comes from the other body. Let us compare the record.

With all of the procrastination and all of the filibusters and all of the delays, how many men has the other body brought back from Vietnam? Not one. In fact, I surmise they have hampered our withdrawal policy rather than enhanced it. Against that record let us put that of our President. He has already brought back 300,000 men, almost 60 percent of our troops. They are already withdrawn from Vietnam. Three hundred against the record of the other body, which is zero. The score, the President 300,000, the other body zero—really minus zero.

One other thing I am basing my decision on. This amendment by the other body is nothing but a deception of the American people. I got a call from a woman in my district this morning who said, "Are you going to vote for the amendment of the other body which will end the war in 9 months?" And I said, "As usual, lady, you are as misled as ever by the propaganda that comes from the other body." If we follow the dictates of the other body in this amendment, tying our withdrawal policy, as it does, to the release of the prisoners of war, we will not be out of Vietnam by June 30 or by the fall of next year, as I believe is the plan of our President. We might be there for 5, 10, 15, or 20 years, because who is so naive in this body that he does not know that the Communists do not easily exchange prisoners of war. After we have had the experience in Korea and the experience of the Katyn massacre, anybody who thinks that it will be easy to end this war over the issue of the release of the prisoners of war is too naive and ought not to be in this body or in the other legislative body of this Nation.

What is the purpose of this amendment really? With total mess in our land there are some who want to be able to answer to their grandchildren. When their grandchildren ask, "Granddaddy, where were you when President Nixon was withdrawing our boys from Vietnam? There are some who want to be in a position to say, "Grandson, I was ahelpin' him—I said he wasn't doing it fast enough. Yes grandson, I was there helpin' him and a pushin' him—ahopin' maybe he would a stumble a little bit."

Mr. BOLAND. Mr. Speaker, I rise in support of the motion that will be offered instructing the conferees to maintain intact the Mansfield amendment—the amendment making it national policy to withdraw from Vietnam within 9 months, provided that our POW's are set free.

Motions to instruct conferees are not always wise, Mr. Speaker, but this one merits our support.

The need for a hastened withdrawal schedule grows more obvious week by week. Virtually an entire generation of American young men has spilled its blood on Southeast Asia's battlefields, achieving little more than a stalemate with Communist forces there. The Pentagon's illusory goal of "military victory," long since discredited, has cost us appallingly—both in Vietnam itself and here at home.

The war has drained our resources, diverting hundreds of billions of dollars from social programs as urgent as any in our history. It has divided our people, even turning father against son. And, most staggering of all, it has taken the lives of more than 50,000 American soldiers and left scores of thousands more disabled. Southeast Asia itself has been devastated—many of its cities bombed to rubble, its villages plundered and burned, its countryside wasted, its people living in flight and terror.

The time to get out is now.

A negotiated political settlement is the only way to stop the bloodshed.

Clearly, Mr. Speaker, our harrowing decade in Vietnam has demonstrated that military escalation is nothing short of futile.

Any commitment we might have had to South Vietnam's government has been more than fulfilled.

The Mansfield amendment, the first legislation of its kind that appears likely to win passage, would help speed the process of withdrawal. It would achieve another goal, too, one that is perhaps of equal significance. It would restore to the Congress its legitimate role in helping shape U.S. foreign policy. Largely shunned by administration after administration, the Congress has often been frustrated to the point of fury by the executive department's insistence that it alone should govern the war. Yet the Congress—the elected representatives of the American people—must have a voice in policy decisions as vital as the ones that have mired us so deep in Southeast Asia.

The Mansfield amendment would show that that voice, long muted, now insists on being heard.

Legislation I have introduced—prohibiting the use of U.S. Armed Forces in combat action abroad without the assent of the Congress within 30 days—would also help restore the rights of the Congress. Still another resolution I have introduced—this one calling for the establishment of a new House-Senate committee to investigate the history of our involvement in Vietnam—would yield the kind of information we need to keep actions of the Armed Forces within the reach of Congress.

One Vietnam is enough.

We must prevent it from ever happening again.

Mr. FULTON of Tennessee. Mr. Speaker, I urge that the House give very careful and favorable consideration to the motion before us.

Almost weekly, similar proposals such as the one we now consider to bring about an end to the war in Vietnam are brought before the House. However, unlike those previously considered, the proposal before us today has the distinct advantage of giving each Member an opportunity to vote in favor of a definite termination date while avoiding action which tie the hands of our Commander in Chief. It is my understanding that this proposal is not binding on the President, but is expressive of the sentiment of the Congress.

The position I take today is consistent with my position on this war dating back to 1965, when I joined with 72 Members of this body to urge President Johnson to cease escalation of the conflict. From time to time since, I have continued these urgings and coupled them with an expressed hope that the war could be brought to an early conclusion.

When this administration assumed office, we were told it had a plan to end the war. That plan evolved as the President's "Vietnamization" program, which I have supported.

However, it has been over 2 years since this plan was announced, and we are still mired in Southeast Asia amid rumors that we must remain there to support the regime in Saigon, we will have to continue to support that government with 2 billion American dollars a year or that our presence in Vietnam and Southeast Asia may be required for another decade.

I believe the Congress should go on record as favoring a more definite timetable for ending the war, more definite than any date which we can foresee at this time.

Just this past weekend, it was reported in the press that the Central Intelligence Agency felt in 1969 that we could have withdrawn at that time and "all Southeast Asia would remain just as it is for another generation."

If this was the case, then I can see no reason for our continued presence there for military, economic, or political reasons.

Apparently, however, the decisionmakers saw a continuing need for our presence as combatants. Unless we move here to wind up the war more speedily and at a definite time, then the same decisionmakers for new or the same reasons may feel compelled to continue our involvement in the conflict for another generation.

Mr. Speaker, this war has gone on long enough. It profits us not at all to continue it and I respectfully urge adoption of the motion.

Mr. LUJAN. Mr. Speaker, in voting against this amendment, I would remind my colleagues that it would have us give away our trump card and then enter into negotiations emptyhanded.

It would guarantee the return of some of our prisoners but not all, since some of our prisoners are being held by forces not "allied" with the Government of North Vietnam. The amendment calls only for the return of prisoners held by the Government of North Vietnam and by "forces allied with such government."

It would seriously endanger the lives of our men in Vietnam, since a cease-fire on the part of the enemy is not made a condition to our withdrawal. He can plan the date and rate of his escalation to

coincide with the date and rate of our troop withdrawals, hitting us where and when our withdrawing forces are most exposed.

It trusts to the reasonableness of North Vietnam in negotiating a cease-fire, but to date we have seen no evidence of reasonableness on the part of North Vietnam. Can we expect more fruitful "negotiations" with them after we have surrendered our single strongest negotiating point?

It calls for negotiation with North Vietnam for an agreement on the "phased and rapid withdrawals of U.S. military forces" but contains no mention of any agreement for withdrawal of the forces of North Vietnam.

I suggest that the United States has shown good faith and reasonableness by our steady reduction of forces over the past 2 years. I suggest that we have demonstrated our desire to end the war and that we have taken positive steps to accomplish that aim. I further suggest that any withdrawal agreement on our part should be matched by a withdrawal plan on the part of the enemy. At the very least, Mr. Speaker, our fighting men have a right to expect more from the Congress than this amendment which says in effect that we are willing to bet their lives that North Vietnam is reasonable and can be trusted not to shoot at them as they leave the field of battle.

Mr. PODELL. Mr. Speaker, the war in Indochina has dragged on for 8 long years. In that time 45,300 Americans have been killed. In that same time a succession of Presidents, generals, and Pentagon officials have continually assured us that "victory is around the corner," that "we can see the light in the end of the tunnel."

We now know that there was never any truth to those promises.

More recently, we have been told that President Nixon is winding down the war.

Yet this so-called winding down has entailed expansion of the war into Laos and Cambodia. It has entailed the loss of another 14,632 American lives.

The story that the Indochina war is being wound down is of little consolation to the families of Pfc. Mark I. Gross and WO Martin Y. Namer. President Nixon's opinion that the Thieu dictatorship is getting stronger is of no help to Cpl. Raymond P. Susi, or Sp4c. Aaron Tawil and Steven E. Turzilli. All of these men were residents of my home district in Brooklyn. They are all dead—killed in Vietnam—victims of a war that should never have been fought.

Mr. Speaker, this afternoon we can finally take a positive step toward ending that tragic war.

Last week, by a decisive 57 to 42 margin, the Senate approved the Mansfield amendment. This measure calls for a scheduled withdrawal of all American troops from Indochina not less than 9 months after an agreement is reached regarding POW's. By voting our approval this afternoon, we can transform the Mansfield amendment into official U.S. policy.

If President Nixon were sincere in his desire to end the war, he would be supporting the Mansfield amendment. The Senate-approved bill not only schedules an orderly withdrawal of troops, but insures the safety of American prisoners before the soldiers are brought home.

However, President Nixon is no more sincere now than he was this winter, when he ordered the catastrophic invasion of Laos. He seems determined to preserve the tyrannic Thieu regime, regardless of how long Americans must continue to die in Asia.

Therefore, Mr. Speaker, if the Vietnam war is to be ended, it must be ended by us this afternoon. Congress must finally face its constitutional responsibility and assert its lawful right to end this war. I strongly urge my colleagues to join me in voting to instruct the conference committee to accept the Mansfield amendment.

Mr. COTTER. Mr. Speaker, I rise in support of the motion to instruct the conferees to accept the Mansfield amendment.

As my colleagues are aware, I have been steadfast in supporting congressional efforts to terminate this devisive war. I am a cosponsor of the Vietnam Disengagement Act of 1971. I voted in the Democratic caucus to end the war by December 31, 1971. I have signed a letter of intent—the "O'Neill letter"—to vote for all amendments that would end the war by congressional act. Just recently, I voted for the Nedzi-Whalen amendment to the Military Procurement Act of 1971 which sought to end the war by December 31, 1971.

Today this House is being given the opportunity to vote on the Mansfield amendment that would end our military involvement in Indochina 9 months after enactment of this bill. The only condition for our withdrawal is the release of U.S. prisoners of war being held in Indochina. The issue of the prisoners is the only issue that can be used to legitimately justfiy our continued military presence in Southeast Asia, but I have the most serious doubts that our continued fighting will make the release of prisoners any more certain. As has been discussed, the exchange of prisoners has traditionally been accomplished after the cessation of hostilities.

Still, the Mansfield amendment which has passed the Senate by a vote of 57 to 42 should be adopted by the House of Representatives. I prefer that the date to end the war be earlier—I have supported the December 31, 1971 deadline—but I feel that the Mansfield amendment offers the Congress an historic chance to reaffirm its constitutional role in decisions affecting peace and war.

It is especially important that Congress speak clearly and strongly on this issue. I have noted with increasing alarm that President Nixon has asserted that the United States will continue to be bogged down in the Vietnam quagmire until the South Vietnamese are able to stand on their own. I submit, Mr. Speaker, if the people of South Vietnam are not able to "stand on their own" after 17 years, over 50,000 U.S. lives and $250 billion in U.S. material, perhaps they may never be able to.

I cannot justify any continuation of this unnecessary war. I strongly support the Mansfield amendment as another congressional initiation to end this war.

Mr. DENNIS. Mr. Speaker, I oppose the Mansfield amendment.

The overall subject matter we consider today is complicated, as well as important, but the immediate issue before us, while highly important, is essentially simple.

We do not pass judgment today on the wisdom of our past policies in Vietnam, nor do we take any position on the desirability of a definition or delineation of the war powers of the President or of the Congress, or on the need—which I recognize—for the Congress to assert its proper prerogatives in the fields of military commitment and the conduct of foreign affairs.

Today we are engaged in an ongoing war, and the Mansfield amendment, under present circumstances, is nothing less than a public declaration, made in the midst of that war, that we lack confidence in the policies and in the program of our own National Government.

I simply cannot, and do not believe that this House will adopt such a miserable and defeatist policy as that represented, in this situation, by the Mansfield amendment.

Mr. MELCHER. Mr. Speaker, I hope the House will accept the amendment authored by my colleague from Montana in the Senate.

The Mansfield amendment reflects the earnest concern of the American people to hasten withdrawal from Vietnam, and for the return of our prisoners of war.

A declaration that it is the policy of this country to accomplish withdrawal within 9 months is not a reckless or perilous course.

The greater peril in our Vietnam policy is the harm we do ourselves by dragging out withdrawal. In addition to the cost of over $20 billion annually in Southeast Asia, we are undermining the morale of our Armed Forces because of frustration, and extensive resort to drugs. It is undermining our future defense capabilities, and harming the Nation as it drains off our youth and thwarts our efforts to solve domestic problems.

One stumbling block to complete withdrawal has been release of our prisoners of war. The Mansfield amendment addresses itself to release of these valiant POW's by conditioning final withdrawal on the release of all of them, whether held by Hanoi or the Vietcong.

House approval of the Mansfield amendment will set us on the road to a solution of both international and domestic problems.

Mr. BADILLO. Mr. Speaker, I rise in support of the motion instructing the House conferees to accept the Mansfield amendment to the legislation extending the Selective Service Act and I urge my colleagues in the strongest possible terms to support this move as a necessary first step in restoring to the Congress its rightful role in setting the goals of our foreign and military policy.

What would the amendment do? It would declare that it is the policy of the United States "to terminate at the earliest practicable date all military op-

erations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government."

To implement this policy the amendment urges the President to:

First. Set a date for withdrawal of all U.S. military forces from Indochina, contingent on release of POW's, not later than 9 months after enactment.

Second. Negotiate with North Vietnam for an immediate cease-fire by all parties involved in hostilities in Indochina.

Third. Negotiate with North Vietnam for a series of phased and rapid withdrawals of U.S. military forces in return for corresponding series of phased POW releases, and for withdrawal of all U.S. military forces and return of POW's not later than the date set pursuant to paragraph 1 above, or by an earlier date if such had been negotiated.

This amendment clearly does not go as far as I would wish. I think it is long past time that Congress legislated a cutoff date for further funding of this insanity in Indochina, but that move has been attempted and failed. The language of the Mansfield amendment, which really sets a goal and states a policy, apparently is the best that this Congress can do, despite the overwhelming sentiment of our constituents for an immediate end to the war.

During today's debate, some truly puzzling questions have been raised by opponents of the motion to instruct the House conferees. Some have complained that the amendment is not specific enough, but these are these same Members who attacked the Nedzi-Whalen amendment on the ground that it was too specific. Other opponents have maintained that the safety of our POW's is not assured by the amendment, but that clearly is not the case.

Mr. Speaker, this amendment raises one issue and one issue only: whether the Congress will continue to abdicate its foreign policy responsibilities to the Executive or whether we will fulfill our constitutional obligations. If the Pentagon papers have demonstrated one thing, it is the danger in turning over all responsibility for the goals and machinery of foreign policy to the Executive. What the Mansfield amendment would do is set a goal and state a policy. Anyone who feels that this would be going too far has a very limited view of congressional responsibility in the foreign and military policy area.

Mr. FORSYTHE. Mr. Speaker, I believe that each and every Member of Congress has an obligation, a duty, to assume responsibility for helping to bring the war in Southeast Asia to an end.

Our President has accomplished a great deal in fulfilling his responsibilities, after assuming a nearly impossible task in January of 1969.

The war has wound down. Americans have returned home. The South Vietnamese are shouldering a much larger share of their own defense.

But, Mr. Speaker, the responsibility for ending American involvement does not belong alone to the President. The Congress is a coequal branch of Government and should assist in making the policies affecting the war.

Earlier this month this House rejected an amendment to the defense procurement bill sponsored by the gentleman from Michigan (Mr. NEDZI) and the gentleman from Ohio (Mr. WHALEN).

I opposed that proposal on the floor of this House because I believe it purported to do something which it did not do—set an effective date for American withdrawal from Vietnam.

I was convinced that the amendment was misleading, that it was, in fact, a hoax.

However, Mr. Speaker, the Mansfield amendment is another matter.

It tells the President that the Congress wants the United States to withdraw from Southeast Asia no later than 9 months after enactment of the provision, subject to release of all American prisoners of war within the same period.

The amendment "urges and requests" the President to implement the policy declared in the resolution.

It does not set a phony date. It does not make false promises. It does not raise false hopes.

The Mansfield amendment provides the people of this country with a message from Congress on the war. We know that the President is committed to a total withdrawal. This measure assures the President that the Congress is committed also.

Mr. Speaker, the people of our Nation want this war to end. They want the killing stopped. The President does and so does the Congress.

It is our duty to play a meaningful role in this endeavor. We cannot sit idly by and observe and only criticize. We must fulfill our obligations. We must act.

Mr. NELSEN. Mr. Speaker, I have listened with great care to the ongoing debates here in the House of Representatives involving various legislative initiatives dealing with the war in Vietnam.

It has become my own deepest conviction that we must do nothing here that would hamper the President's essential task of disengaging the United States from the war in a manner that best serves the American future and the cause of lasting peace. We must do nothing here that would hamper the President's efforts to safely withdraw U.S. forces from the war or that would impede his efforts, at the same time, to secure the release of all American prisoners of war in Southeast Asia through a negotiated settlement at Paris that would bring peace to our beleaguered Indochina allies as well as to ourselves.

It has been too often overlooked that this Congress has no constitutional authority to negotiate a settlement. That constitutional responsibility falls alone on the shoulders of the President and the executive branch of Government which he heads.

If the President were failing to bring U.S. participation in this war to a close—in accordance with the overwhelming wishes of the American people—then perhaps these legislative initiatives would seem less partisanly inspired and more justifiable. But as was pointed out awhile ago, the President's record in comparison with that of the Senate's or of his predecessors in the Presidency hardly bears comparison. Mr. Nixon's record shows that he has cut the U.S. troop level in Vietnam to less than half what it was when he assumed the Presidency. His plans call for the completion of the withdrawal of more than 365,000 U.S. troops from the war by the end of this November, some two-thirds of those in the war at the time he took office. The Senate's record, by contrast: Zero U.S. troop withdrawals from the war.

This tragic war should not be a partisan matter. So I ask why should we establish a fixed, public date for the total withdrawal of American forces from the war when this can only rob the President of all flexibility and relieve the Communists of the slightest need to negotiate? Why should we seek to infringe upon the President's constitutional right to execute foreign policy when the primary responsibility is the President's?

Why should we place such great trust on the Hanoi government's unstated willingness to release all of our men when that government has so brutally failed to live up to its word in the past? Although a signatory of the Geneva Convention Relating to the Treatment of Prisoners of War, Hanoi has broken the convention repeatedly by refusing to identify captured prisoners or to permit the free exchange of mail or to permit inspection of its prison camps by neutrals or to release the seriously sick and wounded. All the North Vietnamese have promised so far is to "discuss" the release of U.S. prisoners, even if we were to set a firm withdrawal date.

Why should we seek to associate ourselves with the amendment now under discussion when it is widely recognized that it is legally meaningless and can only serve to deceive the American people further? Surely, the revelations contained in the Pentagon papers make it abundantly plain that there has been far too much deception already.

And finally, why now, of all times, should we seek to undercut the negotiating position of the United States? The lead editorial in yesterday's Washington Sunday Star pointed out that this past Thursday, Le Duc Tho, a powerful member of the North Vietnamese politburo, returned to Paris. The Star noted:

> Tho's travel plans never are casual. He left Paris at the time of the Cambodian incursion, declaring that he would return "when the development of the situation warrants it." He has returned and we can only presume that "the situation warrants it," that something is afoot, that if a breakthrough has not been made the possibility at least exists that one may be made.

I would like to draw something else the Star had to say to the attention of my colleagues, because it apparently needs emphasizing:

> If we are to survive as a free people, it is essential that we rediscover a sense of national unity and purpose, that we achieve a consensus of shared ideals and goals free of political partisanship.
>
> A good place to start is with the Presi-

dency. Mr. Nixon, whatever his faults may be, happens to be the only President we have. All of us, including U.S. Senators (and Congressmen), have an obligation to support him in his effort to extricate this country from Vietnam and to maintain its national security.

Contentious divisions here in Congress can only strengthen Hanoi's hand and weaken ours. I sincerely believe that these divisions have helped to prolong this terrible war which everyone, the President most of all, wants ended. In a matter of such crucial importance to the American people, clearly the President is entitled to our united support.

I include the full Star editorial at this point in my remarks:

[From the Sunday Star, June 27, 1971]

PLAYING POLITICS WITH NATIONAL SECURITY

When the Senate passed the Mansfield amendment on Tuesday, we were inclined, reluctantly, to support it as the cost of ensuring passage of the two-year extension of the draft, which is essential to our national security.

The majority leader's amendment, passed by a 57–42 vote, would make it the declared "policy of the United States" to "terminate at the earliest practicable date all military operations of the United States in Indochina" and provide for the withdrawal of "all United States military forces not later than nine months" after enactment, conditional upon the release of all American prisoners of war held by Hanoi and its allies.

Our original objections to the amendment were threefold. It has been our contention all along that no useful purpose would be served by the enactment of any legislation, however vague, which would unilaterally and publicly establish a withdrawal schedule for the American forces in Vietnam. For this would both rob the President of all flexibility and relieve the Communists of the slightest need to negotiate.

Our second objection to the Mansfield amendment was a constitutional one. The amendment is a transparent attempt on the part of the Senate to formulate and execute foreign policy. Congress does have a role to play in the sphere of foreign relations. But its functions in this respect must be limited; the initiative is and must be in presidential hands—for the responsibility for the success or failure of foreign policy is fundamentally his.

Our third objection was that the Mansfield amendment legally is essentially meaningless, amounting as it does to little more than a sense-of-the-Senate resolution. Nevertheless, the amendment constituted the first major victory of critics of the Nixon administration's handling of the Vietnam war.

These objections to the Mansfield amendment were real and fundamental. But our conviction of the absolute necessity of obtaining rapid passage of legislation to extend the draft for two years was so deep that we were on the verge of supporting the amendment as a necessary evil. Had we done so, we now feel we might have made a grave error.

The decision to stick by our original position of opposition to legislative enactment of any withdrawal schedule was occasioned by the return to Paris Thursday of Le Duc Tho, a powerful member of the North Vietnamees politburo who has been overseeing the stalled peace talks. Tho's travel plans never are casual. He left Paris at the time of the Cambodian incursion, declaring that he would return "when the development of the situation warrants it." He has returned and we can only presume that "the situation warrants it," that something is afoot, that if a breakthrough has not been made the possibility at least exists that one *may* be made.

And our contacts with the White House suggest that this is the view from Pennsylvania Avenue. Administration spokesmen are letting it be known that Mr. Nixon plans to fight the Mansfield amendment with all the forces at his disposal and that he intends to do so on grounds that passage would—or could—seriously prejudice the chances of achieving a negotiated peace and the return of the American prisoners.

We do not by any means accept everything the White House says at face value. But in the absence of any obvious ulterior motive on the part of the administration, we are prepared to believe—if others are not—that Mr. Nixon says what he means and means what he says. We believe he is trying to disengage the United States forces from Southeast Asia and to achieve the return of the POWs. Since he and he alone will bear the final responsibility for the success or failure of his policies, we cannot deny him the room for maneuver necessary to execute those policies, particularly at a time when some movement seems possible. So we return to our first principles and urge the House to reject the Mansfield amendment.

This means a fight and there is considerable risk involved. The main difficulty is not likely to lie in the House, where the Armed Services Committee conferees are certain to oppose the Mansfield amendment, although there is a chance that a floor fight might develop.

But the return to the Senate of the draft law without the Mansfield amendment surely would provoke a major confrontation there, with the prospect of a lengthy filibuster by Senators Gravel, Cranston, and perhaps others. This would continue well past the expiration of the present draft law on Wednesday.

The ability of the administration's supporters to enforce cloture, which requires a two-thirds vote, is highly suspect (the vote for cloture after attachment of the Mansfield amendment was only 65–27, three more than necessary). So, baring a return to rationality on the part of the dissenting senators, the only limitation on debate is likely to be their physical durability.

But talk as they will, the filibustering senators will not be able to hamstring the Defense Department. Draft boards will continue to function and the nation's manpower needs will be met, if necessary, by conscripting youngsters who are already registered but have been granted deferments. Nevertheless, this could provoke a wave of resentment throughout the country given the existing mood of anti-militarism and isolationism: Nobody wants to be drafted when the draft law has expired.

So it can be seen that the nation soon may be facing yet another crisis, a constitutional crisis in the Senate and one of confidence in the country. We do not welcome this struggle but it is one that must be both faced and won.

We feel this way not out of any particular affection for Richard Nixon. We supported him in 1968, but it is by no means certain that we will do so in 1972. This is not an issue of partisan loyalty and it goes beyond the question of presidential prerogative, although that in itself is not an unimportant issue.

The two questions of substance are these: Is the President or Congress better placed to negotiate peace? And is a draft law necessary to the nation's security at this time?

To us it is clear that the President and only he can bring about an end to our military involvement in Southeast Asia and the return of the POWs to their families, ends ardently desired by us all. Congressional intrusion into this field can only confuse the other side and dim the prospects for agreement. Hanoi has to know with whom it must deal, and that person is the President of the United States.

As for the necessity of a draft law, that is too obvious to require detailed discussion. The initial steps have been taken to lay the groundwork for the creation of an all-volunteer army. But that time is not yet, and until it arrives there must be a draft law on the books.

Although publication of the Pentagon Papers did not reflect adversely on the Nixon administration—they dealt only with earlier years—it is clear that the turmoil surrounding their appearance in print had an effect on the Senate when it voted to pass the Mansfield amendment. There is a bitter mood of recrimination and denigration loose in the land and the effect has been to make the Vietnam negotiations and the draft—both of which are national security questions—political issues.

If we are to survive as a free people it is essential that we rediscover a sense of national unity and purpose, that we achieve a consensus of shared ideals and goals free of political partisanship.

A good place to start is with the presidency. Mr. Nixon, whatever his faults may be happens to be the only President we have. All of us, including United States senators, have an obligation to support him in his effort to extricate this country from Vietnam and to maintain its national security.

Accordingly, we urge the House to defeat the Mansfield amendment and the Senate to accept the draft law without that pernicious rider.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I support the motion by the distinguished gentleman from Ohio (Mr. WHALEN).

This is a historic moment for this body. It is also a rare moment when so clear-cut an issue comes to us and we are given the opportunity to vote it up or down.

I strongly believe we should vote it up, Mr. Speaker. I strongly believe this House should go on record as the spokesman for the American people and say to the world: The Congress of the United States says the time has come for America to disengage from Southeast Asia.

The important thing here is not really whether you or I or the gentleman from Ohio feels that this is the proper course. The important thing, I believe, is that a majority of the American people feel it is the proper course and the proper time to follow it. We are, after all, advocates of the people.

And the people know instinctively that we are dangerously close to breaking our national will and unity on the anvil of Vietnam. They will take only so many hammer blows against an intransigent situation before they finally splinter. Especially when the ring of steel on steel becomes more and more hollow and will eventually turn into the empty clanking of denouement.

I do not believe this Government should ask the American people for any more. The people have had enough and they want us to release them from their painful promise. If we continue to demand the people's allegiance, we may lose it altogether. I think we must preserve our national will and purpose and unity against the winters that lie in wait for us.

Mr. Speaker, this House has today a moment that may not come again. Let us not lose it to history, nor lose the American people to a cause that no longer commands their dedication.

Mr. BUCHANAN. Mr. Speaker, I urge the House to support the distinguished chairman of the House Armed Services Committee, Mr. HÉBERT, and to oppose the instruction of the conferees to accept the Mansfield amendment passed by the other body in conference.

As the chairman has well spoken, the provisions in this amendment which purport to give protection to our prisoners of war will not, in fact, protect them as well as the present policy of this administration of a phased withdrawal of American troops.

The prisoners of war have been and will continue to be used as pawns by the North Vietnamese to attain at the negotiating table the victories they cannot achieve on the battlefield.

Mr. Speaker, as important as is the issue of our prisoners of war, it is not the only issue involved and must not, therefore, be the only consideration in American policy in Southeast Asia.

This country has commitments to the people of South Vietnam to help insure freedom for them.

We have commitments also to the thousands of Americans who have given their lives in this struggle for freedom and self-determination of South Vietnam and for the peoples of other Southeast Asian nations.

Are we to say, Mr. Speaker, that we will give the Communists free reign in South Vietnam if they release our prisoners of war—free reign to perpetuate the atrocities for which they are well known, free reign to murder all who oppose them.

Given the nature of the Communists forces in Southeast Asia and the history of their atrocities, as recorded by the tragedy of Huey, by Dr. Tom Dooley and others, this is exactly what we will say if we totally and precipitiously withdraw our forces on promises of release for American POW's.

Are we to cast aside all the progress which has been made in South Vietnam despite a devastating war—the adoption of a constitution, free elections the creation of a tripartite government, land and other reforms which are taking place?

President Nixon did not make the decisions which got this Nation deeply embroiled in a no-win war in Southeast Asia. When he took office he found more than a half million American troops already there.

But he is responsible for the policy of Vietnamization which is working and which is extricating the United States from South Vietnam in an honorable manner while providing for the safety of our remaining troops and attempting to obtain the release of our prisoners of war.

To continue this clearly defined course of withdrawal which the President has set is, in my judgment, the safest and best way to obtain the release for our prisoners of war and to provide self-determination for the people of South Vietnam.

With or without successful negotiations, Mr. Speaker, we are on the course to an orderly withdrawal and an honorable peace. Yet failure to support our President now could needlessly and futilely undermine the very cause for which both Americans and South Vietnamese have paid so high a price. I urge the defeat of the motion to instruct and the support of the request of the distinguished chairman of the Armed Services Committee.

Mr. CONYERS. Mr. Speaker, since the Nixon administration and this body apparently refuse to acknowledge that the simplest way to prevent further American deaths in Vietnam is to either withdraw immediately or to set a definite date for withdrawal, perhaps the best plan to stop the killing is for the United States to declare an immediate cease-fire and to seek a permanent cease-fire agreement. This would halt the flow of blood immediately and offer the hope that an internationally supervised cease-fire agreement could be negotiated.

As Leonard Woodcock noted in his keynote address before Americans for Democratic Action:

> The question is no longer whether, but when, the U.S. should withdraw from South Vietnam—immediately, or by December 31—this year or next? . . . Whatever date you support for getting out of Vietnam, everyone will agree that *now* is the time to do everything in our power to get all the killing stopped at the earliest possible moment, in advance of whatever date is set for American withdrawal.

Vietnamization, whatever the term implies, will not end the slaughter now or in the future, until one side is victorious. A cease-fire might inject some respect and credibility back into the now ineffectural Paris peace talks, probably our last, albeit fading hope for a political end to the war.

Now is the time for a cease-fire. The American people have been lied to for too long about what we are doing in Southeast Asia. And Americans are tired of the administration's tactic of prolonging a war to save POW's, when only an end to the war will free them and only an end to the war will prevent more of our men from being captured. More importantly, simple withdrawal would save only American lives, whereas an immediate cease-fire would end the production of corpses of all colors.

I commend the text of the remarks of Leonard Woodcock, quoted earlier, which sets forth a comprehensive group of proposals for ending this tragic war, based on the simple and achievable beginning of a unilateral cease-fire by the United States. The text follows:

EXCERPT FROM KEYNOTE ADDRESS BY LEONARD WOODCOCK, PRESIDENT, INTERNATIONAL UNION, UAW, AMERICANS FOR DEMOCRATIC ACTION CONVENTION, SHERATON PARK HOTEL, WASHINGTON, D.C., APRIL 30, 1971

It is clear that the American consensus against the Indochina war has broadened far beyond the liberal and campus communities where it began. From coast to coast, across middle America, in every accent throughout the land, voices are calling on the Administration to end this tragic conflict and to end U.S. involvement in it.

The question is no longer whether, but when, the U.S. should withdraw from South Vietnam—immediately, or by December 31—this year or next?

The cynical expectation is that the President's unstated date is sometime near November 1972, in time for his own re-election. At the current rate of withdrawal, there will be around 80,000 troops, perhaps all volunteers by July of 1972. Unless there is a break in the negotiatons which resolves the prisoner of war issue, these troops and the American prisoners of war in North Vietnam could be made hostages for each other, with the withdrawal date contingent upon prisoner release as the North Vietnamese await the outcome of our 1972 elections.

Whatever date you support for getting out of Vietnam, everyone will agree that *now* is the time to do everything in our power to get all the killing stopped at the earliest possible moment, in advance of whatever date is set for American withdrawal.

For it is clear that Nixon's "Vietnamization" plan will not end the conflict or the killing. Ending direct American combat involvement will simply substitute Vietnamese blood for that of American, yellow bodies for white ones. The North and South Vietnamese will continue, perhaps for years to come, to tear each other apart and blow each other to bits with the bombs and bullets, planes and tanks and mortars supplied to them by their respective allies, until one side or the other wins a victory and imposes its will by force on the people of South Vietnam.

With the Paris negotiations all but dead, hope has virtually disappeared for a political solution, as the parties use the talks for propaganda purposes.

Yet, the coming months present a new opportunity, perhaps the last, for the U.S. to take actions for peace, to pursue a policy that could end all the killing and not just "Vietnamize" it, to break the deadlock and bring about negotiations for the accommodations that are necessary to reaching a political settlement.

1971 is an election year in South Vietnam, with the voters there choosing a new House of Representatives in August and a President in October. These elections could be a fraud and a farce, or they could be the occasion for moving the conflict from the military to the political arena. What the United States does in the coming months can be decisive in either direction. Now is the time for us to act for peace instead of for war.

Here is what I believe we should do.

First, the United States should initiate immediately and unilaterally, a standstill cease-fire, taking defensive positions and stopping all offensive military action, including all air and ground missions, firing only in self defense. We would announce and publicize throughout South Vietnam our intention and plan to take no military action except in self defense, to establish a peaceful atmosphere for the period of the campaigns and elections, inviting and urging the other side to join in the cease-fire and elections. At the same time we would continue our withdrawals, and announce unequivocally our intention to withdraw *all* military force as soon as a permanent, effectively supervised cease-fire has been agreed upon.

We should test the sincerity of Mme. Binh and Xuan Thuy and not dismiss their offers out of hand as not credible and propaganda. Such a reaction is that of a government which wants the war to continue.

Simultaneously, we should undertake vigorous pursuit of a permanent internationally supervised cease-fire agreement. Some such agreement is essential to ending the fighting and to assure the safe return of U.S. prisoners of war and all U.S. military forces.

On October 7, 1970, President Nixon, with great fanfare, proposed a standstill cease-fire throughout all of Indochina. The proposal was hailed throughout the country and the world, by hawks and doves alike, and for the first time it appeared that the U.S. had changed its policy, that negotiations would replace Mr. Kissinger's "Vietnamization" policy, and that peace might have a chance. I personally and publicly supported this proposal of the President's.

Unfortunately for humanity, the proposal

was kept alive for just about four weeks. After November 3, 1970, it was dropped, and has hardly been mentioned since, much less followed up as a serious proposal would be. Once again Vietnamization emerged as the only policy the Administration intended to follow.

Was the cease-fire proposal a cruel hoax—a phony election gimmick designed only to help Republican candidates in the last weeks of the campaign? Or does the Nixon Administration simply lack the will or the imagination or the energy or the negotiating skill or the guts to follow through on their cease-fire proposal?

When pressed on this question, their excuse is simply that the other side rejected the proposal.

Well, if the UAW had taken no for an answer and dropped its proposal the first time GM said "No," or if we had failed to analyze the language of the replies we received, and pursue the openings, however oblique and subtle they may have been, or if we had failed to take initiatives, or modify our proposals in response to theirs, or if we had failed to mobilize support and interest in our position on the part of the public—we'd still be sitting at the negotiating table in Detroit getting nowhere, just as the negotiators are in Paris.

The months of diplomatic activity that have surrounded the Middle East cease-fire proposal suggest that when the Administration is serious, it knows how to proceed, to enlist the aid of outside parties, to enlist the allies of both sides, exploring every possible opening, influencing its own allies, developing detailed proposals and responses, carrying on a full scale, sustained diplomatic program in its behalf.

It would seem not unreasonable to expect that at least some of this kind of energy could be expended on behalf of the October 7th proposal for a cease-fire in Vietnam, where American men are dying now, and where American prisoners are held captive now.

The Nixon Administration's concentration in the Paris talks on the release of American prisoners before ending the conflict puts the cart before the horse, and in a very cruel sense, using our men as an excuse for not negotiating, perhaps keeping them in captivity longer than necessary.

Negotiation, and not Vietnamization, is a way to unlock the cells of the American prisoners in North Vietnam.

There are now on the table at Paris cease-fire proposals by both sides—proposals that are admittedly very far apart, but which could be the vehicle for resuming talks if the U.S. would undertake a sustained program in pursuit of a political rather than a military solution in Vietnam.

Simultaneously with the cease-fire initiatives, we must bring pressures to bear for political initiatives in South Vietnam.

The other side must be invited to participate fully with adequate safeguards in every aspect of the coming elections—not only in voting and running candidates, but in coalition care-taker arrangements which would include all parties and could take the elections effectively out of the unrestricted jurisdiction of the Thieu-Ky government.

Such an offer could meet some of the objections raised by the other side to elections with Thieu and Ky in charge, or perhaps open the way to negotiation of some kind of acceptable arrangements which could take the parties a long way toward the accommodations necessary to a political settlement. If the other side is ever to give up violence they must have full and fair access to the political process and guarantees against reprisals for political activities.

Even if the other side does not participate openly, the elections could still provide the occasion for broadening the government, bringing in neutralist elements and paving the way for tacit political accommodations. A defacto cease-fire could increase the chances for success.

In any case, the American government must refrain from any activity or aid on behalf of any candidates, or which would compromise the freedom and integrity of these elections. At the same time, we must bring every pressure to bear on the Thieu government to make provisions for fair and honest elections. We should prohibit the use of any of our military or other resources on behalf of any candidates. We should demand the release of all those imprisoned for political activity, and insist upon freedom of speech, assembly and the press for all citizens, fair access to the mass media and freedom to travel by all candidates, and guarantees against reprisals for political activity.

To help assure that these elections are fair and open, and to deter rigging or cheating by any parties, an international citizens observer team should be formed, in consultation and cooperation with the various Vietnamese parties and groups, to work on the scene in South Vietnam for the campaign and election period, to observe, evaluate and report on the honesty of the electoral process. Such a team could enlist moral and political leaders, humanitarians and parliamentarians from countries around the world to join with the Vietnamese people to help assure honest elections. The objectivity and integrity of such a commission must be above question, with its only partisanship on behalf of peace and the opportunity for all the South Vietnamese people to choose freely, without coercion, their own leaders and government.

Finally, to help bind the sickening wounds of this war, we must pledge at least a billion dollars in aid and reconstruction to both North and South Vietnam, to be administered not by the U.S., but through an independent, international agency.

The Buddhists, the liberal Catholics, the trade unions, the peace leaders in South Vietnam, have called on the U.S. repeatedly, and continuously, for this kind of initiative and program. These are the independent forces for peace, and progress and democracy in South Vietnam. Their voices must be heard and heeded, for they speak for the vast majority of Vietnamese people who don't have guns, and who can benefit only when the contending parties are forced to compete politically for their support, rather than coerce them with military force.

To succeed, this cannot be a piece-meal program, undertaken timidly, step by step. It must be done all at once, simultaneously, and immediately. We must act boldly and act now. The risks to our men's lives which they will claim once again as the reason it cannot be done, are infinitesimally small compared with the risks of Laos, of the Sontay raids, of Cambodia, of continuing Vietnamization.

And they offer at least a hope that all the killing, of Vietnamese as well as Americans, can be stopped, once and for all.

Too many opportunities may have gone by already for this to succeed. It may be too late. But then again, it may not. We must seize what may be the very last moment we will ever have to make one final effort to stop all the killing, and move toward a solution of this tragic war.

All I am saying is "Give peace a chance."

Mr. RANDALL. Mr. Speaker, I support the motion to table the motion to instruct the conferees on the so-called Mansfield amendment added by the other body to the Military Selective Service Act of 1967.

On its face and at a first, or preliminary appraisal, the amendment seems to be one that would be easily acceptable by all Members because it provides that it is a declaration of policy of the United States to terminate at the earliest practicable date all military operations in Southeast Asia, but not later than 9 months after the enactment of this section, subject to the release of all American prisoners of war held by the North Vietnamese Government. But we must take a second and much more careful look.

Mr. Speaker, my vote to table should not be taken as a desire to prolong the war 1 day more than necessary to achieve an orderly withdrawal of our forces. We must always take into account the lives and safety of our men.

I believe the present administration is pledged to and is following a course to wind down the war. I am convinced that up to now, at this point, the administration has no intention of enlarging the war or prolonging the conflict any longer than is necessary for an orderly, meaning a safe, withdrawal of our troops.

I hope it is clearly understood that the foregoing conclusion is based upon present circumstances, and if it should later appear that there is any lessening of the pace of withdrawal, at that time I will not stand back to support every congressional sanction, pressure, and compulsion that may be available to be exercised by the Congress to assure our accelerated withdrawal.

For my own part, whether it may be a hunch or some kind of an inner feeling, or, as one Member put it, a visceral reaction, we may be on the eve of some really productive negotiations. For that reason, at this particular time, I believe it is the better part of wisdom to reject a motion to instruct our conferees.

Le Duc Tho left Paris at the time of the Cambodian incursion and said he would not return until the situation warranted it. He did return last Thursday, and we can only assume that something may be afoot. At least there is the possibility of a breakthrough. Hopefully there will now be some productive negotiations.

The Mansfield proposal is inadequate, in that it makes no provision at all for military assistance of our allies after the 9-month period which would end on April 1, 1972. On the other hand, it is subject to the same disadvantages of Nedzi-Whalen in that it sets a precise date. Nine months is precise and it raises only a presumption that our prisoners of war will be released within that 9 months. We should recall that at no time did the North Vietnamese ever say that they would release our prisoners on our withdrawal. They only said they would discuss with us the release of our prisoners of war. I have heard it argued that the reason the Mansfield amendment attracted a majority in the other body was that it was only an opinion of or a sense of the Congress. It is my judgment that if the Congress expects to assume any coequal responsibility to end the war, it must do more than express an opinion or create a symbolism. The time may come in the not too distant future in an appropriation bill when the Congress can do something meaningful to assist the President to reduce the magnitude of the war, and at the same time keep in step with and in support of his demon-

strated determination to wind down the war.

Our conferees, if not shackled by a motion to instruct, could go about trying to improve the language of the imperfect and inadequate Mansfield amendment to a degree it might be acceptable to both bodies. Remember, the amendment does not account for a category of our prisoners who are listed as missing in action.

More than 300,000 troops have already been brought home. Sixty percent of our troops have already been withdrawn, and that has been done in an orderly way with safety for our men. Now let me make it clear that I have disagreed with the President on many issues and by agreeing with him now it does not amount to a commitment that I may continue to agree with him 6 weeks or 6 months from now on the Vietnam issue.

The Mansfield amendment could have a devastating effect on Vietnamization. The amendment does establish, in effect, the date of April 1, 1972, which means a unilateral withdrawal that could jeopardize American lives. No nation in all history has ever allowed its strategy to be so open to the enemy as we would do with a precise date. Even though the date is not spelled out, it is there—9 months from July 1, 1971, is April 1, 1972, just as precise as December 31, 1971, was in the Nedzi-Whalen amendment.

It is true the Vietnam war is now sourer than ever in the public's eye. The American people are weary of this miserable war. There will be a much more important vote later on this session. If the President does not continue his accelerated withdrawal there will be another congressional opportunity that will come at the time of the appropriations bill. Then there can be a reduction of funding, but not a cutoff of funds, for Southeast Asia. Neither the President nor the Congress would want to completely cut off all funds because those who do must assume the burden of abandoning American boys.

The issue today can be clearly drawn into focus by two or three questions. Is the President or the Congress at this moment better placed and better qualified to negotiate peace? Will congressional intrusion now confuse Hanoi as to whether the President or the Congress speaks for this country and thus dim the prospects for an agreement?

My support of the President is not because of unwavering affection. This is not a matter of partisan loyalty. It is a question of Presidential prerogative. We have only one President. I intend at this time under the present existing circumstances to support him as long as he continues his accelerated efforts to extricate us from Vietnam.

As someone has recently written, if the House approves the Mansfield withdrawal resolution at this time when word from Paris seems to signal a new turn in the negotiations, it means to throw a monkey wrench in the peace machinery.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the distinguished minority whip, the gentleman from Illinois (Mr. ARENDS).

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

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

Mr. WYMAN. Mr. Speaker, I thank the gentleman for yielding. I will be brief in my support of the motion to table and in opposition to the Mansfield substitute.

This is not because I don't want us out of Vietnam. I do. But the way to get out is by negotiating an agreement with the enemy—a meaningful agreement by the terms of which we at the very least obtain the release of our prisoners before we take all of our troops out of there or end our support functions. There are a lot of collateral points to be negotiated such as the air support from Thailand, Laos, or carriers. As the gentleman from Wisconsin has said, the Mansfield substitute is a deception of the American people. Let me point out in part why this is so.

The text of the Mansfield substitute reads as follows:

It is hereby declared to be the policy of the United States to terminate at the earliest possible date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the government of North Vietnam and forces allied with such government. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the government of North Vietnam and forces allied with such government, such date to be not later than nine months after the date of enactment of this act.

(2) Negotiate with the government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President (but within nine months of enactment of the act).

A paragraph analysis of the foregoing shows this clearly.

This declaration of policy is essentially meaningless in that it is not legally binding on the executive branch. It only expresses the wish of the Congress that the United States tell the enemy it is going to get all of its military forces out within 9 months subject to the release of all prisoners of war held by Hanoi and other governments. Such a declaration gives the American people the impression that all we have to do is obtain agreement for the release of the prisoners and get out within 9 months and it is all over. The situation is not that simple. Other governments are involved—Laos, Cambodia, Thailand—as well as the Vietcong, and the substitute does not indicate whether the release of the American prisoners must be within the 9-month period. This is a serious defect in legislation draftmanship.

The so-called final date for withdrawal of all military forces within 9 months presumes an ability to agree with North Vietnam's representatives that they will give us back our prisoners within that time and that the other countries that have American prisoners will also do so. There is not the slightest basis for the conclusion that they will make such an agreement when the U.S. policy of Vietnamization involves a continuing steady withdrawal of American troops anyway and when the intransigence of the enemy on every aspect of negotiation has been a matter of record in Paris for years now.

I find no objection to attempt to negotiate a cease-fire and hope that could and would be done. I would remind the House, however, that the enemy has shown no signs of being willing to negotiate anything except upon conditions of dishonor to the United States and to its commitments and to its valiant personnel who have died in this unfortunate war.

In the pretense of negotiation of "phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war" is again an expression of hope that the enemy would negotiate. There has been no indication of the enemy's willingness to do this to date. The mere addition of a legislative declaration of a wish that their attitude should change on this will not make any difference. It cannot.

Mr. Speaker, President Nixon, as the Commander in Chief, has been negotiating a disengagement from Vietnam ever since he has been President. He has withdrawn more than 60 percent of our personnel, over 300,000 men. Within the past 3 months I have personally suggested to the President the possibility of a prisoner exchange proportion to our rate of troop withdrawal; that is, for every 25,000 troops withdrawn, they return so many prisoners. I know the President has been considering this. I suspect those who represent us in Paris have brought this up but to no avail.

The Mansfield substitute adds nothing to all of this except to try to put the legislative branch into the picture pretending to the American people that it is in the batter's box with the Chief Executive—the Commander in Chief, when it is not at bat.

Mr. Speaker, we ought not to instruct our conferees in this deceptive and useless manner. I urge a vote in favor of the motion to table.

Mr. ARENDS. Mr. Speaker and my colleagues, as one who will very likely be one of the conferees on this very important measure, the draft bill, I appeal to you in all the sincerity and with a great amount of feeling that I have from the depth of my heart, do not tie the hands of the conferees on this bill.

I plead with you this afternoon not to do that, for the very simple reason that, time and time again, during the many years I have been here, I have seen conferees go to conference and eventually come out with an approach to the difficult problem that confronted them

proved to be a better approach than anyone thought possible at the time.

Therefore, Mr. Speaker, I hope the conferees will be free that they might be able to come forth with a better plan, after having explored the many ramifications of what is involved.

If you want this House to work its will on this important piece of legislation which we passed in April and has been materially amended in the Senate that you give us the opportunity to work our will, and we will try to bring about a sound agreement on the issues.

Let me tell you why this Mansfield amendment as offered is objectionable: First, it will not bring about the termination of hostilities in Indochina but rather it will do the opposite. It will serve to cause a continuation of hostilities in Indochina for the reason that there will be no incentive for North Vietnam to negotiate. In my opinion it would seriously jeopardize the U.S. efforts to negotiate a settlement to the Indochina conflict. It would have a devastating effect on the South Vietnamese people, at the very time Vietnamization is proving a success and we are bringing about an orderly withdrawal, and it will have an impact of considerable consequences on the approaching national elections in South Vietnam. This will also have a serious impact in Paris, Saigon, and other areas where, if we now, and particularly by legislation, set a date for the unilateral troop withdrawal.

And, in my judgment, it will hinder the prospects of gaining the freedom of our prisoners of war.

During my service in Congress I have sat in on a number of very important and sometimes critical national conferences at the White House. I sat in on such White House conferences during the days of the Kennedy administration when he called a bipartisan meeting with the leadership in Congress. I never once considered him to be anything but a good American. I knew of his integrity, his honesty and purpose. He had but one purpose and that was to do that which was best for our security and peace. I might have questioned his decision on certain matters, but I recognized that our Presidents have the best information with respect to particular situations internationally. He has sources of information no one else could have, and he has primary responsibility in the field of foreign affairs.

Likewise, I sat in on many conferences with former President Lyndon Johnson, and never did I challenge or question his integrity or honesty of purpose. And, I hope no one will go to the extreme of taking a political approach toward this matter. Let us work out in conference some agreement whereby we can effectuate the end of this war in Vietnam.

Everyone, including the President and all of us here, want to bring an end to this conflict. But I am sure if you instruct us to go to conference as some would have us do, it would be one of the greatest errors that could possibly be made.

Mr. Speaker, I implore this House not to tie our hands but to give us an opportunity to try to work out a feasible answer to this very serious problem which confronts our Nation and which the Mansfield amendment itself presents.

I ask you once more, do not tie our hands on this important question.

Mr. HÉBERT. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, in his opening statement the distinguished chairman of the Committee on Armed Services indicated not an adamant attitude in opposition to compromise on the Mansfield amendment. He urged this body to give him and his fellow conferees a free hand to negotiate.

In a subsequent colloquy with the gentleman from Illinois, the chairman of the Committee on Armed Services reiterated his request that he and his fellow conferees be given a free hand in negotiating a reasonable settlement.

Over the years the House of Representatives has learned that it is good policy not to instruct conferees to accept something that was drafted and passed in the other body.

It is far better from the point of view of the House to permit our conferees to go to the other body with a free hand to find an equitable and proper solution, a reasonable compromise.

As I look around this Chamber on both sides of the aisle, I see many Members who have been conferees in the past who have pled with the House not to instruct them to go to a conference with the Senate and accept without change what the other body decided. I believe those Members who have pled with the House in the past to give them a free hand as conferees, now have an obligation to give the gentleman from Louisiana and the gentleman from Illinois and their fellow conferees an opportunity for a free hand to negotiate in this instance.

In his opening remarks, the gentleman from Ohio read the so-called Mansfield amendment. I think it appropriate on this occasion for me to read in part the letter that the gentleman from Ohio sent to all of us, and let me quote from his letter of June 24, 1971. It says:

> It is reasonable and moderate on this point and guarantees the safety of our troops and the return of our prisoners of war.

If you read the Mansfield amendment, you know that statement is not accurate. The Mansfield amendment says that 9 months after the adoption of this Selective Service Act, there shall be a cease-fire of military activities by ourselves, and a withdrawal of our troops, providing in the meantime the President has negotiated with the Communists on the prisoners of war and for a cease-fire.

The Mansfield amendment does not provide a guarantee of the return of our prisoners of war.

Ladies and gentlemen of the House, the Mansfield amendment says we shall negotiate for the return of our prisoners of war. Of course, it ignores the missing in action. The Mansfield amendment says we shall negotiate a cease-fire. On the other hand, the Mansfield amendment gives away—gives away from our negotiators the opportunity to look for something in return for the prisoners of war, the missing in action and a cease-fire. We have been giving away too much in negotiations without getting something in return. I hope the House will move to table the motion to instruct.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from Michigan has expired.

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

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will count.

Two hundred and sixty-six members are present, a quorum.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the distinguished Speaker of the House, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I shall not use the full 5 minutes.

Mr. Speaker, I realize as does every Member of the House of Representatives, that the American people are tired of the miserable war that our boys are fighting in far away Vietnam. At least 3 or 4 years ago, the then chairman of the Joint Chiefs of Staff, General Wheeler, in the presence of the leadership in a meeting at the White House, said that he did not know how long the American people would support this miserable war—and that is what he called it.

I agree with the distinguished minority leader that we should send our conferees to the conference unfettered. Let them explore the issues pro and con fully.

I respect the judgment of every Member on this issue. But in my own judgment, the adoption of the Whalen motion would not be in the best interest of the United States of America.

I talked to the President of the United States this morning and he expressed the same opinion. I do not always agree with the President, and I make no guarantee that I will continuously support any President even in matters of foreign policy, although I have supported a bipartisan foreign policy ever since I have come to the Congress. But I believe setting a fixed date for withdrawal from Vietnam this far in advance, whether as an expression of hope, or desire, or policy, or cutting off funds, might well undermine negotiations and make further diplomatic exchanges futile. Although we are disengaging and have already withdrawn some 300,000 of our fighting men, we still are involved in a war. I fear the possibility that the establishment of deadlines could jeopardize American lives and that we might have a lot more prisoners of war that we would be trying to free if we go at this thing without a complete plan and without making sure that we can get all of our men safely out before the issue is finally determined. Let us not take our options and give them to the enemy.

No nation has ever exposed its strategy in detail before an enemy—none that I have ever heard of.

It is, therefore, my judgment—and I repeat—that the adoption of the motion

which our friend from Ohio will offer will not be in the best interests of the United States of America.

Mr. HÉBERT. Mr. Speaker, I yield myself the balance of the time remaining.

The SPEAKER. The gentleman from Louisiana is recognized for 2 minutes.

Mr. HÉBERT. Mr. Speaker, and Members of the House, let me express my deep personal appreciation to the leadership of both sides in standing four-square for what they consider the best procedure to take at this time.

At the same time let me pay my respects to those who disagree. I respect their sincerity. I respect their motives. I attempted to give them equal time. I divided up the time allotted me equally so that each side had an equal opportunity.

Ladies and gentlemen of the House, I ask you in the interest of this country and in the interest of those prisoners of war, do not shackle me. Please do not. Please do not put handcuffs on my conferees. Let us come back here with language that we can accept and adopt. But do not cut off the words, do not cut off the sentences or paragraphs, do not make us take something that would not be the best possible language acceptable to this body or even to the other body, but give us the confidence that we had hoped to get from you. The gentleman from Illinois (Mr. FINDLEY) proposed language which is persuasive. There may be better language that we can agree upon. Perhaps we can accept some other proposal. I do not know. But let us understand that the important thing is that you are expressing confidence in your conferees who within the last 2 weeks here, on some six or seven votes, by over 100 votes, rejected this Banquo's ghost that keeps haunting us, and which will continue to haunt us unless we put it down now. Give your conferees that confidence.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. HÉBERT).

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HÉBERT. Am I correct that the motion before the House is a motion offered by the gentleman from Louisiana to appoint conferees, and after disposition of that motion, the gentleman from Ohio will offer his amendment? I want to be sure that every Member knows that the present action is on a pro forma motion.

The SPEAKER. After the motion of the gentleman from Louisiana is carried, the gentleman from Ohio will have the right to offer his motion.

Mr. HÉBERT. And that is the motion that we have been discussing.

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

The motion was agreed to.

MOTION OFFERED BY MR. WHALEN

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

The Clerk read as follows:

Mr. WHALEN moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 6531, be instructed to agree to the amendment of the Senate numbered 165, known as the Mansfield amendment.

MOTION OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I offer a motion to table.

The Clerk read as follows:

Mr. HÉBERT of Louisiana moves to lay on the table the motion offered by Mr. WHALEN.

The SPEAKER. The question is on the motion to table offered by the gentleman from Louisiana.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 175, not voting 39, as follows:

[Roll No. 167]

YEAS—219

Abbitt	Fountain	Patman
Abernethy	Frelinghuysen	Pelly
Anderson, Ill.	Frey	Pettis
Andrews, Ala.	Fulton, Pa.	Peyser
Andrews, N. Dak.	Fuqua	Pike
Annunzio	Garmatz	Pirnie
Archer	Goldwater	Poage
Arends	Gonzalez	Poff
Aspinall	Goodling	Powell
Baker	Griffin	Price, Ill.
Baring	Grover	Price, Tex.
Belcher	Gubser	Quie
Bell	Haley	Quillen
Betts	Hall	Randall
Bevill	Hammer-schmidt	Rarick
Blackburn	Hansen, Idaho	Reid, Ill.
Blanton	Harsha	Rhodes
Boggs	Hastings	Roberts
Bolling	Hays	Robinson, Va.
Bow	Hébert	Rogers
Bray	Henderson	Ruth
Brinkley	Hogan	Sandman
Brooks	Holifield	Satterfield
Broomfield	Horton	Saylor
Brotzman	Hosmer	Scherle
Brown, Mich.	Hull	Schmitz
Brown, Ohio	Hunt	Schneebeli
Broyhill, N.C.	Hutchinson	Scott
Broyhill, Va.	Jarman	Sebelius
Buchanan	Johnson, Calif.	Shoup
Burke, Fla.	Johnson, Pa.	Shriver
Burleson, Tex.	Jonas	Sikes
Byrnes, Wis.	Jones, Ala.	Sisk
Byron	Jones, Tenn.	Skubitz
Cabell	Kazen	Smith, Calif.
Caffery	Keating	Smith, N.Y.
Carter	Kee	Spence
Casey, Tex.	Keith	Springer
Cederberg	Kemp	Stanton, J. William
Chamberlain	King	Steed
Chappell	Kluczynski	Steiger, Ariz.
Clancy	Kuykendall	Steiger, Wis.
Clark	Kyl	Stratton
Clausen, Don H.	Landgrebe	Stubblefield
Clawson, Del	Latta	Talcott
Cleveland	Lennon	Teague, Calif.
Collier	Lent	Teague, Tex.
Colmer	Lloyd	Terry
Conable	Lujan	Thompson, Ga.
Crane	McClory	Thomson, Wis.
Daniel, Va.	McClure	Thone
Davis, S.C.	McCollister	Vander Jagt
Davis, Wis.	McFall	Veysey
de la Garza	McKay	Waggonner
Delaney	McKevitt	Wampler
Dellenback	McMillan	Ware
Dennis	Mahon	Whitehurst
Derwinski	Mailliard	Whitten
Dickinson	Mann	Widnall
Dorn	Mathis, Ga.	Wiggins
Dowdy	Mayne	Williams
Duncan	Miller, Calif.	Wilson, Bob
du Pont	Mills, Ark.	Winn
Edmondson	Mills, Md.	Wright
Edwards, Ala.	Minshall	Wyatt
Erlenborn	Mizell	Wydler
Eshleman	Mollohan	Wylie
Evins, Tenn.	Montgomery	Wyman
Findley	Morgan	Young, Fla.
Fisher	Myers	Young, Tex.
Flood	Nelsen	Zablocki
Flowers	Nichols	Zion
Ford, Gerald R.	O'Konski	
	Passman	

NAYS—175

Abourezk	Green, Oreg.	Patten
Abzug	Green, Pa.	Pepper
Adams	Griffiths	Perkins
Addabbo	Gross	Podell
Alexander	Gude	Preyer, N.C.
Anderson, Tenn.	Halpern	Pryor, Ark.
Aspin	Hamilton	Pucinski
Badillo	Hanley	Railsback
Barrett	Hanna	Rangel
Begich	Hansen, Wash.	Rees
Bennett	Harrington	Reid, N.Y.
Bergland	Harvey	Reuss
Biester	Hathaway	Riegle
Bingham	Hawkins	Robison, N.Y.
Blatnik	Hechler, W. Va.	Rodino
Boland	Heckler, Mass.	Roe
Brademas	Helstoski	Roncalio
Burke, Mass.	Hicks, Wash.	Rooney, N.Y.
Burlison, Mo.	Howard	Rooney, Pa.
Burton	Hungate	Rosenthal
Byrne, Pa.	Jacobs	Roush
Carey, N.Y.	Jones, N.C.	Rousselot
Carney	Karth	Roy
Celler	Kastenmeier	Ruppe
Collins, Ill.	Koch	Ryan
Collins, Tex.	Kyros	St Germain
Conte	Landrum	Sarbanes
Conyers	Leggett	Scheuer
Corman	Link	Schwengel
Cotter	Long, Md.	Seiberling
Coughlin	McCloskey	Shipley
Culver	McCormack	Slack
Daniels, N.J.	McDade	Smith, Iowa
Danielson	McDonald, Mich.	Snyder
Dellums	McKinney	Stafford
Dingell	Macdonald, Mass.	Staggers
Dow	Madden	Stanton, James V.
Downing	Matsunaga	Steele
Drinan	Mazzoli	Stokes
Dulski	Meeds	Sullivan
Dwyer	Melcher	Symington
Eckhardt	Metcalfe	Thompson, N.J.
Edwards, Calif.	Mikva	Tiernan
Eilberg	Miller, Ohio	Udall
Esch	Minish	Ullman
Evans, Colo.	Mink	Van Deerlin
Flynt	Mitchell	Vanik
Foley	Monagan	Vigorito
Ford, William D.	Moorhead	Waldie
Forsythe	Morse	Watts
Fraser	Mosher	Whalen
Frenzel	Moss	White
Fulton, Tenn.	Murphy, N.Y.	Wilson, Charles H.
Galifianakis	Natcher	Wolff
Gaydos	Nedzi	Yates
Giaimo	Nix	Yatron
Gibbons	Obey	Zwach
Grasso	O'Hara	
Gray	O'Neill	

NOT VOTING—39

Anderson, Calif.	Donohue	Mathias, Calif.
Ashbrook	Edwards, La.	Michel
Ashley	Fascell	Murphy, Ill.
Biaggi	Fish	Pickle
Brasco	Gallagher	Purcell
Camp	Gettys	Rostenkowski
Chisholm	Hagan	Roybal
Clay	Hicks, Mass.	Runnels
Davis, Ga.	Hillis	Stephens
Denholm	Ichord	Stuckey
Dent	Long, La.	Taylor
Devine	McCulloch	Whalley
Diggs	McEwen	
	Martin	

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Long of Louisiana for, with Mr. Dent against.

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

Mr. Ashbrook for, with Mr. Biaggi against.

Mr. Camp for, with Mr. Fascell against.

Mr. Devine for, with Mr. Roybal against.

Mr. Michel for, with Mr. Taylor against.

Mr. Fish for, with Mr. Rostenkowski against.

Mr. Hillis for, with Mr. Murphy of Illinois against.

Mr. McEwen for, with Mr. Stuckey against.

Mr. Purcell for, with Mr. Denholm against.

Mr. Stephens for, with Mrs. Chisholm against.

Mr. Gettys for, with Mr. Clay against.

Mr. Hagan for, with Mr. Diggs against.

Mr. Gallagher for, with Mr. Anderson of California against.

Mr. Ichord for, with Mr. Donohue against.

Until further notice:

Mr. Ashley with Mr. Whalley.

Mrs. Hicks of Massachusetts with Mr. Mathias of California.

Mr. Pickle with Mr. Davis of Georgia.

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

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees: Messrs. HÉBERT, PRICE of Illinois, FISHER, BENNETT, ARENDS, O'KONSKI, and BRAY.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill and the conference.

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

There was no objection.

REPORT OF THE COMMODITY CREDIT CORPORATION FOR THE FISCAL YEAR ENDED JUNE 30, 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *June 28, 1971.*

THE 1970 ANNUAL REPORT ON AGRICULTURAL EXPORT ACTIVITIES CARRIED OUT UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–135)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the 1970 annual report on agricultural export activities carried out under Public Law 480. In a year which saw more than its share of disasters around the world, Public Law 480 concessional sales programs and donations once again reflected the desire of the people of the United States to try to help others improve their own circumstances by improving the agricultural foundation of their economies.

The Public Law 480 program demonstrated its flexibility in 1970 both by responding quickly to the immediate needs of countries in distress, and by using food assistance to promote long range development in developing countries. One important example of the program's scope and success was our aid to victims of the earthquake in Peru—much of which was channeled through voluntary relief agencies.

The Public Law 480 program also provided increasing benefits to the United States. Currencies generated by the program together with the increasing volume of payments received under past long term credit sales agreements, resulted in a contribution of more than $300 million to our balance of payments in 1970. In addition, this program has placed increasing emphasis on helping recipient nations develop their own economies and thus become better export markets for the United States.

Public Law 480 has now been extended through 1973. As our efforts move forward, we will continue to stress both trade development and food assistance through this highly esteemed program.

RICHARD NIXON.

THE WHITE HOUSE, *June 28, 1971.*

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. ROBISON) and myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9271, with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Oklahoma (Mr. STEED) will be recognized for 1 hour, and the gentleman from New York (Mr. ROBISON) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma.

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

Mr. Chairman, we are here today to present to the House the annual appropriation bill for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1972.

Like all committees, we got a late start this year, and additional agencies were added to our subcommittee's jurisdiction, which increased our workload. Under the circumstances, we feel that we are presenting a good bill as early in the year as reasonably possible.

At the outset I want to express my appreciation to the other members of the subcommittee. We started this year with four new members, and I appreciate their cooperation and the effort they have made to become familiar with the provisions of this bill in its varied aspects.

This is also the first year the gentleman from New York (Mr. ROBISON) has been the ranking minority member for the entire consideration of the bill, and I want to say I deeply appreciate the support, the hard work and the help I have received from him. He has made an otherwise very difficult job much easier and much more enjoyable.

I should like also to express a word of appreciation to the gentleman from Alabama (Mr. EDWARDS). He was kind enough this year to do a special job of study of the general provisions in the bill. He has done an outstanding job, and has made it possible for us to present a bill today with the general provisions updated, modernized, and in the shape they should be.

The budget estimates for fiscal year 1972 requested a total appropriation of $4,780,576,000, of which $1,471,722,000 was for the new Postal Corporation, which goes into official effect on July 1.

Of these budget requests the committee approved $4,487,289,000, which provides for a total reduction in budget requests of $293,287,000.

The Treasury part of the bill, which deals with some of the oldest and most important and best known agencies of our Government is allowed under our recommendation $1,523,490,000. This is $184,831,000 more than for fiscal year 1971, but $45,289,000 under the amount requested in the budget. Most of the increases in the Treasury Department outside of the normal growth increases and those increases made necessary because of pay raises are in the Law Enforcement Training School, which I think is going to be a very valuable addition to the Government's ability to cope with crime, and in the Internal Revenue Service, the Bureau of Customs, and the U.S. Secret Service.

I would like to stress again the fact that when you look at the Treasury Department in its entirety it consists of four general categories. It is not only one of the largest law enforcement activities in the country, second only to the Department of Justice, but it is also in the business of manufacturing. It is the world's greatest bookkeeper, and it also is the world's greatest tax collector.

In the Bureau of the Mint and the Bureau of Engraving and Printing we operate two of the greatest, most efficient manufacturing processes known to man, and in the Bureau of Accounts, the Bureau of Debt Management, and in the

Office of the Treasurer we process more detailed fiscal matters than any other agency in the history of the world. As a matter of fact, the Treasury Department will issue, process, pay, reconcile, and cancel out, something over 500 million Federal checks during the forthcoming fiscal year. This, added to the checks issued by the Postal Service and the military, will make a new total in checks issued in the name of the Federal Government during the forthcoming year in the neighborhood of 660 million.

In the general Government-type items we find not only the White House and the President and his staff and the commissions and agencies which are part and parcel of his activities, such as the Council of Economic Advisers, the National Security Council, the Domestic Council, and the Office of Management and Budget, but also two very important agencies which have been added to this only this year; namely, the General Services Administration and the U.S. Civil Service Commission.

In connection with the Civil Service Commission, the committee allowed all of the funds that the actuaries say are necessary to bring the accounts up to date for the annuities and for the health benefits which are under the jurisdiction of the Civil Service Commission.

The General Services Administration operates six major divisions in the housekeeping field for the Government. I think the review we made indicates that this agency is doing a very outstanding job. One thing probably of interest to the Members is that one of these six divisions happens to be National Archives and under their jurisdiction are the several Presidential libraries, the most recent addition being the Lyndon Baines Johnson Library at the University of Texas. The operation of these libraries are a function of the National Archives under the jurisdiction of the General Services Administration.

One of the things that impressed me is that under present policymakers of the General Services Administration who, of course, dispose of our Government surpluses, a special effort is being made to cope with the situation that is building up in Southeast Asia.

Mr. Chairman, when we began to withdraw troops from over there the pipelines in the logistics field for the servicing of the more than one-half million men and, of course, at full flow was tremendous. After the reduction in the number of men came about, it took more time to slow down the flow in the pipeline and the delay of some very large expenditures have accrued not only in Okinawa, but in Vietnam itself.

Now, in order to reduce the waste and the mismanagement in this sort of a situation, a number of task forces have been set up by all of the agencies involved under the leadership of the General Services Administration. We believe that this time there will be a very creditable job performed in dealing with the giveaway type of services that accrue from this honing down or cutting down of the activities in that part of the world.

In the field of medical supplies that you need when you have a lot of troops in that part of the world, you will find that many of these drugs and medicines have a very short shelf life; so short in fact that many of them would exceed their effective life before they could be returned to this country.

Now, under this program these types of things are declared surplus as soon as possible and are made available to our friends in that part of the world, the trust territories, and the other friendly countries in Southeast Asia so that the maximum benefit might be obtained from these articles rather than letting them go to waste.

All through the whole complex matter of some 400,000 or 500,000 items involved in that sort of situation, decisions will be made as to what to keep and return home and as to what should be disposed of in that part of the world on a surplus basis by giving away to friendly nations those items in order to prevent spoilage.

Mr. Chairman, I think this is the first time we have had a far-reaching program of this type and I certainly hope a lot of good comes from it.

Now, let me turn to the post office situation. As the Members know, this is the first year that we have had a transition situation. We are now in the last few days of the existence of the U.S. Post Office Department. On July 1 it becomes the U.S. Postal Service, an independent Corporation. These highly complex and unusual transitional circumstances have posed some special problems for the committee. We have tried to be as generous and as cautious as we know how to be in meeting this kind of situation. We have gone into considerable detail in the report, because of the fact that there are new factors involved this year that never existed before in the history of the Congress or the Postal Service.

Under the law that created the Postal Corporation, the Postmaster General, on the instructions of the Board of Directors, is authorized to come to the Congress and to seek Federal funds under two categories. First, he is permitted to seek up to 10 percent of the amount of money that represents the total 1971 cost of the Post Office Department, which is estimated to be in the neighborhood of $9.2 billion.

Now, the other item, the Department was given 5 years under the law to phase in higher postal rates for those classes of mail not currently paying their cost. The Postmaster General is permitted to seek funds from Congress for a part of the difference and this is known as revenue forgone.

He asked for something in the neighborhood of $680 million for revenue forgone for the coming fiscal year. The administration saw fit to reduce this amount by $191 million. So the official budget request that was presented to the committee for revenue forgone was $481 million.

It was testified that the cost of public services that the 10 percent to which I just referred is designed to cover, would be somewhere in the neighborhood of $300 million. While under the law he could ask for, and did ask for, the full 10 percent of the 1971 appropriation, which amounted to some $900 million, the committee has made a reduction of $254,200,000.

The thinking of the committee is that, taking all the facts we had into consideration, the public service costs will not be sufficient to justify appropriating the whole 10 percent this year. In addition, the Corporation will be reimbursed by other Government agencies for a great many services which previously were not on a reimbursable basis. This will be an additional source of income now which previously it did not have.

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

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

Mr. ADDABBO. Mr. Chairman, I would ask the gentleman if the reduction in the appropriation for the Postal Service Corporation in any way affects the present negotiations between the Postal Service and the postal employee organizations?

Mr. STEED. As the gentleman knows, since the gentleman is a very valuable member of the subcommittee, we have gone into this matter as thoroughly as we could, and I am sure the gentleman will agree with me that there is no possible way that the action of the committee on the funds contained in the bill today could make any impact on the wage or rate negotiations. As the gentleman knows, the temporary rate increases that were imposed by the Postmaster General under the act that created the Corporation are now in effect. Revenues are flowing from these increases and will continue to do so until the Rate Commission, which was also created by the act, has had an opportuntiy to make its findings. There is a great deal of highly technical consideration that would have to go into these rates, and most people seem to think it is going to be a few months before the Rate Commission finalizes its decision. But the considerations it will give are not based on what we have done here today, but on all the budget material, policies, presentations and negotiations of the Post Office Department. For instance, their method of determining what constitutes "revenue foregone" is based on a cost ascertainment plan they have adopted. Some of the mail users disagree with this plan and have it under attack before the Rate Commission.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield on that point?

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

Mr. JOHNSON of Pennsylvania. I thank the gentleman for yielding. The gentleman realizes that some of us who have large mailers in our districts are intensely interested in the revenue foregone situation. Do I understand that despite the fact that the committee cut this appropriation request by some $250 million you have put in a lump sum, an amount of money that Postmaster General could allocate among the various classes of mail for purposes of phasing out the increases in the rates so that it would not be too precipitous all at once?

Mr. STEED. Of course, the gentleman understands what we have done. Under

the old law, the Postmaster General could not transfer funds from one part of his activities to another without the approval of the Congress. He now has absolute unrestricted authority to transfer money as he sees fit. In my opinion, he could use the whole amount we have allowed him here for revenue foregone if he wanted to, if he could meet his other obligations otherwise.

There is no restriction in the bill as to how he uses the money.

Mr. JOHNSON of Pennsylvania. In other words, he can allocate the money to a deficiency in second class and fourth class and even third class, in your opinion?

Mr. STEED. Absolutely. Also, there is the fact that this is not going to be anything that anyone can take final action on for a few months. We think he has all the funds he will need to meet the obligations that will come up until these matters are settled once and for all.

If, after the rates are finalized, he finds that this has made an impact on his budget beyond his control, I am advised by the Office of Management and Budget that he will have recourse then to a supplemental request to the Congress for whatever would be justified in the light of that situation.

The same thing is true concerning postal wages. The Postal Service is negotiating, as you know, with the seven unions that represent the postal workers and that has now gone into the fact-finding stage. The next stage from that will be to go into the arbitration stage. No one knows—the unions do not know and the Postmaster General does not know and even the factfinders and the arbitrators do not know at this time what the outcome of that will be.

If the actions that are finalized in the labor negotiations make an impact on his budget that is different, or adversely different from what he estimated, here again he will have an opportunity to seek some redress through the supplemental appropriation route.

I discussed both of these matters with the Office of Management and Budget to make sure we were not leaving him high and dry after the actions beyond his control had made an impact on him that he could not cope with. In addition to all this, he does have, as you know, under the new Corporation, authority to borrow money up to a half billion dollars.

If the situation got that critical, for whatever reasonable period of time he may have to do so, he could go that route. We do not think it will be necessary and we do not want it to be necessary.

After we make all the computations and using the best judgment we have on the budget he has presented to us and taking into consideration the efficiency and improvements that he anticipates and the growth in volume that he anticipates and the several decisions he has already made and contemplates making to change the functions of some branches of the service during the coming fiscal year—after all these matters are taken into account, even with this cut and accepting all his other figures at face value, we still say he will have something between $200 million and $300 million in his so-called contingency fund that he made allowance for in his budget. His budget, as presented to us, if we allow him all the funds he asked for, would have given him a contingency fund of $476 million according to his own statement.

We are not opposed to his having a contingency fund, because in a function as large as the Postal Corporation with costs somewhere in excess of $10 billion a year, that is not an unusually large amount for a corporation of that type to have in its contingency fund.

We think actually the contingency fund at the end of the next fiscal year will be and probably should be substantially more than it seems to appear here on the surface. So I see no way, and I am sure the gentleman knows I would be the first to stand on this floor and insist on any amount of money, if I thought there was any remote likelihood that the action proposed would interfere with the work of the Rate Commission, or the negotiators and the arbitrators in this labor-management problem that they have.

We created the corporation to get rid of these problems and to get the Congress out of these problems. I am one who has insisted most strongly that we stay out of these problems. I think we have and I think anybody who tries to use any action of this bill in the rate situation is just not being realistic, because there is no way you can actually show that this has any impact on what they are doing down there.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield for one final question?

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

Mr. JOHNSON of Pennsylvania. Do I correctly understand that the $400 million-and-some-odd contingency fund could be made available for phasing out the rate schedule as well as other money?

Mr. STEED. Of course, if there is any contingency of that kind that comes up, if they should have a shortfall in one category or another, that is what they have it for, to pay the bill. Revenue foregone is an estimate. In the first place, he may not get as much third-class mail as he estimates he will. In the second place if he gets it, he may not lose as much money as he estimates. He might lose more. If wages go up, he might lose more. This figure is an estimate. That is what a contingency fund is for, to take care of that kind of thing and those foreseeable changes that come along in their day-to-day operations. It is a safety valve that anyone would reasonably want, and this being the first time around, facing these two uncertainties that no one can finally, at this stage in time, I think, determine, we made most of our decisions on the side of giving the Postal Service the benefit of the doubt. I would, to say the least, state that this is a generous decision we have made in relation to these two items.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

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

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

Mr. KAZEN. It was my understanding from the people who proposed this postal reorganization that at some point this corporation was going to pay its own way. They were so intent on getting out from under the Congress, they made that statement. Yet from what I see they are coming back to the Congress for whatever amounts of money they have asked. I think this committee has dealt with them pretty generously. But I can see that in the future they are going to continue to come to this Congress for money. They said they would not have to do so because they were going to run the office on a businesslike basis. I just cannot understand, Mr. Chairman, how on the one hand they say, "We do not want Congress to have anything to do with us; we do not want them to tell us how to run our business or have anything to do with us whatever," and yet they ask the Congress to continue to pay for the operation of this department.

Mr. STEED. In fairness to the Postal Service, I would like to remind the gentleman of the act itself. When the Congress enacted this law, it took into account the fact that second-, third-, and fourth-classes of mail and, to some extent, first-class, were not currently paying their own way. Since there is a very large economic factor involved, especially in second- and third-class mail, the act itself gave a 5-year phase-in time to get these rates up to where they would break even, and in the meantime we said, "We will pick up the tab for the difference, in other words, for revenue foregone."

We also said that since it is going to take a certain time to get reorganized. to construct all the physical facilities that a modern service must have, we would continue to reimburse the Corporation for public services until the end of the 10-year period. So we have authority under the law to do this.

The public service cost that we are picking up would be the difference between what they actually collect for rural mail routes and third- and fourth-class post offices and what it costs to keep them going. This is estimated to be between $200 and $300 million.

Mr. KAZEN. They are going to save a lot of money, because they have cut out all my rural routes.

Mr. STEED. This will be reviewed from year to year. If they refuse to keep faith on these so-called public services in this area, we are going to look at their budget requests in that respect. That is one of the reasons we arranged for reimbursement from the agencies for public services the Post Office was performing. With the curtailment of public services, if you are willing to pick up the tab that I have mentioned, as well as some others, any way you look at it, there would be a cushion of between $3 and $500 million. We are trying to be realistic in the decisions that we make. But as far as the making of the request is concerned, the law spells that out: for 5 years on the one hand and 10 years on the other hand, to

give them a chance to get going and to get on top of the problem.

Mr. KAZEN. May I ask the chairman if he foresees the day when all the Congress will have to appropriate to the Postal Service will be that amount which is charged to public service?

Mr. STEED. That is the intent of this whole movement, and we are supposed to be at that level in not exceeding 10 years, and hopefully 5 years.

Mr. KAZEN. There was another item in the bill which authorized them, I believe, to issue bonds to the tune of about $2 billion for construction and things of that kind.

Mr. STEED. They have bonding authority up to $10 billion.

Mr. KAZEN. $10 billion?

Mr. STEED. It is $2 billion immediately. They are going to need the $2 billion in the next 5 years if they are to build the kind of workshops and provide equipment they must have to do the mail job efficiently.

In fairness to them, their lack of the necessary physical plant is the most costly and most aggravating problem they have today, because they are dealing with 85 billion pieces of mail, and most of it in workshops that have been outgrown for years.

It might be interesting for the gentleman to know that, with respect to these 89 billion pieces of mail, 75 percent is processed in 300 large post offices. The other 25 percent is processed in 31,000 smaller offices. The big problem we have is in the 300 large offices.

To build the kind of workshop needed for this volume of business will cost a lot of money and will take time. This is one of the reasons why I was such a strong supporter of the Postal Corporation idea, because I saw no way they could get their hands on the capital funds they had to have to get on top of this problem other than through a corporate approach. Certainly it was not possible through appropriated funds, because for years we have been trying to meet just emergencies in the workshop problem, and then not having too much success.

They must have what amounts to a crash program. They have entered into a contract with the Corps of Engineers to do all their actual construction for them. Hopefully they can get the buildings put up now in a reasonable length of time.

Heretofore, if we gave them money, say, this year for a building, it would be 5 or 6 years to get it built and occupied, and in the meantime we would continue to have inefficiency and loss and delay.

We believe we are getting on top of that problem.

Mr. KAZEN. I thank the gentleman.

Mr. STEED. Mr. Chairman, I know the Members have a deep interest in the postal part of this bill. It would make it much easier in this transition period if we did not have these uncertainties now pending in the rate considerations and in the labor field, but it is nobody's fault and there is nothing to be done about it. I believe all we can do is just bide our time and keep our fingers crossed until these matters are finalized. Hopefully then we will be able to make a final determination as to whether they are justified in asking for any additional funds from the Congress.

I have had many years of experience with this, and we have given a whole lot of thought to it. I am thoroughly convinced at this point in time we have been at least quite generous with them in the action taken.

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

Mr. STEED. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Would I be correct in assuming that the reduction in spending as represented by this bill and as compared with the last fiscal year, which ends this week, is largely due to the reduced appropriation for the Post Office Department?

Mr. STEED. Most of the cut is in that area. Of the $293 million, $254 million is in the Postal side of it.

The Department did not estimate any additional manpower needs for the coming year. They estimated a 2 billion increase in volume, but they have gotten the benefits now of a great deal of new machinery we have been buying for the past several years. I believe their ability to handle more pieces of mail per employee is going up rather substantially. This is one of the few good signs we see in their operations at this point.

Mr. GROSS. I do notice the cost of the Bureau of Public Debt has gone up another $6.5 million over last year. Just the cost of administering the debt.

Mr. STEED. That is correct.

Mr. GROSS. The total is now up to $76 million a year merely to administer the public debt.

Mr. STEED. That is correct. There are two items there. They really do not have as big a payroll as this might indicate, although they have had pay raises, also. However, the two big items of cost have been the cost of postage—and, of course, rates for postage have gone up—and also the fact that they do a lot of mailing. The other is in the fees that they pay the Federal Reserve banks and other banks throughout the country for the transaction of business, such as the redemption of bonds and the selling of bonds. So this is really a fairly automatic figure. One way of looking at it is as an open-ended amount. In the last 2 or 3 years activities have been going on that have been increasing, and with the debt going up at the pace it is they have had to get supplements, because they did not have enough money in the original allowance to meet the fees assessed against them by the banks.

Mr. GROSS. At any rate, it has gone from a few million to an annual appropriation of $76 million simply to service the public debt of this country, which this year will require an interest charge of how much?

Mr. STEED. $21,150 million. Then, of course, to cheer the gentleman up a little bit more, this year and next year we will have back-to-back deficits for 2 years combined of about $56 billion. So you can rest assured that next year the interest on the national debt will be considerably more than it is now.

Another interesting thing is this: I know how hard the gentleman from Iowa has worked in this field and how interested he is. I have enjoyed all of my conversations with him and, as a matter of fact, I have learned a lot from them. But during the last 8 years Congress reduced appropriation requests about $18 billion. However, during the same period of time, 8 years, the Congress in its wisdom has enacted 71 laws and programs which cost money to the tune of about $30 billion. So, in addition to all of the normal growth of the Government, we have added on a net $12 billion in costs which did not even exist 8 years ago.

As I looked at the record the other day, there is something in excess of 8,000 bills now pending in the Congress, 99 percent of which will cost money if they ever become law. The gentleman from Iowa knows that probably 200, 300, or 400 will become law this year. So your guess is as good as mine as to how much more we will add on to the cost of the Government's budget this year no matter how much we cut the budget.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield to me?

Mr. STEED. I am glad to yield to the gentleman.

Mr. ROBISON of New York. I think our mutual friend from Iowa was taking aim more at the national debt itself than he was at the Bureau of Public Debt, because I think the gentleman from Oklahoma will agree with me that the Bureau of Public Debt itself is one of the best managed and best run and best administered agencies which comes before us.

Mr. STEED. I certainly agree with the gentleman on that.

Mr. ROBISON of New York. The gentleman will admit that it has been represented by a very fine public servant and career man named Donald Merritt who testified over the years to the degree to which they have been able to increase productivity. Some of the savings they have made have been by virtue of their productivity increase per employee. This has been something in the neighborhood of over 2,400-man years.

Mr. STEED. I could not agree with the gentleman more. I am sure that the gentleman from Iowa, if he knew the facts as closely as we do, would be very interested in finding out what the costs would be if we did not have a man of Mr. Merritt's caliber in that position.

Mr. GROSS. Will the gentleman yield so that I may make the record clear at this point? I in no way intended to cast, as the gentleman from New York (Mr. ROBISON) suggests, any reflection on the present personnel in the Bureau of Public Debt.

My concern goes to the steadily increasing costs. I am sure those costs are due to the fact that we have gone insane in the matter of spending in and out of Congress.

Mr. STEED. The gentleman from Iowa is certainly correct. This is a situation

which is also involved in the servicing of the debt and many other areas. This whole thing adds on costs, additional costs, recurring costs, to the Federal budget and it is becoming larger much too quickly, in my opinion.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield further?

Mr. STEED. I yield further to the gentleman from New York.

Mr. ROBISON of New York. Before the gentleman from Iowa sits down, although I suppose we will hear from him later on perhaps anyway but, maybe, he has not noticed that this also does carry the item which actually covers the interest on the national debt itself. This, unfortunately, is something which we on the subcommittee and on the full committee have no control whatsoever. We have to pay the bill. But this information appears on page 41 of the report and is reflected as being $21,150 million.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I would think that the bigger the debt, the more it costs to service it. Would that be a reasonable assumption?

Mr. STEED. The gentleman is quite correct, because refunding the debt is one of their largest activities and there are fees which have to be paid on this service.

Mr. ANDREWS of Alabama. I do not know of anything that has risen as fast as the item of the interest on the national debt.

Mr. STEED. I will say to the gentleman from Alabama that the cost of servicing the debt as well as the interest have gone up rather astronomically.

Mr. ANDREWS of Alabama. I was looking at the budget recently and noted that the interest on the national debt in 1961 was $8.1 billion. The interest for this year, fiscal year 1972, as I noted in the report and as I stated before the committee the other day, has already increased to the figure of $21,150 million. That is a staggering amount of money. I could not comprehend that amount of money. So I had our clerk, Mr. Wilson, break it down so that I could understand it a little better.

If the gentleman from Oklahoma will yield further, I would like to tell you the breakdown of that $21,150 million. For each second of the day, it is $670 for interest on the national debt. For each minute—and we are talking about 365 days a year, 24 hours a day, 60 minutes an hour—for each minute the interest on the national debt is $40,239. For each hour of the day it is $2,414,000. For each day, $57,945,000. For each week, $406,730,000. For each month, $1,762 million, plus.

My information is that we have not seen anything yet compared to what the national debt interest will be in the next few years.

I thank the gentleman for yielding.

Mr. STEED. In addition to the actual interest incurred on the national debt, the gentleman might like to know the cost of administering the debt has gone up $3 a second.

Mr. MEYERS. You just spent $84,000 talking.

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

Mr. STEED. I yield to the gentleman.

Mr. HANLEY. Under the provisions of the Postal Reorganization Act which was passed last year, provision was made for the establishment of a Postal Service fund. One of the items in that fund was the balance in the Post Office Department fund.

Could the gentleman tell me what the balance is in that fund which will be available to the new Postal Service, and for that matter, are there any other carryover funds that will be available to the new Service?

Mr. STEED. I am afraid I cannot give the gentleman the figures. We asked the Department for them, and they did not see fit to make them available to us. We estimate, the best we can, from the records we have, that there could be somewhere in the neighborhood of $600 million in carryover funds, although some of that may be in the category of capital funds that will eventually be used for machinery and for buildings. But at the moment with their transfer authority they can make whatever use of these funds they see fit, come July 1.

Mr. HANLEY. These funds then can be made available for normal operating purposes?

Mr. STEED. There is no restriction on anything the corporation does, except the judgment of those who operate it.

Mr. HANLEY. As I interpret you, then, we do not actually have the actual figure, this is an estimate, the figure itself is not known nor been provided by the Department?

Mr. STEED. That is right. We will not know until some time after the close of the fiscal year what the actual costs of the Department for fiscal year 1971 will be. When we get that figure, then we can tell pretty accurately what the carryover figure was, and we will have that when we bring the bill up next year.

Mr. HANLEY. I thank the gentleman for yielding.

Mr. STEED. Mr. Chairman, I reserve the balance of my time.

Mr. ROBISON of New York. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I should like to begin my remarks on this, the 1972 Treasury, Postal Service, and general Government appropriation bill, by expressing my appreciation—and that, I am sure, of all the minority members of our subcommittee—to the gentleman from Oklahoma (Mr. STEED) for his unfailing courtesy, his patience, and his objectivity. One could not ask for a finer man to work with—nor for a finer chairman to work for.

I would be remiss if I did not similarly express my thanks to the three other minority members of our subcommittee. Two of them were new to our ranks this year, a rather difficult year in that our workload was substantially increased by the addition thereto of such independent agencies as the General Services Administration and the Civil Service Commission, whose programs were new to all of us; and, certainly, without their interest in—and attendance at—our hearings, we would not have been able to cover our subject matter as thoroughly as we did nor in the time that we did.

Perhaps, Mr. Chairman, our colleagues have already noted the fact that this bill carries, for the first time this year, a new title—one incorporating therein the words general Government. That phrase was added, I assume, as a simple way of encompassing in the bill's title the variety of independent agencies—including those specialized agencies or activities that are operated through the Executive Office of the President—over whose budgetary needs we now have supervision. But, even though we do also handle the budget requests of the old-line Treasury Department, along with the residual budgetary requests of what will soon be the new U.S. Postal Service, that is, essentially, a general Government bill—or even what might be thought of as a Government housekeeping bill—in that nearly all of the program activities submitted to us for review are of a service nature. By and large, those activities involve workloads over which neither we, nor the agencies involved, have much, if any, control.

This is not, therefore, the kind of appropriation bill that readily lends itself to the "budget-cutter's knife"—no matter how much one might wish to, somehow, bring Federal spending under better control.

Instead—for those of us who must work on it in the first instance—it is the kind of bill whereunder, through as careful and thorough as possible a review of these sundry "service" activities, we endeavor to maintain a rather high degree of what can only be called legislative oversight over the programs involved. The four volumes of hearings we submit to you, Mr. Chairman, along with our bill and the report thereon, will detail for our colleagues what we have attempted to do in this regard. There is a wealth of information in those volumes, and I recommend the reading thereof by any of our colleagues who may be interested.

Nevertheless, as those same colleagues will also note—and there is a summary of this on page 2 of the report—we have managed to achieve recommended reductions in the budgetary estimates of some of these departments and agencies totaling $293,287,000, and, though we had our differences about some of these reductions, I believe it can now be said that this is the unanimous recommendation of your subcommittee.

The bill is divided into four titles, the first title being for the Treasury Department. Our recommended reduction in this title amounts to $45,289,000, the major components of which are, first, a reduction of $15,477,000 in the "first phase" of the estimated construction costs for the consolidated Law Enforcement Training Center, out at Beltsville, Md. Both Treasury and GSA informed us that only about $20 million of the amount requested—which was $36,477,000—could be obligated in fiscal 1972, so we have allowed only $21 million for this item and, to be honest about it, this "cut" is really only a deferment, and I feel compelled to note further, with concern, the fact that, while the original prospectus for this facility contemplated a cost of

only a little over $18 million, the most recent prospectus therefor—as just approved by the Public Works Committee—now shows a probable cost of $52.6 million. This sort of thing happens altogether too often, to my mind. Of course, size of this facility has been expanded, now, to accommodate more trainees, and some additional accessory features have been built into the plan. Besides which, inflation in construction costs has added its inevitable toll. But I, for one, have since the beginning had some doubts about the need for both this facility and the new "FBI Academy," which is also now under construction at another location, and so I surely hope that Treasury's estimate for this project is now an accurate, and final one, and that we will see no further cost escalations.

The second major cut in the Treasury items is $1.5 million, brought about by our denial of a request in that amount to be used by the Bureau of the Mint to acquire a site for a new mint at Denver, Colo. As is mentioned in the report, we are aware of the probable need for a new mint by about 1980 to augment the Bureau's present capacity, but the new Philadelphia mint has not yet reached its maximum capacity and the present Denver mint is, by far and away, the most economical one of the three mints in operation, leaving us with considerable doubts about whether or not it should be the one to be replaced.

The third major reduction involves our disallowance—though it is done without prejudice as to future reconsideration—of $3,250,000 as asked for by the Bureau of the Public Debt, certainly one of the better-run agencies to come before us, to cover the costs of merging its Chicago office into its Parkersburg, W. Va., office. As the hearings will reveal, there was opposition to this move expressed to us by certain of our colleagues from the Chicago area—with special reference to those Chicago Bureau employees who might not be able to find other Federal employment, and also questioning the purported savings from any such merger—and so we simply felt that the entire matter demanded further study.

The fourth major Treasury reduction involves a cut of over $21 million in the "compliance" account request as submitted by the Internal Revenue Service. For this activity, IRS requested 2,740 additional positions. We have allowed 1,560 such positions, bringing to 48,300 the permanent positions available under this activity, which seems to have no practical limit as to the total number of personnel that might be utilized. We are, of course, fully aware of the workload here involved—a workload that increases year after year in the same way a cat has kittens—and we are aware of the ultimate importance of this portion of IRS's overall task as necessary to insure volunteer tax compliance on the part of our citizens. And we could hardly ignore the testimony of the retiring Commissioner of IRS, Mr. Thrower, to the effect that the additional compliance personnel requested might recover, in taxes owed the Government, five times the cost of such added personnel. But, at the same time, we simply felt that more selective and judicious use of agents assigned by IRS to this particular job could possibly produce the same result—particularly in light of the fact that, though improving, the "no-change audit" rate for the first 7 months of fiscal 1971 was running at 34 percent—and we felt that both the IRS, under its new Commissioner, and the subcommittee ought to take another look at the compliance picture before adding all these additional people.

The final major reduction under the Treasury item is a relatively small one of $570,000 in the Secret Service's request. I am sure we all have the highest regard for the Secret Service—for its Director, Jim Rowley, and the dedicated men who serve under him—and we have, since the tragic death of President Kennedy, been adding regularly to its duties, as well as asking the near-impossible of both him and his men. However, this is one agency whose personnel needs have been increasing by leaps and bounds and, while we certainly wish to do nothing that will detract from its ability to carry out its essential primary and secondary missions, I believe we are beginning to feel that, with the 2,876 permanent positions allowed under this bill, we have reached a practical ceiling of sorts.

The next major reduction in the budget estimates—and it is the largest reduction, by far, in the bill—occurs under title II of the bill where consideration is given to the residual budgetary needs of the new Postal Service.

I say "residual" because we have, need I remind anyone, declared the independence of the Postal Service—which will begin its operations this week Thursday—from both the baleful influence of "politics" and, by and large, the controlling hand of Congress. And we have done so for better, or for worse.

Surely, one hopes—and none more so than I—that it will prove, in the long run, to be for the better.

The Postal Reorganization Act, as approved in the last Congress, was truly an historic measure. I was proud to support it, and will surely do all I can—as will every member of our subcommittee—to help the new Postal Service achieve the promise inherent in the act of putting our Nation's postal system, as soon as humanly possible, on an efficient, businesslike basis; in short, to give the mail users of this Nation the best postal system—and service—in the world.

It will take time, however—and perhaps more time than their present critics will permit—for Postmaster General Blount and his Board of Governors to bring this about. Certainly, we have all heard—perhaps some of you here this afternoon have expressed such thoughts, yourselves—that the postal service is no better, now, than it was before "reform," or that it is even worse.

Incidentally, when we were coming over here this afternoon to talk again about how to end the war, one of my colleagues said, "Let us turn it over to the Postal Service. They will certainly slow it down."

In any event, let us remember that the new Service does not even begin operations on its own, to tackle the many deficiencies and inadequacies of the old system, until this week on Thursday. Let us not, therefore, ask of Postmaster General Blount and his people, especially the thousands of dedicated postal employees who also want the new Service to succeed, that which is impossible. Let us, instead, be willing to give them all the necessary time within which to bring about the basic improvements in operations and management that are now still on the drawing boards. I am convinced they can succeed in their goals—and I am convinced they will, if we do not hamper their efforts and lower their morale by our own constant carping and unfair criticism.

Now, the gentleman from Oklahoma (Mr. STEED) has carefully and thoroughly outlined for you the nature of our responsibilities in this regard—advising you that the new Postal Service now has its own businesslike budget. We have not inquired into that budget. We have not questioned it, nor have we changed it in any way. And we have not done so because we believe we lack any authority, under the Postal Reorganization Act, to do so.

Instead, under that act, our authority—and the congressional authority—is limited to consideration of two items: First, the amount required by the new Service to cover its so-called revenue-foregone costs in all classes of mail where existing rates of postage are below the estimated handling costs; and, second, the amount to be appropriated by Congress to the Service to cover its so-called public service costs. There was—this year alone—a third item to consider along with these two: The Service's request for $56,322,000 to "cost-out" the expiring Post Office Department's obligation—for fiscal 1970 and 1971—to the Labor Department, which figure represented the POD's nonfunded obligation for workmen's compensation purposes. In future years this is an item that will be a part of the Service's own budget.

In any event, in addition to this $56,322,000 for such purposes, the Service asked of Congress—for fiscal 1972—$481,400,000 to cover the revenue-foregone item, and $934 million as supposedly needed to cover its public-service costs.

The three items together totaled $1,471,722,000 and, if fully appropriated, would supplement the Service's own estimated cash income, from all sources, of $8,679,792,000, and would thus round out the Service's own, first, "businesslike" budget—as it liked to refer to it—at a total of $10,151,514,000. By comparison, the expiring Department's fiscal 1971 budget—including carryover funds and reimbursements—was $9,592,317,000.

I know this gets confusing, and I dislike throwing all these figures at you, but please bear with me a moment longer.

Eventually, of course, it is hoped that the Service will operate on a break-even basis—though no one can say when that day will actually come, if ever. To move in that direction, the Service has, of course, as everyone knows, recently instituted pursuant to its authority under

the act proceedings before the independent Postal Rate Commission for an increase in a variety of postal rates; and, further, pursuant to the act it has imposed those rate increases on a temporary basis.

The desirability of phasing in certain of those rate increases over a period of years so that they will not be an undue burden on the mail users involved—again as authorized by the act—leaves the Service's estimated costs still substantially exceeding its revenues; hence, the "revenue-foregone" situation, and a breakdown of how the Service arrived at the $481,400,000 for this item appears on page 233, of part 2 of our hearings.

To arrive at the requested $934,000,000 for "public-service" costs, the Service referred us to that section in the act authorizing it to ask of Congress up to 10 percent of the total 1971 postal budget for such purposes—which relate, in large part, to the extra costs over potential revenues of maintaining a nationwide postal service, one reaching into rural areas and small communities where postal operations will probably never be self-sustaining.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ROBISON of New York. Mr. Chairman, I yield myself an additional 3 minutes.

The $934,000,000 is approximately 10 percent of the expiring Department's 1971 budget.

However, at the same time, witnesses for the Service told us on several occasions that actual "public-service" costs—and, let me repeat that, actual "public-service" costs would not exceed $300,000,000 in fiscal 1972.

With this in mind, we inquired as to our obligation—or the congressional obligation—under the intent of the applicable provisions of the act, to appropriate to the Service the full 10 percent of the Department's 1971 budget, and we were advised that this was a "ceiling" not a "floor," thus leaving us with some discretion.

In light, then, of the fact that—as the gentleman from Oklahoma (Mr. STEED) has outlined—the Service built into its own budget a "contingency fund" of $476,500,000; in light of the fact that the amount requested for "public-service" costs was considerably in excess of actual "public-service" costs; and, finally, in light of the fact that the Service does have borrowing authority under the act of up to $500,000,000 a year for operating purposes, we determined to recommend to you a reduction of $254,200,000 in the overall request, and to suggest a total appropriation to the Service for these combined purposes of $1,217,522,000.

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

Mr. ROBISON of New York. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I have noted each year what I consider to be fantastic increases in the costs of the Secret Service. I am pleased to hear the gentleman say, if I understood him correctly, that he hopes that Congress has now reached a plateau with respect to the increased costs of maintaining the Secret Service.

Mr. ROBISON of New York. I appreciate the gentleman's comment. That is at least my own hope. Of course, as I said back at that point in my remarks, we have added additional duties to the Secret Service's list of responsibilities, including now protection of certain candidates for presidential nominations before they actually become nominees. So we may have a problem here, but we think we may have reached a plateau.

Mr. GROSS. I understand some of the reasons for the increase, but I certainly hope that the leveling off process in costs is taking place.

Now, turning to page 33 of the report, I am intrigued by the fact that it costs about twice as much to maintain the Johnson Library at Austin, Tex., as it does to maintain the Hoover and Roosevelt Libraries. I am curious to know why it costs so much more for the Lyndon Johnson Library at Austin, Tex.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBISON of New York. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, the gentleman from Iowa has asked a question which I honestly cannot answer. I know that the "LBJ" Library in Texas is a very large and extensive and probably expensive library. I personally do not know about the size or the number of volumes and documents and so forth in Mr. Hoover's library, but I suppose that there is a difference here that may relate to the difference in operating costs.

Mr. GROSS. I note also that in some way provision is already being made for the creation of an eventual Nixon Library.

Mr. ROBISON of New York. Yes.

Mr. GROSS. I would hope that can wait until Mr. Nixon leaves the Presidency before getting into the problem of a library for him.

Is this to be followed by a library for every President of the United States from here on ad infinitum, or what is the story? Does the gentleman have any thoughts on the matter?

Mr. ROBISON of New York. It definitely seems to be the pattern, I will say to the gentleman. I have no aspirations of my own in that direction.

Mr. GROSS. Neither have I. But the point is this: I wonder if the gentleman will agree that what they are putting into these libraries, beyond their own personal correspondence and papers, is the property of the U.S. Government. Are we going to see this Government property proliferated all over the United States? It seems to me it would be well if Johnson papers, relating to the so-called Pentagon papers, that the former President has taken down to Austin, Tex.—it seems to me it would be well if those papers had been left here in Washington, D.C., under lock and key. I do not understand why this property, which is the property of all the people of the United States, is being hauled off to Austin, Tex., or anywhere else.

Mr. ROBISON of New York. The gentleman asks some very difficult questions, I would say, relative to the copy of the "Pentagon papers," so-called, that Mr. Johnson is supposed to have, that it is probably still in his possession. I am quite confident that the New York Times did not use that particular copy as its source for beginning all of this recent difficulties.

Mr. GROSS. I do not know how much credence you can put in it, but I read in the papers the other day that he has hundreds of White House papers in Austin, Tex., dealing with the same subject.

Mr. STEED. Will the gentleman yield to me?

Mr. ROBISON of New York. I yield to the gentleman from Oklahoma.

Mr. STEED. I think it is well here for the Members to understand that the same thing has been done in connection with the Johnson Library that was done with Hoover, Eisenhower, Truman, and Kennedy Libraries insofar as Presidential papers are concerned. They are now under the jurisdiction of the Federal Government and are outside the control of the man himself in the library at Austin. It has already been taken over by Archives and is under their jurisdiction, just like the other libraries. The Pentagon papers and that sort of thing are a matter for the National Archives itself, apart from the Presidential papers.

Mr. GROSS. Will the gentleman yield further?

Mr. ROBISON of New York. I yield one more time to the gentleman.

Mr. GROSS. This question deals equally with all the Presidential libraries Of course, the Hoover library was constructed long after Mr. Hoover left the Presidency.

Does the construction of a library and the movement of his papers result in any kind of preferential tax treatment for a former President?

Mr STEED. Mr. Chairman, if the gentleman from New York will yield further, insofar as I know, none whatsoever. These are official documents which are handled in the same manner as the operation is going on right now. There are six people on the staff of President Nixon who are experts and they decide which papers are to be retained and how they are to be retained so that at sometime in the future the Nixon Library will have these papers in the same manner that the other Presidents have done. This is done to preserve for future generations the most valuable documents of our Government. The only cost to the Government after the library is created is the maintenance of it.

Mr. GROSS. Yes, and it is a considerable amount, according to the way it is building up in these appropriation bills.

Mr. STEED. It is my information that the several libraries throughout the country are highly sought after and are used by people who are interested in historical and public events. I think the gentleman would find that to be true in his own community.

Mr. GROSS. That means we have to go there to make use of the papers when they ought to be at one central place, and that is Washington, D.C.

Mr. STEED. It must be admitted that it would get to be a rather huge warehouse if you had them all in one place, and they would not, in that way, be as readily available to the general public.

Mr. GROSS. Well, that would be all right.

Mr. ROBISON of New York. Mr. Chairman, I have a feeling that things are getting a little bit out of hand and I should like to continue with my statement.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield to me at this point?

Mr. ROBISON of New York. I yield to the gentleman from Texas.

Mr. GONZALEZ. I have asked the gentleman to yield just briefly because of this colloquy and the questions which have been asked. I was at the dedication of the library in Austin. My understanding was that there would be no such thing as papers marked as security matters or privileged matters that would be of sensitive and of contemporaneous significance.

I thought all the Presidents would have in the libraries were documents having to do with their own activities.

Is it true the security papers such as defined as "the Pentagon papers," is that type of document permitted? I thought it was not.

Mr. ROBISON of New York. I think the gentleman is probably right. I have read, and I assume the gentleman has also, that Mr. Johnson did have when he left the White House a copy of the Pentagon papers.

Mr. GONZALEZ. My understanding is that there will be no such thing as classified security matters from the Department of Defense or any other department at such places as the Austin library.

Mr. ROBISON of New York. If there were they would presumably still be kept that way until someone properly declassified them.

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

Mr. ROBISON of New York. I yield to the gentleman from Ohio.

Mr. WHALEN. I thank the gentleman for yielding. I would like to read some of the cost expenditures with reference to the new Postal Service which appear on page 15 of the committee report, as follows:

On May 16, 1971, under authority of the Postal Reorganization Act, the Postmaster General imposed temporary rate increases as follows:

Then in the next paragraph there is the following:

The Postal Rate Commission is presently considering the Postal Service's request to make these rates permanent, but is not expected to make its final determination for several months.

Then near the end of the page there is the following:

The Committee strongly feels that action taken in this bill should in no way affect the rate issue now under consideration by the Postal Rate Commission.

Just prior to the quotation there is the following:

Even so, the Committee feels that funds provided in the bill are more than sufficient to enable the Postal Service to meet all its needs until such time as the rate issues are settled.

My question is this: If it turns out that these funds in this bill are not sufficient, is it the committee's view that the Postal Service does not have under the authority of the act of 1971 to impose unilaterally further temporary increases in rates?

Mr. ROBISON of New York. It is my understanding and my interpretation of the act that the Postal Service can only have one outstanding temporary rate increase at one time, which means, to answer the gentleman's question as best I can, that the independent Postal Rate Commission would have to come to a decision first before the Postal Service could then ask it to consider further rate increases and attempt to impose those on a temporary basis, shall we say, while the Postal Rate Commission considers the additional request for further increases.

Mr. WHALEN. I thank the gentleman.

Mr. ROBISON of New York. Mr. Chairman, I shall try to wind up now by referring to the same general subject about which the gentleman was asking me, which is really whether or not the amount which we have recommended to appropriate for the Service will be sufficient to its needs.

Will the reduction made hamstring the Service in its difficult task of negotiating successfully with its employee unions—as it is now doing—bearing in mind the fact that those union demands, if all granted, could carry an eventual price tag of some $10 billion a year, or nearly double the Service's present budget?

I seriously doubt that anyone can answer these questions with any precision. For, not only does the Service face the unknowns involved in its labor negotiations, but the equally serious unknowns involved in its pending rate cases, as well.

One set of unknowns impinges upon the other.

And, until there is a settlement—however arrived at—in both such directions, not even the greatest artist in the world could draw an accurate picture of the Service's actual fiscal situation.

So, we have done the best we could, under all the existing circumstances—using our own best judgment, to arrive at the true needs, at the moment, of the Service in the forthcoming fiscal year. Those needs may change. Undoubtedly, they will, during the year and, if they change drastically enough it may be necessary for us, in some fashion, to take another look at them, which is a door I, for one, do not now wish to close.

Now, it may be said that we have not acted within the "spirit" or intent of the Postal Reorganization Act. And it may also be said that our recommendation, if adopted by Congress, will eventually force the Service to another round of rate increases or, possibly, to a reduction of service. Such things can be said, of course—and, in the first instance, with some effect since the intent of the Act is by no means clear with regard to all this—but, as to the latter instance, it may well prove to be true, no matter what we do, that the Service may have to consider a further rate increase, or reductions in service, if it does not wish to use its borrowing authority or to seek recourse, again, to Congress.

So much, then, for these imponderables, and I would like to move on, now, to a brief discussion of the last major cut as made in our bill—this in the amount of $792,000 for the Office of Management and Budget.

The budget of the "budgetkeepers" themselves has been growing substantially in recent years, as I assume you all know. OMB's 1972 request, if fully allowed, would authorize it to have 693 permanent, full-time positions. Perhaps they are all needed, for all I know, and I would not have been averse to allowing them. But, it was the judgment of the subcommittee that we should reduce the request by 18 such positions—and this is reflected in our action.

I know full well how some of my colleagues feel at the moment, Mr. Chairman, about some of the propensities of the OMB for "thwarting"—as it is put—what is considered to be "the will of the Congress." I assume we will hear more about all this as the afternoon wears on, and we are prepared for it—but I would suggest to my fair-minded colleagues who might be so inclined, that it would serve no valid nor useful purpose to whack away at OMB's budget, by way of amendment to this bill, in order to vent their spleen for what has, or has not, been OMB's way of recently doing business with the Congress. So, while we hope that will not happen, we are fully prepared to take your complaints in this regard in the hopes that, so presented as a matter of record, they may do some good.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 9271 the Treasury, Post Office, and general Government appropriation bill for fiscal 1972. As a member of the Appropriations Subcommittee which considered this bill, I am satisfied that this measure represents a sound and necessary appropriation level to continue and improve where needed the work of the agencies involved. I commend our counsel, Tex Gunnels and his single staff help, for their continued outstanding efforts and assistance.

The total appropriation recommended to you by the committee is $4,487,289,000 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. This amount represents a reduction of $293,287,000 below the budget estimates submitted to the Appropriations Committee.

The funds will include approximately 4,400 additional permanent positions for the agencies covered, exclusive of the Postal Service, a reduction of approximately 1,150 in the budget request, but as we shall indicate the committee assigned priority to needed personnel on the areas of drug control and law enforcement training.

Included in H.R. 9271 is a recommendation for an appropriation of $1.5 million for salaries and expenses of the Federal Law Enforcement Training Center, a new law enforcement school to be run by the Treasury Department. These funds will be used to cover the salaries and expenses of hiring personnel to train approximately 1,200 Treasury agents in 20 classes. There will also be an opportunity to expand the school and its classes as new facilities become available.

The committee recommends a $26 million increase over last year's budget for the Customs Bureau raising the appropriation to $174 million. These funds will include the establishment of 932 additional permanent positions within the Bureau. While the committee did reduce the budget request for the Bureau by $535,000 none of those budget cuts are in the areas of drug interdiction or law enforcement activities. We have assigned a high priority to the Customs Bureau activities in the drug abuse control field, particularly its responsibilities under the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513. Customs will also assume a greater burden under the President's new drug program. In addition of course the Bureau carries out major responsibilities under air pollution, automobile safety, firearm control, and other programs enacted in recent years. I take this opportunity to commend the men of the extension service for their outstanding work at the John F. Kennedy International Airport.

The U.S. Postal Service, under a new corporate structure, expects receipts in fiscal year 1972 to total nearly $7 billion from the sale of postage and other sources. The committee recommends an additional appropriation of $1,217,522,000. It is important to note that the committee bases his recommendation on an anticipated mail volume increase of over 3 percent. Notwithstanding this expected increase in volume no additional employment is considered necessary because of the reduction of management level personnel and the increased use of mechanical equipment. It is important to note that this appropriation in no way should effect rate or salary negotiation. This is a public service charge and if additional funds are proved to be necessary a supplemental would be in order.

Mr. Chairman, I urge my colleagues to support this legislation so that we may move forward in carrying out the programs and goals which Congress has established for the agencies covered.

Mr. ROBISON of New York. Mr. Chairman, I have no additional requests for time.

Mr. STEED. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I wish to thank most sincerely the distinguished chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED). I rise only with respect to one particular issue of this bill having to do with civil defense, in view of the fact that I have spoken several times on the dire need for a restoration of primacy for our civil defense. Because of the deteriorated and bad logistical situation of our Nation, it is my contention that our Nation is very highly vulnerable. At this very moment in Cuban waters there is a Russian nuclear submarine that does not even have to surface to send off a multiple warhead reentry vehicle that could send out as much as two megatons of destructive material throughout this country, either at will, or on thoroughly good planning or well-defined instructions.

In February, we had the occasion of a false emergency signal in the Nation. Radio stations and television stations suddenly received a national alert. They did not know what was going to happen, so they just followed instructions. The television station in my area did not know what to do, and they did not know whether to go off the air or what. So they went to this little box that they were supposed to open only in the case of this kind of an emergency alert.

They opened the box and saw the instructions. It said, "Open envelope." They opened the envelope and it said, "Wait until further instructions."

Suppose that had been a real emergency? Our country at this time, in my opinion, is vulnerable. I am not in a position to be knowledgeable at this particular point to say that I would know what amendment to offer so as to bring about what we need. But I do want to emphasize to the committee that this matter of civil defense as it has been restructured since 1963 is something that we had better look over and review and restore to a priority basis for the well-being of our Nation.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. EDWARDS of Alabama. Let me say to the gentleman, we went into this problem at great length in our subcommittee as to whether in fact we were prepared in the event of an emergency and whether in fact there is confusion, or potential confusion, in the event of an emergency between the Office of Emergency Preparedness and Civil Defense and others. I must say that this is the first year that we have had civil defense before our subcommittee and our subcommittee sees the need to get into it deeper and we so expressed this to the agency heads who came to testify before the subcommittee. It is my opinion that our subcommittee will, between now and next year, have a very much firmer understanding of the lines of coordination and what will take place in the event of a national emergency. I believe you are going to see a beefed up program and one that is better coordinated in all parts of the country.

Mr. GONZALEZ. I thank the gentleman.

Mr. McKEVITT. Mr. Chairman, I will cast my vote for H.R. 9271, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1972, even though I am disappointed that title 1 of the legislation does not include $1.5 million recommended by the administration for construction of mint facilities.

It had been my hope that these funds would have been retained in the legislation since they point the way to a sorely needed new mint facility for Denver.

Mr. Speaker, it is my understanding that the involved Appropriations Subcommittee declined to include the mint construction funds in the measure because it was felt that more information was needed by the subcommittee.

I will not attempt to restore the funds to the measure at this time. I want to give the subcommittee every opportunity to study the need for a new Denver Mint; and, therefore, will submit detailed information to House conferees who will be appointed to work out a final bill with the Senate.

I have every confidence that the money will be included in the Senate version of the legislation and that in the final bill the funds for mint facilities will be approved by the House.

In the meantime, I will attempt to inform the subcommittee and conferecs on the need for these funds, and I will hope for a favorable outcome.

Mr. RARICK. Mr. Chairman, I rise to express opposition to H.R. 9271, the bill "Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes."

I am confident that I am speaking for my people when I oppose this bill because of its provisions regarding the Executive Office of the President; its various appropriations to the different agencies of "intergovernmental relations"—the guise under which the Federal Government works to gain complete control of the State governments; and its appropriations designed to strengthen the United Nations Organization by giving it vital information on our most important citizens. In this last instance, consider the passage that begins on page 14 of this bill:

Provided, That $902,000 of this appropriation shall be available to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including advances or reimbursement to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive Order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence under 5 U.S.C. 5702, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

Specifically, Mr. Chairman, I object to the provisions of this bill that would authorize under different titles appropriations to the President in the sum of $13,087,000, to "be expended in his discretion and without regard to provisions of law regarding expenditures of Government funds," or "to be accounted for solely on his certificate." I do not feel that any thinking American would be in favor of such an appropriation, and I am confident that the people of my district would regard such an appropriation as authorizing a Federal slush fund designed to create additional power

in and loyalty to the administration and its goals.

Furthermore, Mr. Chairman, I object most strenuously for my people to the appropriation of $13,529,000 to the different Federal agencies involved in strengthening Federal control over State governments—all under the guise of improving "intergovernmental relations." The language used in the bill supports my point, especially the paragraph dealing with the appropriations to Intergovernmental Personnel Assistance: "For grants to improve State and local personnel administration." This is not the function of the Federal Government: This is a matter that, according to the Constitution, belongs to the State and its people. I and my people object to our tax money being used in this manner.

Finally, Mr. Chairman, how could I ever convince the people of my district that they, in times like these, could ever benefit from an appropriations bill that would set aside $902,000 for "making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning U.S. citizens employed, or being considered for employment by such organizations"? We in the Sixth Congressional District of Louisiana do not favor one-world government or any idea or program that might advance its cause at the sacrifice of the U.S. Constitution and our individual liberties secured thereby. To consider appropriating virtually $1 million of our tax money to investigate our own citizens and their worthiness to participate in such organizations approaches absurdity and is an insult to the intelligence of America.

I intend to cast my people's vote against H.R. 9271.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including the hire of passenger motor vehicles, $1,500,000.

Mr. SCOTT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

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

[Roll No. 168]

Abourezk	Dingell	Murphy, Ill.
Alexander	Donohue	Pike
Anderson, Calif.	Edwards, La.	Podell
	Fascell	Purcell
Anderson, Tenn.	Fish	Reid, N.Y.
	Foley	Rooney, Pa.
Ashbrook	Fraser	Rostenkowski
Ashley	Galiflanakis	Roybal
Baring	Gettys	Runnels
Barrett	Hagan	Scheuer
Brasco	Hanna	Seiberling
Bray	Hébert	Stephens
Carey, N.Y.	Hicks, Mass.	Stokes
Celler	Hillis	Stuckey
Chisholm	Horton	Taylor
Clark	Ichord	Tiernan
Clay	Long, La.	Whalley
Davis, Ga.	McCulloch	Widnall
Denholm	McEwen	Wilson, Charles H.
Dent	McKevitt	
Devine	Martin	
Diggs	Mathias, Calif.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9271, and finding itself without a quorum, he had directed the roll to be called, when 372 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Before the point of order, the Clerk had concluded reading title I to page 2, line 15. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

SEC. 101. Appropriations in this Act to the Department of the Treasury shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–2) including maintenance, repairs, and cleaning; and services as authorized by title 5, United States Code, section 3109.

This title may be cited as the "Treasury Department Appropriation Act, 1972".

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

The CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, I desire to ask a few questions of the distinguished chairman of the subcommittee, Post Office appropriations, who is most knowledgeable regarding the new U.S. Postal Service. We note in the report that the total revenues expected for next year for the Postal Service are to be $8,676,792,000. The gentleman did not put into the report the total amount of annual expenditures. We have $8.6 billion in income for postal receipts. What is the annual amount of the outgo—expenditures? What is the amount of annual total expenses of the Post Office Department?

Mr. STEED. The budget submitted to the subcommittee provided an outgo in 1972 of $10,151,514,000, of which the committee has made a reduction of $254 million.

Mr. EVINS of Tennessee. In other words, the postal receipts are estimated to be $8.6 billion, but the expenses of the Department will be $10 billion. I would like to know how much we are required to appropriate annually to subsidize the new Postal Service.

Mr. STEED. The amount provided for payment to the Postal Service this year is $1,217,000 million. That would be in addition to the $8,679 million from other sources of income, including postage.

Mr. EVINS of Tennessee. In other words, it is anticipated that every year there will be from $1 billion to $2 billion in subsidy for the new Postal Service. How many years is it anticipated that this subsidy payment will be required?

Mr. STEED. Under the law they have 5 years to phase in through rate increases the "revenue foregone" item which was estimated this year to be $481 million. Presumably that amount will diminish each year for 5 years until it disappears.

From that point on, for a total of 10 years the law provides that the Postmaster General may ask Congress for up to 10 percent of the 1971 total budget to cover public service costs.

Mr. EVINS of Tennessee. It would seem, with $8.6 billion in revenue and a monopoly in the operation of U.S. mail service, the operation should be at a profit—at least break even. I would point out that the Agriculture Department does not operate for profit. The Treasury Department, which manages our Nation's money and currency, does not operate for profit. Why is the Post Office Department—which was set up for service to our people—supposed to operate at a profit?

Mr. STEED. Well, it is not supposed to operate at a profit. As a matter of fact, the imposition of what we call public service activities on the Department means that these costs will not be passed on to the users of the mail. That is why the 10-percent payment by Congress under the corporation law was made a part of the law, because they estimate that public services to be performed in 1972 will cost in the neighborhood of $300 million.

Mr. EVINS of Tennessee. So the public may anticipate at least for the next 5 years they will have to subsidize the new Postal Service?

Mr. STEED. For the next 10 years.

Mr. EVINS of Tennessee. For the next 10 years?

Mr. STEED. Yes.

Mr. EVINS of Tennessee. I thank the gentleman for his courtesy and the information provided.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 406. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

This title may be cited as the "Independent Agencies Appropriation Act, 1972".

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 32, after line 19, insert:

"TITLE V—CLAIMS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

"SEC. 501. For payment of claims settled and determined in accord with the Fishermen's Protective Act of 1967 (22 U.S.C. 1971 and fol.) for amounts paid to the Government of Ecuador and certified to the Secretary of the Treasury by the Secretary of State in respect of the *Ocean Queen* (certified April 23, 1971), the *Day Island* (certified May 10, 1971), the *Apollo* (certified May 4, 1971), the *John F. Kennedy* (certified May 4, 1971), the *Quo Vadis* (certified May 12, 1971), and the *Sun Europa* (certified May 3, 1971), $387,190."

And on page 32, line 20, redesignate title V as title VI and renumber the remaining sections of the bill accordingly.

Mr. BOW. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) for 5 minutes.

Mr. DINGELL. Mr. Chairman, I rise today as chairman of the Subcommittee on Fisheries and Wildlife Conservation.

Mr. Chairman, as I am sure my colleagues know, some years ago with the passage of two statutes the country undertook to compensate from both appropriated funds and from an insurance-type fund to which the fishermen contributed fines and direct charges and similar charges in order to secure the release of vessels belonging to the United States which were seized illegally by foreign countries while fishing upon the high seas.

The language of the amendment sets out the potential recipients of compensation which should have been before us and sent up by the Bureau of the Budget. Unfortunately, through an oversight the Bureau of the Budget failed to add these vessels, although properly certified by the State Department to the Treasury, they were not submitted to the Congress of the United States for compensation according to law under the provisions of the act of August 27, 1954 and the amendments adopted August 12, 1968.

Mr. Chairman, under the Fishermen's Protective Act, whenever American fishing vessels are seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State is required—as soon as practicable—to take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

In any case where a vessel of the United States is seized under such conditions, and a fine, license fee, registration fee or any other direct charge, must be paid in order to receive the prompt release of the vessel and crew, the Secretary of the Treasury is required to reimburse the owners of the vessel the amount certified to him by the Secretary of State as being the amount of fine or other charge actually paid in order to obtain release of the vessel and crew.

Mr. Chairman, this brings me to the purpose of my amendment. Because of a clerical error by the Office of Management and Budget, reimbursable claims to six tuna vessel owners operating out of San Diego, Calif., in the amount of $387,190 were not included in H.R. 8190, the supplemental appropriation bill for fiscal year 1971.

At the time H.R. 8190 was being considered on the floor of the House, these six claims for reimbursement had already been certified by the Secretary of State to the Secretary of the Treasury and were ready for inclusion in H.R. 8190. But, as previously stated, these claims were not reported to the Congress when OMB was requested to furnish all certified claims to date. It is my understanding this request was made by the Senate Appropriations Committee staff.

Mr. Chairman, following is a list of the claims, setting forth the vessel owners, the amount to be remibursed, and the date of certification to the Treasury Department:

Name of vessel	Amount paid to the Government of Ecuador	Date claims certified to Treasury
Ocean Queen	$69,100	Apr. 23, 1971
Day Island	46,500	May 10, 1971
Apollo	155,340	May 4, 1971
John F. Kennedy	45,050	Do.
Quo Vadis	48,150	May 12, 1971
Sun Europa	23,050	May 3, 1971
Total	387,190	

Mr. Chairman, you will note that all of these claims were certified to the Secretary of the Treasury on or before May 12, 1971, the day on which the House passed H.R. 8190.

Mr. Chairman, if these vessel owners have to wait for the next supplemental bill, past practice indicates that it will be January or February of next year before these reimbursements could be disbursed by the Treasury Department. This would mean that these owners would be forced to borrow money until they are reimbursed, which means that at the prevailing rate of 9 percent interest in San Diego, Calif., these operators will be penalized an additional $34,870.00.

I would add, Mr. Chairman, that our State Department has the duty and responsibility to represent these people, and the fact is that they have not. The Congress has enacted legislation requiring that these moneys be withheld from foreign aid, but through what I believe is clearly the wrongful action of the State Department, this has not been done.

Mr. Chairman, in order to correct this inequity and the additional hardship that would be imposed on these vessel operators, I strongly urge the adoption of my amendment to appropriate an additional $387,190 so that the Secretary of Treasury can reimburse these outstanding claims.

Mr. Chairman, I might add that hopefully this situation will not arise again in the future. There is a bill pending before my subcommittee that would establish a revolving fund so that claims of this nature can be made within a matter of days after a seizure rather than having to wait anywhere from 6 to 18 months, as is the practice under present law. Hearings have already been held on this bill and I hope that it will be reported out of my subcommittee just as soon as possible.

Mr. Chairman, at the appropriate time I will request permission to submit communications from the Department of State and the Department of the Treasury certifying that these claims are ready for reimbursement under the Fishermen's Protective Act. However, since I cannot do so at this time, I will do so when we go back into the House.

The material referred to is as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., June 25, 1971.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries, Wildlife, and Conservation, Committee on Merchant Marine and Fisheries, Washington, D.C.

DEAR MR. CHAIRMAN: In response to a telephone call received from Mr. Everett, Counsel to the Subcommittee, please be advised that there are on hand in this office, six vessel claims which have been certified by the Secretary of State to the Secretary of the Treasury. These claims are indicated below:

Name of vessel	Amount paid to the Government of Ecuador	Date claims certified to Treasury
Ocean Queen	$69,100	Apr. 23, 1971
Day Island	46,500	May 10, 1971
Apollo	155,340	May 4, 1971
John F. Kennedy	45,050	Do.
Quo Vadis	48,150	May 12, 1971
Sun Europa	23,050	May 3, 1971
Total	387,190	

Reimbursements to owners of vessels cannot be accomplished until funds are appropriated by the Congress specifically for this purpose.

We hope that this information is responsive to your inquiry.

Very truly yours,

S. L. COMINGS,
Comptroller.

DEPARTMENT OF STATE,
Washington, D.C., June 22, 1971.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries, Wildlife and Conservation, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MR. CHAIRMAN: In accordance with your request, I wish to state that the following claims listed on the attached sheet filed by the private owners of fishing vessels assessed by Ecuador are subject to reimbursement under the provisions of the Fishermen's Protective Act of 1967 as amended. These claims have been certified by the Secretary of State to the Secretary of the Treasury on the dates indicated as provided for in the above act. It is my understanding that these claims have not been included in the supplemental appropriations bill H.R. 8190.

I hope that this information is responsive to your inquiry. If I can be of any further assistance to you, do not hesitate to call on me.

Sincerely,

DONALD L. MCKERNAN,
Coordinator of Ocean Affairs.

CERTIFIED CLAIMS NOT INCLUDED IN H.R. 8190

Vessel	Owner(s)	Date of seizure	Date of certification of claim	Amount of claim
Apollo	Ocean Blazer, Inc., and Apollo Ventures, Inc.	Mar. 3	May 4	$155,340
Day Island	M/V Day Island, Inc.	Jan. 23	May 10	46,500
John F. Kennedy	Ocean Fisheries, Inc.	Feb. 10	May 4	45,050
Ocean Queen	Ace Fisheries Co., Inc.	Jan. 18	Apr. 23	69,100
Quo Vadis	Mr. R. A. Watt	Jan. 21	May 12	48,150
Sun Europa	Mr. Salvatore Crivello, Mrs. Esther J. Lattuca (Crivello; Mr. Vincent Crivello; Mrs. Lena (Antonina Crivello), San Filippo; and Mrs. Thomas W. West, and Mrs. Thelma W. West, as joint tenants.	Jan. 27	May 3	23,050

Mr. Chairman, it is my hope that my colleagues will open their hearts to compassion, fair play, and a sense of justice and will support the amendment, and that the amendment will be adopted and thus correct the real legitimate need of American citizens who were seized wrongfully by a foreign power while they were fishing lawfully on the high seas.

The CHAIRMAN. The gentleman from Ohio (Mr. Bow) has reserved a point of order against the amendment.

Mr. BOW. Mr. Chairman, I shall be glad to reserve the point of order further if the gentleman from Washington (Mr. PELLY) desires to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise to strongly support the amendment offered by the gentleman from Michigan (Mr. DINGELL). Pursuant to the provisions of the Fishermen's Protective Act of 1967, as amended, our domestic fishermen are authorized reimbursement of funds which they have been forced to pay to various foreign countries, such as Ecuador and Peru, in order to obtain the return of their boats which were illegally seized on the high seas.

Under existing law, the Department of the Treasury must obtain an appropriation from Congress before these moneys can be paid to the fishing vessel owners. The customary procedure is to make such claims part of the claims and judgments section of proposed supplemental appropriation requests by the President of the United States. Generally, there are two supplemental appropriation requests made during a calendar year: One in April and another in November. Within the last few weeks, the first supplemental appropriation bill was passed by Congress, H.R. 8190. I am informed that due to a clerical error six of the 13 certified claims were inadvertently omitted from this supplemental. Seven of the 13 claims have been reimbursed and included in the supplemental appropriation bill. Thus, these six fishing vessel owners will have to wait until the next supplemental appropriation is considered, if at all, under the current procedure. This means that these owners will have to wait until the fall of 1971, and payment in January 1972. The practical impact of this long waiting period is that many of these fishing vessel owners are faced with high interest charges running in the hundreds of thousands of dollars on bank loans they have had to take out in order to raise the required cash capital to pay these illegal assessments.

The Department of State has certified to the Department of the Treasury that these six fishing vessel owner claims under the Fishermen's Protective Act are valid and should be paid.

This amendment would serve to fulfill the objectives of that act and materially alleviate the long waiting period which our fishing vessel owners must suffer under now.

Mr. Chairman, this problem of long delays in payment of claims submitted by fishing vessel owners and verified by the Department of State is one of the reasons why I have introduced the bill, H.R. 7117, which would amend the Fishermen's Protective Act of 1967, as follows:

First, by imposing an additional duty on the Secretary of State to take action to be immediately notified of the charges paid by vessel owner to the seizing country for release of the vessel and crew;

Second, by creating a lien on the vessel seized to the extent the vessel owner is reimbursed under the act by the Secretary of the Treasury;

Third, by requiring the Secretary of State to immediately notify the seizing country of the reimbursements and payments made by the United States under the act;

Fourth, by directing the Secretary of State, after a passage of 120 days from the date of notice, to transfer funds appropriated by Congress and programed under the Foreign Assistance Act for the seizing country to a fund account administered by the Secretary of the Treasury;

Fifth, by creating a revolving fund for use by the Secretary of the Treasury to reimburse certified claims, initially capitalized at $3 million; and

Sixth, by allowing certified claims since December 31, 1970, to be reimbursed retroactively after enactment into law from such newly created fishermen's protective fund.

The Merchant Marine Committee held hearings on this important legislation on June 3, 1971, and the course of the testimony presented at that time, fully substantiated the need for passage of this important amendment. I urge its adoption.

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

Mr. PELLY. I yield to the gentleman.

Mr. WYATT. Mr. Chairman, I support the gentleman in his position on the amendment and on his forthright stand, and also the gentleman from Michigan.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, it has been emphasized that these are claims that are completely valid inasmuch as the fishermen are owed the money and are going to be paid the money. They have been assessed these fines as a result of doing what the State Department has instructed them to do, which is not to refrain from fishing on the high seas off of South America; is that correct?

Mr. PELLY. That is absolutely correct. The fishermen can ill afford to borrow such substantial sums and pay interest over a long period of time when the money is due them from the Government under the law.

Mr. VAN DEERLIN. It could well be that it would be delayed the better part of a year.

Mr. PELLY. I agree with the gentleman that there will not be a supplemental so far as I know until next fall.

Mr. VAN DEERLIN. I thank the gentleman.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on his point of order?

Mr. BOW. I do, Mr. Chairman, and I shall be very brief.

Mr. Chairman, there is no question but that the law does provide for the payment to these fishermen who have had their ships seized in Ecuador.

But I call the attention of the chair to what the gentleman from Michigan has said, which is quite correct, that the law has been amended—that is, the original law of 1926 has been amended—the law of 1927—to provide where there is a seizure of this kind that the payment shall be made from the withholding of foreign aid funds from the recipient country. The law so provides, and this has not been done. So the amendment of the law would provide the method of payment in those countries which receive foreign aid and Ecuador is one of them. So it would seem to me that at this time there is no authority for an appropriation, because the law provides that it shall be paid out of foreign aid funds and not by an appropriation here.

I point this out simply to call attention to what the distinguished gentleman from Michigan has stated, and I think he will agree that this is what the law is.

Mr. DINGELL. If the gentleman will yield, I do not agree—and I will cite the law to you here and will point it out to you.

Mr. BOW. I have just read the law within the last 10 minutes and my memory is not that bad.

But I will say, Mr. Chairman, that they should be paid out of these foreign aid funds and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Michigan (Mr. DINGELL) desire to be heard further on the point of order?

Mr. DINGELL. Yes, Mr. Chairman.

Mr. Chairman, I happen to have before me the two statutes which are relevant here and I will cite them to the Chair at this particular time.

The first is that the act of August 27, 1954, 68 Stat. 883–22 U.S. 3 71–76—the relevant part of that statute reads as follows—and this is section 2:

In any case where—

(a) a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States; and

(b) there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

Then comes the following language:

Reimbursement—

The CHAIRMAN. Will the gentleman from Michigan cite the section of the Code from which he is reading?

Mr. DINGELL. It is 22 U.S.C. 1971 to 1976.

Mr. Chairman, very briefly, what the law says that once the Secretary of State has certified the amounts paid to the

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Secretary of the Treasury, that the Secretary of the Treasury shall procure an appropriation from the Congress and shall pay from appropriated funds the fine and other charges necessary.

Then subsequently, Mr. Chairman, in the statute of the 90th Congress, Public Law 90–482, dated August 12, 1968—and this appears at 75 Stat. 424, 22 U.S.C. 2151—we amended the statute then to add to the word "fine," which the United States is supposed to compensate these fishermen for; in addition to that, license fee, registration fee, or any other direct charge, and the committee in this report interpreted this as being anything that is necessary to release the vessel from the holding of the foreign government—in each of these cases, I believe, the Government of Ecuador. I would be happy to read the statute further if the gentleman desires.

Mr. BOW. Mr. Chairman, will the gentleman yield to permit me to read that part which says that the fine and charges shall be paid out of the foreign aid funds?

Mr. DINGELL. There is such a statute, but I would tell my good friend from Ohio the statute to which he is now addressing himself is another statute which says that the Secretary of State shall withhold and shall compensate the United States for the amounts paid out. We were very careful, I want my good friend from Ohio to know, in drafting the statute not to set it up so that the Secretary of State would have to withhold the fine from foreign aid funds so as to leave our fishermen naked and destitute. I do not believe the committee felt that we should trust the Secretary, making the commercial fishermen subject to that kind of whim or mercy.

I yield to my friend from Washington State, who is the author of the statute. I think he can give us some useful comments.

Mr. PELLY. Mr. Chairman, I agree with my colleague from Michigan (Mr. DINGELL), and insist that the appropriations for the reimbursement to the fishermen of fines is not contingent upon any reduction from any allocation of foreign assistance. Actually and in fact the law reads that the Secretary of State shall take such steps as he deems appropriate to file a claim with a foreign country, and then after that claim is refused, within 120 days he shall deduct and reimburse the Treasury for the amount of money that the foreign country does not pay on that claim. I believe the gentleman from Michigan is correct in saying that this is not subject to a point of order.

Mr. DINGELL. If the gentleman will yield further, I would like to bring to the attention of the Chair that in my extension of remarks I will submit to the House language indicating that all steps which must be taken to comply with the law, namely, certification by the Department of State and the Secretary of the Treasury, have been taken care of and are before the Congress at this time.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule.

Under section 1973 of the United States Code, title 22, there is an authorization, as the gentleman from Michigan has said, which does permit the payment of charges and authorizes these payments.

In spite of the fact that there is a reference in section 1975 to action by the Secretary of State, nevertheless the Chair does not find that the condition as contended for by the gentleman from Ohio is contained in this section. The Chair believes the law cited by the gentleman from Michigan would authorize the appropriation carried in the amendment. The Chair finds the point of order is not well taken and overrules the point of order.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe it is obvious to the Members from the discussion we have just had that this is not an entirely simple situation, even though it involves only $387,000.

There have been no certifications from the Office of Management and Budget. The subcommittee has had no information from the State Department or the Treasury Department, and we have been in session all year long.

While I have the greatest sympathy on earth for the people involved here, it seems to me it is a dangerous procedure that is proposed here, to ask the House to take this action, in view of the fact that we have no information upon which to base it or justify it.

While I would be glad to help the gentlemen any way I could, I am unwilling to be a party to setting a precedent here today for this sort of thing.

I believe most of us know this may be a recurring type of problem. It seems to me, distressful as it might be to delay this, for the affected people, there is need for the House to have orderly process. This is entirely without any opportunity for the subcommittee to be knowledgeable about it, and we have had no proper certification through channels on it. I hope the House will defeat the amendment, not on its merits, but on the fact that it comes here in a situation which I believe sets a bad precedent.

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

Mr. STEED. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I will insert in the RECORD—I am not able to do so at this time—letters from the Department of State and the Department of the Treasury indicating that certifications have been brought forward and that the entire matter is the fault of the Bureau of the Budget, in that these figures did not arrive on time.

Mr. STEED. I do not doubt the gentleman's word, or anything else, but it seems to me if they are able to provide all this information the way the gentleman presents it the subcommittee at least could have been provided the same information. Since we were not, I believe we have to insist, so long as the House will support us, that this sort of thing come to us in the regular way so that we can give it regular consideration.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 508. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD: On page 36, insert "(a)" immediately after "SEC. 508." in line 10; and immediately below line 14 on page 36 insert the following:

"(b) No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, or any officer or employee of the Government of the United States outside the United States Postal Service, who—

"(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

"(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment, and I should like to be heard on the point of order.

The CHAIRMAN. At this point?

Mr. BOW. Yes, Mr. Chairman.

Mr. Chairman, this, it seems to me, is subject to a point of order in several instances. First of all, there is paragraph (b) of the amendment. There is a provision that no part of any appropriation contained in this or any other act shall be available for the payment of the salary of any officer or employee of the U.S. Postal Service. It is not limited to this act but to any other act, which I think makes it subject to a point of order.

Furthermore, under the next provision, which prohibits or prevents, or attempts or threatens to prohibit or prevent, that puts such additional duties on the director of the Postal Service that it becomes almost impossible for him to administer this, particularly as to further threats in the future.

I believe it is very apparent from reading this that additional duties are placed on the executive branch of the Government, on the Postal Service, and in addition to any objections to part (b) or the

rest of the amendment, I believe it is sufficient to sustain the point of order.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. WILLIAM D. FORD. Yes, I do, Mr. Chairman.

First of all, it is not necessary to legislate with this amendment, because the law that this amendment attempts to enforce has been on the books and it has been the law of this country since 1912. We now have substantive law which now very substantially says that you shall not do any of the things set forth in this act. What this amendment proposes to do is withhold the expenditure of the supplemental funds being appropriated by this bill to the operation of the Postal Service from anyone who violates the law that has been the law since 1912. The only determination that is necessary to be made by anybody is not to violate the law.

Traditionally we have assumed that all citizens of this country, more particularly those that have subscribed to the constitutional oath of office, such as those in the executive branch of the Government, are presumed to know the law. So, the only determination that is necessary for anyone to find out what they should or should not do, that just means avoiding violating the law already on the books.

What it does is limit the Secretary of the Treasury in expending these funds in effect to the executive branch to compensate any person if he violates the law by attempting to prevent or by attempting to prevent or preventing in fact or punishing someone if he is unable to prevent it, that person being an employee of the Postal Service and while in that status contacts either an elected Member of the House of Representatives or the Senate.

Mr. Chairman, on January 12 of this year the Postmaster General, long before the new Postal Corporation was to go into effect, issued a directive saying that it would be a violation of the rules of the Postal Service for any employee either individually or through his organization to contact any Member of this House or any member of our staff or any committee of this House, or of the other body directly or indirectly, and he spelled out all the forms of communication known to man.

Thereafter, the Postmaster General amplified that regulation and explained it more fully and specified that it would no longer at any time in the future be necessary for any employee to inquire directly or indirectly of any Member of Congress. Therefore, the violation involved in the regulation promulgated by the Postmaster General would be the simple establishment of contact and the response to an inquiry, whether it were initiated by a communication from a postal employee to either one of the Members of the House or Senate or a member of their staff of the House or Senate committee.

Mr. Chairman, in my opinion the duties imposed upon the Executive to determine whether this is in fact an added duty was determined when we had under consideration last week the bill dealing with food stamps, falling far short with respect to determining whether a person who is receiving food stamps is out on a strike, and that was the only reason they were receiving food stamps. I would cite as authority in rebuttal that this is legislation on an appropriation bill the ruling of the chairman, the gentleman from Texas (Mr. WRIGHT) on Wednesday of last week with regard to that particular issue.

The CHAIRMAN (Mr. MONAGAN). The Chair is ready to rule. The gentleman from Ohio (Mr. BOW) makes a point of order against the amendment, on the one hand, on the ground that it imposes additional duties upon the officers and employees of the Postal Service and, secondly, that it refers to matters that are not included in this particular bill.

The Chair finds that this amendment does not impose additional duties to the extent that is objectionable under the precedents relating to limitations on appropriation bills. However, the Chair also finds that the amendment does seek to cover matters beyond those which are in the purview of this bill since it provides that no part of any appropriation contained in this or any other act shall be available for certain purposes with respect to officers or employees of the Government whether inside or outside the U.S. Postal Service or agencies covered by this bill.

Therefore, this constitutes legislation on the pending appropriation bill and the Chair sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. WILLIAM D. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WILLIAM D. FORD. As I understand the parliamentary situation at the moment—and I have already consulted with others who are supporting this amendment—if the amendment were offered without the specific language mentioned in the latter part of the Chairman's ruling, I believe it would meet the objections that have led to the sustaining of the point of order.

My parliamentary inquiry is, may I ask unanimous consent, and save the time of the House that would be consumed by waiting for the appropriate time to reoffer the amendment in the altered form?

The CHAIRMAN. The Chair will state that the Chair cannot make any specific ruling on what the situation might be with a particular amendment that has not, as yet, been offered.

Mr. WILLIAM D. FORD. Mr. Chairman, may I be recognized for a unanimous consent request?

The CHAIRMAN. The Chair will state that the gentleman from Michigan may offer another amendment if the gentleman wishes to do so.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD: On page 36, insert "(a)" immediately after "Sec. 508." in line 10; and immediately below line 14 on page 36 insert the following:

"(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service,

"(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any member or committee of Congress in connection with any matter pertaining to the employment of such officers or employee or pertaining to the United States Postal Service in any way, irrespective of whether such of such officer or employee or in response communication or contact is at the initiative to the request or inquiry of such Member or committee; or

"(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection."

POINT OF ORDER

Mr. BOW. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN (Mr. MONAGAN). The way the pending amendment was submitted and in view of the former ruling of the Chair and the reasons the Chair then gave, the Chair is of the opinion that the amendment is in order and, therefore, overrules the point of order.

The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. I thank the Chair and, Mr. Chairman, I would ask for an immediate vote on the amendment, and yield back the balance of my time.

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

The question was taken; and on a division (demanded by Mr. ROBISON of New York), there were—ayes 68, noes 27.

So the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with

sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered on the bill and the amendments.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 154, noes 41.

So the amendments were agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 380, nays 6, not voting 47, as follows:

[Roll No. 169]

YEAS—380

Abbitt	Burlison, Mo.	Eckhardt
Abernethy	Burton	Edmondson
Abourezk	Byrne, Pa.	Edwards, Ala.
Abzug	Byrnes, Wis.	Edwards, Calif.
Adams	Byron	Erlenborn
Addabbo	Cabell	Esch
Alexander	Caffery	Eshleman
Anderson, Ill.	Camp	Evans, Colo.
Anderson, Tenn.	Carey, N.Y.	Evins, Tenn.
Andrews, Ala.	Carney	Findley
Andrews, N. Dak.	Carter	Fisher
Annunzio	Casey, Tex.	Flood
Archer	Celler	Flowers
Arends	Chamberlain	Flynt
Ashley	Chappell	Foley
Aspin	Clancy	Ford, Gerald R.
Aspinall	Clark	Ford, William D.
Badillo	Clausen, Don H.	Forsythe
Baker	Clawson, Del	Fountain
Baring	Cleveland	Fraser
Barrett	Collier	Frelinghuysen
Begich	Collins, Ill.	Frenzel
Belcher	Collins, Tex.	Frey
Bell	Colmer	Fulton, Pa.
Bennett	Conable	Fulton, Tenn.
Bergland	Conte	Fuqua
Betts	Conyers	Galifianakis
Bevill	Corman	Garmatz
Biaggi	Cotter	Gaydos
Biester	Coughlin	Giaimo
Bingham	Crane	Gibbons
Blackburn	Culver	Goldwater
Blanton	Daniel, Va.	Gonzalez
Blatnik	Daniels, N.J.	Goodling
Boggs	Danielson	Grasso
Boland	Davis, S.C.	Gray
Bolling	Davis, Wis.	Green, Oreg.
Bow	de la Garza	Green, Pa.
Brademas	Delaney	Griffin
Brinkley	Dellenback	Griffiths
Brooks	Dellums	Grover
Broomfield	Dennis	Gubser
Brotzman	Dickinson	Gude
Brown, Mich.	Dingell	Haley
Brown, Ohio	Dorn	Halpern
Broyhill, N.C.	Dow	Hamilton
Broyhill, Va.	Dowdy	Hammer-schmidt
Buchanan	Downing	Hanley
Burke, Fla.	Dulski	Hanna
Burke, Mass.	Duncan	Hansen, Idaho
Burleson, Tex.	du Pont	Hansen, Wash.
Bush	Dwyer	Harsha
Byrnes, Wis.	Edwards, Calif.	Harvey
Byron	Erlenborn	Hastings
Cabell	Esch	Hathaway
Caffery	Eshleman	Hawkins
Camp	Evans, Colo.	Hays
Carey, N.Y.	Evins, Tenn.	Hechler, W. Va.
Carney	Findley	Heckler, Mass.
Carter	Fisher	Helstoski
Casey, Tex.	Flood	Hicks, Wash.
Celler	Flowers	Hogan
Chamberlain	Flynt	Holifield
Chappell	Foley	Horton
Clancy	Ford, Gerald R.	Hosmer
Clark	Ford, William D.	Howard
Clausen, Don H.	Forsythe	Hull
Clawson, Del	Fountain	Hungate
Cleveland	Fraser	Hutchinson
Collier	Frelinghuysen	Jacobs
Collins, Ill.	Frenzel	Jarman
Collins, Tex.	Frey	Johnson, Calif.
Colmer	Fulton, Pa.	Johnson, Pa.
Conable	Fulton, Tenn.	Jonas
Conte	Fuqua	Jones, Ala.
Conyers	Galifianakis	Jones, N.C.
Corman	Garmatz	Jones, Tenn.
Cotter	Gaydos	Karth
Coughlin	Giaimo	Kastenmeier
Crane	Gibbons	Kazen
Culver	Goldwater	Keating
Daniel, Va.	Gonzalez	Kee
Daniels, N.J.	Goodling	Keith
Danielson	Grasso	Kemp
Davis, S.C.	Gray	King
Davis, Wis.	Green, Oreg.	Kluczynski
de la Garza	Green, Pa.	Koch
Delaney	Griffin	Kuykendall
Dellenback	Griffiths	Kyl
Dellums	Grover	Kyros
Dennis	Gubser	Landgrebe
Dickinson	Gude	Landrum
Dingell	Haley	Latta
Dorn	Halpern	Leggett
Dow	Hamilton	Lennon
Dowdy	Hammer-schmidt	Lent
Downing	Hanley	Link
Dulski	Hanna	Lloyd
Duncan	Hansen, Idaho	Long, Md.
du Pont	Hansen, Wash.	Lujan
Dwyer	Harsha	McClory
Eckhardt	Harvey	McCloskey
Edmondson	Hastings	McClure
Edwards, Ala.	Hathaway	McCollister
Edwards, Calif.	Hawkins	McCormack
Erlenborn	Hays	McDade
Esch	Hechler, W. Va.	McDonald, Mich.
Eshleman	Heckler, Mass.	McFall
Evans, Colo.	Helstoski	McKay
Evins, Tenn.	Hicks, Wash.	McKevitt
Findley	Hogan	McKinney
Fisher	Holifield	McMillan
Flood	Horton	Macdonald, Mass.
Flowers	Hosmer	Madden
Flynt	Howard	Mahon
Foley	Hull	Mailliard
Ford, Gerald R.	Hungate	Mann
Ford, William D.	Hutchinson	Mathis, Ga.
Forsythe	Jacobs	Matsunaga
Fountain	Jarman	Mayne
Fraser	Johnson, Calif.	Mazzoli
Frelinghuysen	Johnson, Pa.	Meeds
Frenzel	Jonas	Melcher
Frey	Jones, Ala.	Metcalfe
Fulton, Pa.	Jones, N.C.	Michel
Fulton, Tenn.	Jones, Tenn.	Miller, Calif.
Fuqua	Karth	Miller, Ohio
Galifianakis	Kastenmeier	Mills, Ark.
Garmatz	Kazen	Mills, Md.
Gaydos	Keating	Minish
Giaimo	Kee	Mink
Gibbons	Keith	Minshall
Goldwater	Kemp	Mitchell
Gonzalez	King	Mizell
Goodling	Kluczynski	Mollohan
Grasso	Koch	Monagan
Gray	Kuykendall	Montgomery
Green, Oreg.	Kyl	Moorhead
Green, Pa.	Kyros	Morgan
Griffin	Landgrebe	Morse
Griffiths	Landrum	Mosher
Grover	Latta	Moss
Gubser	Leggett	Murphy, N.Y.
Gude	Lennon	Myers
Haley	Lent	Natcher
Halpern	Link	Nedzi
Hamilton	Lloyd	Nelsen
Hammer-schmidt	Long, Md.	Nichols
Hanley	Lujan	Nix
Hanna	McClory	Obey
Hansen, Idaho	McCloskey	O'Hara
Hansen, Wash.	McClure	O'Konski
Harsha	McCollister	O'Neill
Harvey	McCormack	Passman
Hastings	McDade	Patman
Hathaway	McDonald, Mich.	Patten
Hawkins	McFall	Pelly
Hays	McKay	Pepper
Hechler, W. Va.	McKevitt	Perkins
Heckler, Mass.	McKinney	Pettis
Helstoski	McMillan	Peyser
Hicks, Wash.	Macdonald, Mass.	Pickle
Hogan	Madden	Pike
Holifield	Mahon	Pirnie
Horton	Mailliard	Poage
Hosmer	Mann	Podell
Howard	Mathis, Ga.	Poff
Hull	Matsunaga	Powell
Hungate	Mayne	Preyer, N.C.
Hutchinson	Mazzoli	Price, Ill.
Jacobs	Meeds	Price, Tex.
Jarman	Melcher	Pryor, Ark.
Johnson, Calif.	Metcalfe	Pucinski
Johnson, Pa.	Michel	Quie
Jonas	Miller, Calif.	Quillen
Jones, Ala.	Miller, Ohio	Railsback
Jones, N.C.	Mills, Ark.	Randall
Jones, Tenn.	Mills, Md.	Rangel
Karth	Minish	Rees
Kastenmeier	Mink	Reid, Ill.
Kazen	Minshall	Reid, N.Y.
Keating	Mitchell	Reuss
Kee	Mizell	Rhodes
Keith	Mollohan	Riegle
Kemp	Monagan	Roberts
King	Montgomery	Robinson, Va.
Kluczynski	Moorhead	Robison, N.Y.
Koch	Morgan	Rodino
Kuykendall	Morse	Roe
Kyl	Mosher	Rogers
Kyros	Moss	Roncalio
Landgrebe	Murphy, N.Y.	Rooney, N.Y.
Landrum	Myers	Rosenthal
Latta	Natcher	Roush
Leggett	Nedzi	Rousselot
Lennon	Nelsen	Roy
Lent	Nichols	Ruppe
Link	Nix	Ruth
Lloyd	Obey	Ryan
Long, Md.	O'Hara	St Germain
Lujan	O'Konski	Sandman
McClory	O'Neill	Sarbanes
McCloskey	Passman	Satterfield
McClure	Patman	Saylor
McCollister	Patten	Scherle
McCormack	Pelly	Scheuer
McDade	Pepper	Schneebeli
McDonald, Mich.	Perkins	Schwengel
McFall	Pettis	Scott
McKay	Peyser	Sebelius
McKevitt	Pickle	Shipley
McKinney	Pike	Shoup
McMillan	Pirnie	Shriver
Macdonald, Mass.	Poage	Sikes
Madden	Podell	Sisk
Mahon	Poff	Slack
Mailliard	Powell	Smith, Calif.
Mann	Preyer, N.C.	Smith, Iowa
Mathis, Ga.	Price, Ill.	Smith, N.Y.
Matsunaga	Price, Tex.	Snyder
Mayne	Pryor, Ark.	Spence
Mazzoli	Pucinski	Springer
Meeds	Quie	Stafford
Melcher	Quillen	Staggers
Metcalfe	Railsback	Stanton, J. William
Michel	Randall	Stanton, James V.
Miller, Calif.	Rangel	Steed
	Rees	Steele
	Reid, Ill.	Steiger, Ariz.
	Reid, N.Y.	Steiger, Wis.
	Reuss	Stokes
	Rhodes	Stratton
	Riegle	Stubblefield
	Roberts	Sullivan
	Robinson, Va.	Symington
	Robison, N.Y.	Talcott
	Rodino	Teague, Calif.
	Roe	Teague, Tex.
	Rogers	Terry
	Roncalio	Thompson, Ga.
	Rooney, N.Y.	Thompson, N.J.
	Rosenthal	Thomson, Wis.
	Roush	Thone
	Rousselot	Tiernan
	Roy	Ullman
	Ruppe	Van Deerlin
	Ruth	Vander Jagt
	Ryan	Vanik
	St Germain	Veysey
	Sandman	Vigorito
	Sarbanes	Waggonner
	Satterfield	Wampler
		Ware
		Watts
		Whalen
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NAYS—6

Derwinski	Hall	Schmitz
Gross	Rarick	Skubitz

NOT VOTING—47

Anderson, Calif.	Eilberg	Martin
Ashbrook	Fascell	Mathias, Calif.
Brasco	Fish	Mikva
Bray	Gallagher	Murphy, Ill.
Cederberg	Gettys	Purcell
Chisholm	Hagan	Rooney, Pa.
Clay	Harrington	Rostenkowski
Davis, Ga.	Hébert	Roybal
Denholm	Henderson	Runnels
Dent	Hicks, Mass.	Seiberling
Devine	Hillis	Stephens
Diggs	Hunt	Stuckey
Donohue	Ichord	Taylor
Drinan	Long, La.	Udall
Edwards, La.	McCulloch	Waldie
	McEwen	Whalley

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Ashbrook.
Mr. Brasco with Mr. Hunt.
Mr. Fascell with Mr. Hillis.
Mr. Taylor with Mr. Fish.
Mr. Rostenkowski with Mr. Bray.
Mr. Donohue with Mr. Cederberg.
Mr. Anderson of California with Mr. Mathias of California.
Mr. Roybal with Mr. Clay.
Mr. Denholm with Mr. Diggs.
Mrs. Chisholm with Mrs. Hicks of Massachusetts.
Mr. Edwards of Louisiana with Mr. Devine.
Mr. Long of Louisiana with Mr. Whalley.
Mr. Murphy of Illinois with Mr. McEwen.
Mr. Udall with Mr. Martin.
Mr. Eilberg with Mr. Davis of Georgia.
Mr. Mikva with Mr. Seiberling.
Mr. Stuckey with Mr. Stephens.
Mr. Hébert with Mr. Gallagher.
Mr. Purcell with Mr. Hagan.
Mr. Ichord with Mr. Waldie.
Mr. Rooney of Pennsylvania with Mr. Henderson.
Mr. Drinan with Mr. Runnels.
Mr. Gettys with Mr. Harrington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

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

There was no objection.

CONFERENCE REPORT ON S. 31, EMERGENCY EMPLOYMENT ACT

Mr. PERKINS submitted the following conference report and statement on the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-310)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from

socioeconomic backgrounds generally associated with substantial unemployment and underemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed or underemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities; and

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purposes of providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

(b) Not less than 85 per centum of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

ELIGIBLE APPLICANTS

SEC. 4. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants which shall be—

(1) units of Federal, State, and general local government; or

(2) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or

(3) Indian tribes on Federal or State reservations.

AUTHORIZED APPROPRIATIONS

SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $750,000,000 for the fiscal year ending June 30. 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) (1) No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in paragraph (2).

(2) If, any time subsequent to the Secretary's determination under this section, the rate of national unemployment (seasonally adjusted) equals or exceeds 4.5 per centum for three consecutive months, the Secretary shall, notwithstanding the provisions of paragraph (1), resume the obligation of funds appropriated under this section until a new determination has been made under paragraph (1).

(3) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment shall continue to be so counted if they continue in such employment.

(c) Whenever the Secretary makes any determination required by subsection (b), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

SPECIAL EMPLOYMENT ASSISTANCE

SEC. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated $250,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding fiscal year, to carry out the provisions of this section.

(b) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment, for unemployed and underemployed persons residing in areas of substantial unemployment, in jobs providing needed public services.

(c) For the purpose of this section—

(1) "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 per centum for three consecutive months as determined by the Secretary; and

(2) "eligible applicant" means any unit or combination of units of general local government or any public agency or institution which is a subdivision of any such unit, or an Indian tribe on a Federal or State reservation, which is or has within it an area of substantial unemployment.

(d) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

APPLICATIONS

SEC. 7. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that special consideration in filling public service jobs will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964 in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that procedures established pursuant to section 11(a) will be complied with;

(15) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing these persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(17) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(18) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(19) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(20) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 8. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TRAINING AND MANPOWER SERVICES

SEC. 10. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts appropriated under section 5.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 11. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 5(b)(1) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 5, the Secretary may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

SEC. 12. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this Act will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area as that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 13 of this Act.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(i) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 13. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 11(c) and 12(f) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 14. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention, and control, prison, rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(6) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(b) As used in section 12(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

EFFECTIVE DATE

SEC. 15. This Act shall be effective upon enactment and the determinations to be made under sections 5(b) and 6(c)(1) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

And the House agree to the same.

CARL D. PERKINS,
DOMINICK V. DANIELS,
LLOYD MEEDS,
WILLIAM D. FORD,
PHILLIP BURTON,
AUGUSTUS F. HAWKINS,
JOSEPH M. GAYDOS,
JAMES H. SCHEUER,
MARIO BIAGGI,
ELLA GRASSO,
LOUISE DAY HICKS,
EDITH GREEN,
ALBERT H. QUIE,
MARVIN L. ESCH,
WILLIAM A. STEIGER,
EDWIN D. ESHLEMAN,
EARL B. RUTH,
EDWIN B. FORSYTHE,
VICTOR V. VEYSEY,
JOHN N. ERLENBORN,
Managers on the Part of the House.

GAYLORD NELSON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI E. STEVENSON III,
JENNINGS RANDOLPH,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
WINSTON PROUTY,
ROBERT TAFT, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

First, on the issue of a "transitional" public service employment program the House receded and accepted the Senate language.

As agreed to by the conferees the word "transitional" describes, first of all, the limited duration of the authorized program, in that this act expires on June 30, 1973, and the fact that funds for the principal program cease to be obligated when the national rate of unemployment recedes below 4.5 percent.

Second, for individuals employed under the program it is the intention of the conferees that public service employment jobs lead wherever possible to positions not supported under this act in the public or private sector.

To accomplish this the application section requires that, to the extent feasible, local programs be designed with a view toward developing new careers or providing opportunities for career advancement, or continued training directly related to the job to be done. But a limitation of 15% is placed on the amount of funds under this act that can be spent on training. Funds for wages and benefits—for jobs—are the first priority.

In addition the conferees agreed that applications shall include provisions setting forth assurances that special consideration will be given to filling jobs which provide sufficient prospects for advancement, and provide persons employed with needed skills,

and assurances that jobs are provided in fields likely to expand and a description of career opportunities and job advancement potentialities for participants.

Applications must also provide assurances that the hiring jurisdiction will analyze job descriptions, reevaluate skill requirements at all levels of employment, and reevaluate civil service requirements and practices in order to provide upward mobility within public employment, provide linkages with upgrading and other manpower training programs funded under other authorities to help individuals find permanent, upwardly mobile careers in public or private employment.

Section 11 of the conference agreement provides that the Secretary shall establish procedures for periodic review of the status of persons employed in a public service job in order to help employees secure a better job of his or her choice if one is available.

All this language is intended to make it crystal clear that public service employment shall not be of the "dead end, make work" sort that is feared by the critics of public service employment.

It is the clear intention of the conferees that the program not be administered in such a way as to make of the jobs simply training "slots" with stipends, or, just as bad, a sort of disguised welfare, or transfer payment program. Such a result would be demeaning for the workers, waste taxpayers' money, and represent a fraud on the American people.

It was with these concerns in mind that the conferees agreed that the word "transitional" as used in this act—

Does not in any way limit that length of time an individual can stay on a specific public service employment job during the term of this Act—and no regulation may require such limitation;

Does not limit the kinds of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, and other jobs widely recognized as necessary and permanent in anture;

Does not prohibit the re-employment of those who have been laid off regular public service jobs because of fiscal problems at the local level. In fact, the conferees expect that many localities will rehire such employees.

At a time when the unmet needs in the public sector of the economy are so enormous—in health, teaching and child care, in public safety and probation work, in conservation and the environment—it would be tragic if the valuable skills and energies of those employed under this act were wasted on meaningless jobs. Designing programs that will quickly get people into meaningful employment is not easy. Therefore the conferees wish to emphasize the importance they place on paragraph (8) of section 7(c) providing for eligible applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs."

2. The statements of findings and purpose of the Senate bill and the House amendment are substantially similar with one exception. The Senate bill contains the word "transitional" in several instances; the House amendment does not. The House recedes to the language of the Senate bill with the understanding that the word transitional shall be construed by the Secretary in accordance with the discussion of the word "transitional" above.

3. The Senate bill authorizes the Secretary to enter into arrangements with public and private nonprofit agencies; the House amendment authorizes agreements with eligible applicants (which do not include private nonprofit agencies). The Senate bill also stipulates that the employment be transitional, and that it enables persons employed thereunder to move into employment or training not supported under this Act, a discussion of which appears above. The conference agreement does not authorize the Secretary to enter into arrangements with private nonprofit agencies.

The House amendment provides that financial assistance under the Act would be made available to meet "the full cost of providing employment" in public service jobs. The Senate bill does not contain this language.

The conference agreement provides that not less than 85 per cent of the funds appropriated shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

It is the explicit intent of the conferees that, funds made available under this Act for other purposes, such as planning and evaluation, training and other manpower and supportive services, administrative expenses, and any program costs other than wages and employment benefits, shall be paid for from the funds not set aside for wages and benefits.

4. Both the Senate bill and the House amendment authorize units of Federal, State and general local government, Indian tribes, public agencies and institutions which are subdivisions of state or general local government, and institutions of the Federal Government to be eligible applicants. In addition the Senate bill also makes eligible applicants of private nonprofit agencies and institutions (including local service companies) and other public agencies and institutions. The Senate recedes.

5. The House amendment authorizes $200 million immediately, $750 million for fiscal year 1972 and $1 billion for each of the three succeeding fiscal years. The Senate bill authorizes up to $750 million for fiscal year 1972 and up to $1 billion for fiscal year 1973 with the stipulation that the Secretary shall obligate $500 million when the rate of national unemployment equals or exceeds 4½ percent, and shall obligate an additional $100 million for each one-half of one percent by which the rate of national unemployment exceeds 4½ percent. The Senate recedes with an amendment authorizing $750 million for fiscal year 1972 and $1 billion for fiscal year 1973.

6. The House amendment provides that if, subsequent to a determination by the Secretary that the national unemployment rate has receded below 4½ percent and a cessation of the obligation of funds, the national unemployment rate returns to the level of 4½ percent or more for three consecutive months, the Secretary shall resume the obligation of funds. The Senate bill contains no comparable provision. The Senate recedes.

7. The House amendment contains a provision which transfers any unobligated balances left over at the end of any fiscal year to the Special Employment Assistance Fund. The Senate bill contains no comparable provision. The House recedes.

8. The House amendment provides that, for the purpose of determining national unemployment rates as used in this section only, persons who were being counted as unemployed before their employment under this Act would continue to be so counted. The Senate bill contains no comparable provision. The conference agreement contains the House provision with the stipulation that persons would continue to be so counted as long as they continue to be employed under this Act.

9. The House amendment contains a provision establishing a Special Employment Assistance Fund. The Fund operates separately from the main program of public service employment and is not affected by shifts in the national unemployment rate. It is to be used to provide funds for public service jobs in local areas where the unemployment rate is 6% or more. Eligible applicants are units or combinations of units of general local government, public agencies and institutions which are subdivisions of such units or Indian tribes. For the purpose of carrying out the provisions of the Fund there is authorized $250 million for fiscal year 1972 and such sums as may be necessary for each of the three succeeding fiscal years. In addition, any balances remaining unobligated by the end of the fiscal year in the principal program are transfered to the Fund. The Senate bill contains no comparable provision. The conference agreement authorizes a "Special Employment Assistance Program" similar to the provisions of the House amendment with an authorization of $250 million for each of the fiscal years ending June 30, 1972, and June 30, 1973. The concept of a special fund in the Treasury was deleted from the conference agreement.

The conference agreement also includes a definition of the word "area" as it is used in this section. The conferees intend that the Secretary will exercise discretion, consistent with the provisions of this Act, in determining what constitutes an area for the purpose of this section.

It is the understanding of the conferees that areas within cities (or areas within rural counties) such as Chinatown or the Mission District in San Francisco, Uptown or Lawndale in Chicago, Watts or East Los Angeles in Los Angeles, portions of Seattle, Harlem, or Bedford-Stuyvesant in New York will be so designated by the Secretary.

With respect to rural areas, it is expected that in most cases the entire area served by an eligible applicant will qualify. The conferees wish to make it unmistakably clear, however, that the same principles outlined for cities would apply to counties, and in particular to areas within rural counties, and where such areas qualify the conference agreement requires the Secretary to designate them just as he would an area within a city.

It should be understood that it is not our purpose to encourage the designation of areas which are so small in size as to hold little promise of making an impact on the unemployment problem in that community. While the principal concern is to narrow the area which would qualify for designation, the conferees wish to indicate that any such area should be large enough so that an individual can reasonably commute to a place of employment within such area.

While the conferees intend and the bill states that persons employed in jobs paid for by funds authorized by this section reside within the area designated by the Secretary, it is not our intent that the places of employment necessarily be within the designated area, but merely within the jurisdiction served by the unit of general local government submitting the application.

10. Both the House amendment and the Senate bill require the submission of an application setting forth a public service employment program designed to provide employment and, where appropriate, training and manpower services which are otherwise unavailable, in jobs providing needed public services. The Senate bill also contains the word "transitional" in describing the public service employment program. The House receded with the understanding that the word "transitional" would be construed by the Secretary in a manner indicated earlier in the joint statement.

11. The Senate bill also provides that programs assisted under this Act shall be designed with a view toward: (1) developing new careers, (2) providing opportunities for career advancement, (3) providing opportunities for continued training, and (4) providing transitional employment enabling in-

dividuals to move into public or private employment or training not supported under this Act. The House amendment contains no comparable provision. The conference agreement provides that programs shall, to the extent feasible, be designed with a view toward such objectives.

12. Both the Senate bill and the House amendment require a description of the area to be served, and certain other data. In addition, the House amendment requires the submission of a plan for serving all significant segments of the population within that area. The Senate bill contains no comparable provision. The Senate recedes.

13. The House amendment provides that preference in filling public service jobs will be given to veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contains no comparable provision. The conference agreement provides that special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964 and who received other than dishonorable discharges.

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently returned veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to ensure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs.

14. Both the House amendment and the Senate bill contain provisions requiring an annual review of the status of each participant by an appropriate agency, and, where appropriate, assistance to the participant in locating alternative employment or training opportunities. The House amendment requires that this assurance be given in the application submitted by an eligible applicant. The Senate bill makes this a special responsibility of the Secretary. The House recedes.

15. The Senate bill provides that all persons employed under this Act, except for technical, supervisory, and administrative personnel, will be selected from among unemployed persons. The House amendment contains no comparable provision. The House recedes to the Senate language with the understanding that the exception herein created would apply only to those persons hired to provide full-time technical or administrative services to programs funded under this Act, or to supervise persons employed under this Act.

16. The House amendment provides that no more than one-third of the program participants will be professionals as defined by the Fair Labor Standards Act (except school teachers). A waiver is provided in exceptional circumstances. The Senate bill contains no such restriction. The Senate recedes.

17. The Senate bill provides that the Federal share of public service employment programs may not exceed 90 percent of the cost. The House amendment contains no such limitation. The conference agreement retains the provision of the Senate bill with respect to the maximum federal share but adds that the local share may be in cash or in kind. The conferees intend that administrative expenses incurred by eligible applicants in carrying out programs under this Act will count toward the fulfillment of the local share requirement. It is the intent of the conferees that the Secretary take cognizance of the financial plight of state and local governments, and that he will make full use of his authority to waive the matching requirement wherever it would cause a hardship or prevent a community from participating in the programs authorized by this Act.

18. The Senate bill provides that a community action agency in the area to be served shall have an opportunity to submit comments with respect to a public service employment application to both the applicant and the Secretary. The House amendment contains no comparable provision. The Senate recedes.

19. The House amendment provides for the allocation of 80 percent of the funds according to a formula based on the proportion which the total number of unemployed persons in an area bears to the total in that state and the total in the state bears to the total nationally. The remaining 20 percent may be allocated by the Secretary as he deems appropriate. The Senate bill requires the Secretary to apportion funds on an equitable basis among and within states, and among urban and rural areas, giving consideration to the relative incidence of unemployment in the area served by an applicant. The Senate recedes.

20. Both the House amendment and the Senate bill provide that funds appropriated under this Act may be used for training and manpower services for persons employed in public service jobs under this Act. The House amendment limits the amount of the funds which may be used to 15 percent of the amounts appropriated under section 5; the Senate bill limits the amount to 20 percent of the amounts available for carrying out the Act. The Senate recedes.

21. Both the House amendment and the Senate bill contain restrictions against displacing currently employed workers and against impairing existing service contracts or substituting federal for other funds in connection with work that would otherwise be performed. In addition, the Senate bill requires that the public service employment program will not substitute public service jobs for existing federally assisted jobs. The House amendment contains no comparable provision. The House recedes.

22. The House amendment requires that an employer pay his employees the higher of the Federal minimum, the State minimum, or the prevailing rate of pay in the same area for persons employed in similar public occupations. The Senate bill requires that the employer pay the higher of the Federal, State or local minimum, or the prevailing rate that the employer pays for persons he employs in similar occupations, to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.

The conference agreement accepts the Senate language with respect to the prevailing wage "by the same employer," but deletes the proviso "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act."

With particular reference to the language dealing with prevailing wages, the conferees agree that in determining prevailing rates, the determination is to be based upon the prevailing rates of pay for other persons employed by the eligible applicant in similar public occupations. To illustrate, in the case of a city using Federal funds received under this Act to employ nurses in municipal hospitals, the prevailing wage would be that paid to other nurses in the same or similar jobs in municipal hospitals. If, however, another city agency or department—for example, the Department of Public Health—also employed nurses with funds received under this Act, the prevailing rate of pay for those nurses would be the rate paid by that department to other nurses even if it differed from the rate paid at the municipal hospitals.

23. The House amendment provides that no person employed in a public service job under this Act may be paid in excess of $12,000 per year. The Senate bill contains no comparable provision. The conference agreement limits the payments under this Act to $12,000 per year per job. The conferees do not intend this provision to limit the total amount an individual can receive, but simply limits the Federal contribution.

24. Both the Senate bill and House amendment provide that participants will have the same fringe benefits and working conditions as other employees of the employer. The Senate bill also stipulates that participants will enjoy promotional opportunities neither more nor less favorable than other employees enjoy. The House recedes.

25. The House amendment provides that no funds will be used for the acquisition or rental or leasing of supplies, equipment, materials or real property. The Senate bill contains no such restriction. The Senate recedes.

26. The Senate bill contains a provision which stipulates that if the provisions of the Davis-Bacon Act would otherwise apply to a project, nothing contained in this Act shall exempt such project from such coverage. The House amendment contains no comparable provision. The Senate recedes.

27. The House amendment contains a provision requiring that where programs involve physical improvements, special consideration be given to those improvements used by low-income families or located in areas having high concentrations of low-income persons. The Senate bill contains no comparable provision. The House recedes.

28. The Senate bill contains a provision authorizing the Secretary to make expenditures for construction, repairs, and capital improvements. The House amendment contains no comparable provision. The Senate recedes.

29. The Senate bill provides that the acceptance of family planning services provided to participants will be voluntary, and that no participant may be required to accept them in order to qualify for a public service job. The House amendment contains no comparable provision. The Senate recedes.

30. The Senate bill requires the submission of periodic reports to the Secretary including such data as: (1) characteristics of program participants including age, sex, race, health, education level, and previous wage and employment experience, (2) duration in employment situations, and (3) cost per participant broken down into categories. The House amendment contains no comparable provision. The House recedes.

31. The Senate bill contains a provision requiring the Secretary to review every six months the implementation of the procedures requiring periodic reviews of each participant. The House amendment contains no comparable provision. The House recedes.

32. The Senate bill provides that up to 1 percent of the funds appropriated pursuant to section 5 may be reserved by the Secretary in order to provide for a continuing evaluation of programs assisted under this Act. The House amendment contains no comparable provision. The House recedes.

33. Both the Senate bill and the House amendment require the Secretary to transmit an annual report to the Congress including information on whether or not participants subsequently secure and retain public or private employment or participate in training or employability development programs. The Senate bill requires additional information on the extent to which all segments of the unemployed population are being served, and

also requires insertion of the evaluations required under the Act. The House recedes.

34. The House amendment contains a definition of the term "area" as used in section 11 of the Act. The Senate bill contains no comparable provision. The conference agreement retains the definition of the term "area" for the purposes of section 12(c) of the conference report.

35. The Senate bill contains a definition of the term "city." The House amendment has no comparable provision. The Senate recedes.

36. The Senate bill contains a definition of "public service." The House amendment contains no comparable provision. The House recedes.

37. The Senate bill contains a definition of "health care." The House amendment contains no comparable provision. The conference agreement adopts the Senate language but inserts the word "voluntary" before the words "family planning services."

38. The Senate bill contains a definition of "local service company." The House amendment contains no comparable provision. The Senate recedes.

39. The Senate bill contains a definition of "unemployed persons." The House amendment contains no comparable provision. The conference agreement includes the Senate definition of unemployed persons, and adds a definition of underemployed persons as being those persons who are working part time and seeking full time employment and those working full time but earning less than the poverty level income. It is the intent of the conferees that persons already employed by the eligible applicant not be included in the definition of "underemployed persons" for the purposes of this Act.

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Managers on the Part of the Senate.

THE SHARPSTOWN FOLLIES—VI

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

Mr. GONZALEZ. Mr. Speaker, Frank Sharp was one of the biggest wheelers and dealers Texas ever know. Apparently his deals cost innocent bystanders millions of dollars, and his companies engaged in some of the most ingenious and thorough corporate looting ever known anywhere at any time. Investigators say that the enormity and complexity of the dealings of this man will take months or even years to unravel, and maybe the full extent of it will never be known.

The Department of Justice has a heavy responsibility to prosecute such men to the fullest extent of the law, but in this case, they seem to have dropped the ball—and deliberately so. They failed to prosecute this case vigorously for political reasons—because prosecution would have revealed the close and intimate relationship between this fabulous fraud and the Assistant Attorney General of the United States, Will Wilson.

Wilson admits that he was an attorney for Frank sharp, and even admits to having stock in one of Sharp's companies, National Life. But that is deceptive.

The truth is that Wilson was not just a lawyer for Sharp. He was in fact general counsel for the two biggest Sharp companies, National Bankers Life Insurance Co. and the Sharpstown State Bank.

Wilson's two law partners also had close dealings with Frank Sharp. One of them, Joe Ridings, had the sole responsibility of representing the Sharpstown State Bank. As general counsel for Sharpstown State Bank, Will Wilson brought Joe Ridings into his firm for the sole purpose of working on the bank's real estate deals. The Wilson firm maintained offices in the Sharpstown State Bank, furnished and paid for by the bank. Junior partner Ridings got a retainer of a thousand dollars a month from the bank, and worked very closely with the bank president, Joe Novotny, who was Sharp's right-hand man in setting up real estate deals and all manner of other operations. If Will Wilson did not know a great deal about Frank Sharp he ran a most unusual law firm—two of the three partners, to wit, Wilson and Ridings, being involved as general counsel for Sharp's bank, and counsel, respectively.

Will Wilson was also general counsel for National Bankers Life Insurance Co., which Frank Sharp bought in 1968. Indeed, Wilson became general counsel as soon as Sharp moved into that company. He resigned as general counsel of both National Bankers Life and Sharpstown State Bank only when he had to do so, on assumption of his job as Assistant Attorney General of the United States

Wilson had a third law partner, Joe Osborn. He was on the board of directors of yet another Sharp company, Olympic Life. When partner Osborn resigned from that board, Wilson's partner, Ridings, immediately went on. Needless to say, the Wilson firm did plenty of legal work for Olympic Life also.

So Will Wilson was general counsel for two out of the three biggest Sharp concerns, and his partners were on the board of a third, and his firm did legal work for all three of these Sharp companies, and probably others as well.

Will Wilson was more than a lawyer for Frank Sharp.

Will Wilson was more than an innocent buyer of Sharp stocks.

Will Wilson was more than a friend of Frank Sharp.

Will Wilson was right in the middle of the deals that built the Sharp empire. He was, indeed a mover and shaker in the Sharp empire, a key man for Frank Sharp. He moved out before the great paper empire collapsed—but there is no question that he helped build it.

It is plain that neither Wilson nor the Justice Department wants to talk about any of this, or have anyone else talk about it either. Little wonder.

If Wilson does not want to talk about all that, I can understand his silence. If he wants to admit only what he is forced to admit, then I can understand that too. If Deputy Attorney General Kleindeinst wants to protect him, I can understand that. If the local U.S. attorney, Mr. Farris, wants to join in that merry bank of silent monkeys, I can understand that, too. But then they—and especially Mr. Farris—should understand that while they see, hear, and do no evil I have a responsibility to speak out—and I intend to continue doing just exactly that.

AUDIT REPORT REVEALS CALIFORNIA OEO DIRECTOR UHLER SPENDS ANTIPOVERTY FUNDS FOR POLITICAL PURPOSES

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

Mr. WALDIE. Mr. Speaker, recently I came upon a copy of an important report issued by the regional auditor of the Office of Economic Opportunity in San Francisco which detailed the short-comings of the fiscal operations of the California State Office of Economic Opportunity—SEOO.

In this audit report, which I would like to submit for inclusion in the CONGRESSIONAL RECORD, it was stated that the California SEOO expended Federal antipoverty funds for the purpose of, in the words of the auditor, "enlisting support for Senator George Murphy prior to the November 1970 election."

Mr. Speaker, the audit report, also, showed that some $88,625 in State matching funds were disallowed because of inadequate recording of services and other "in kind" contributions.

The report shows that California SEOO attempted to term the services of public employees during regular working hours as "contributions" and thus a part of the State's "in kind" share of the OEO grant.

Mr. Speaker, this kind of blatant misuse of Federal funds earmarked for the poor is a great disservice to the people of California who expect better performance by State administrators.

The mismanagement and ineptitude evidenced by the California SEOO and its director, Lewis K. Uhler, clearly indicates that a change of leadership is needed if the State is to provide the services and support needed by local antipoverty units.

I am gratified to learn, Mr. Speaker, that a memorandum of understanding reached by the State and the regional

OEO takes away the investigative powers of Mr. Uhler and the California SEOO which have been abused in the past year.

I am hopeful that the regional director will seize upon the revelations of this audit report and will work to bring further reforms to the operations of the California SEOO.

The audit report follows:

OFFICE OF ECONOMIC OPPORTUNITY,
San Francisco, Calif., March 17, 1971.

Reply to attention of Regional Auditor, Region IX—San Francisco.

Subject: Report of Audit of State Office of Economic Opportunity, State of California, Sacramento, California, Grant Nos. CG–0364 and CG–9093.

To: Mr. H. Rodger Betts, Regional Director, Region IX—San Francisco.

Attached is a copy of our report of an audit of the State Office of Economic Opportunity, Department of Human Resources Development, State of California. The audit was directed primarily toward the grantee's administrative practices, its evaluation of programs and furnishing of technical assistance to the various OEO grantees in the State of California.

Your attention is invited to the auditor's observations summarized in Section II. Please note that the grantee's accounting system and internal controls are considered adequate. However, weaknesses were noted in application of OEO instructions on personnel matters, in supporting and recording non-Federal share, and in the expenditure of grant funds for grant related activities.

We have questioned Federal expenditures of $11,371 and non-Federal share contributions of $88,625 in connection with matters discussed above.

Please inform us by May 17, 1971 of all proposed, initiated or completed actions on specific recommendations made in the audit report and furnish your reasons where you consider action unnecessary. When action is not complete, the response must indicate the date(s) corrective action will be completed. In addition, please inform us as to whether questioned costs have been allowed or disallowed.

Please let us know if you desire any additional information.

PHILIP F. MEGNA.

REPORT OF AUDIT, STATE OFFICE OF ECONOMIC OPPORTUNITY, STATE OF CALIFORNIA

(The observations and recommendations contained in this report do not constitute final OEO determinations until a formal response has been receive from the grantee or contractor and evaluated by OEO.)

Date: March 17, 1971.

From: Mr. Philip F. Megna, Regional Auditor, Region IX—San Francisco.

Subject: Audit of State Office of Economic Opportunity, State of California, Sacramento, California, Grant Nos. CG–0364 and CG–9093.

To: Mr. H. Rodger Betts, Regional Director, Region IX—San Francisco.

I. INTRODUCTION

The OEO Audit Division made an audit of the State Office of Economic Opportunity, Department of Human Resources Development, State of California during January and February 1971. An exit conference was held with the grantee's Director, Mr. Lewis K. Uhler, on February 10, 1971.

Our audit was directed to the grantee's administrative practices and review of grant programs and furnishing of technical assistance to the various OEO grantees in the State of California.

At January 31, 1971, the grantee had received the following grants for current operations:

	Federal share	Non-Federal share	Total
CG–0364–E	[1] $795,064	$121,837	$916,901
CG–9093 Demonstration	189,888	0	189,888
Total	984,952	121,837	1,106,789

[1] $104,600 of Federal share CG–0364–E/3 had been approved but funding was withheld awaiting submission of a work program by the grantee.

We discussed all matters relating to the audit with appropriate personnel of the grantee. A list of principal persons contacted during the audit is contained in Attachment A.

II. SUMMARY OF OBSERVATIONS

The accounting system and internal controls at the time of our audit were considered adequate to safeguard the assets of the grantee, check the accuracy and reliability of the accounting data, promote operational efficiency and encourage adherence to prescribed management policies. Our review of the grantee's activities relating to administrative controls, grant program review and the providing of technical assistance to grantees disclosed no significant management weaknesses. However, we found the following matters which require corrective action by the grantee.

(1) The grantee had five current employees whose salaries exceeded that allowable under CA Memo No. 23–B and TA Memo No. 26. (See Attachment B). (2) Non-Federal share in-kind contributions of personal services were neither properly documented nor recorded in the financial records of the grantee. (3) A telegram with no apparent relation to the grantee's approved grant program was charged to the OEO grant. We have recommended disallowances of $9,269, $88,625 and $2,102, respectively.

The details of these matters, including the grantee's comments, are discussed in Section III of this report.

III. STATEMENT OF OBSERVATION AND RECOMMENDATIONS

A. Personnel management weaknesses

As of our audit cutoff date of January 31, 1971 five current employees of the grantee received salary payments of $9,269 in excess of those allowable under CA Memo No. 23–B and TA Memo No. 26. Also, there was no evidence that information shown on applications for employment had been verified with the prior employer or other source. In one instance the OEO auditor attempted to verify the former salary of one of the grantee's employees and learned that the prior salary had been substantially overstated. See Attachment B for specific details.

After we brought this matter to their attention, grantee officials sent a letter dated February 9, 1971, to OEO providing some justification and requesting a waiver of the 20 percent limitation for the five individuals involved. As regards verification of information shown on applications for employment, the grantee's Assistant Director for Administration said that generally they had verified such data informally and that no record had been made; however, he was not familiar with the circumstances of those persons hired before July 1970.

We recommend disallowance of $9,269 in the absence of OEO waiver of the 20 percent limitations. We also recommend that the grantee establish procedures to insure that compensation paid to any employee is in accord with OEO instructions and further, that some memorandum of verification of information shown on applications for employment be made a part of employees' permanent personnel files.

B. Questionable non-Federal share, $88,625

Non-Federal share in-kind contributions of personal services were neither properly documented nor recorded in the financial records of the grantee. Also, much of the claimed in-kind volunteered effort appears to be that of public employees who performed their normal duties in furnishing information and opinions to employees of the State Office of Economic Opportunity. Furthermore, the valuation of some of the volunteered services appears not to have been in accordance with OEO criteria.

All the grantee's in-kind non-Federal share contributions were in the form of personal services and these were divided into two principal categories: (1) services of State of California employees which were expected to be furnished either routinely or on demand; and (2) services of various public officials (other than State or Federal) and of private individuals furnished primarily to grantee's employees in the course of their evaluation of the various OEO grantees and programs within the State of California. Presumably the services were furnished by persons in their capacity of employees of public or private entities, or as private individuals on their own time.

1. We found no record that affirmed the performance of the services of State of California employees for the 1969–70 fiscal year (Program Year "D"). The list of proposed non-Federal Share In-Kind for Program Year "D" was the sole support for the amount claimed in that year, $25,571. We were told by the grantee's accounting officer that the same list was used for the current Program Year "E" except that the amounts had been increased by five percent to compensate for general salary increases of State employees. As in Program Year "D," we found no record that affirmed the performance of the services of State of California employees or showed that the services were appropriate for the grant Program Year "E." The available support for claims of in-kind contributions does not meet the requirements of OEO Instruction 6802–1, Valuation of Volunteered Personal Services for Purposes of Computing the Non-Federal Share, paragraph 8, which provides:

"8. * * * All volunteered services claimed as non-Federal share must be substantiated by time cards or records that are signed by both the volunteer and his supervisor as is required for all other employees. Such records must show the actual hours worked and the specific duties performed. They should also indicate the basis for determining the rate of volunteer's contribution."

2. We examined 105 of the more than 300 separate claims for "Non-Federal Resources Received" (in-kind contributions) which were on file in the Accounting Department for the 1970–71 fiscal year, Program Year "E." We found that 76 of the claims were for persons identified as public officials and 29 by private persons. The amount of time involved in the individual claims ranged from ¼ hour to 54 hours and averaged about 3½ hours each. The total valuation of the 105 claims was $3,512 with $1,410 (40 percent) being for private individuals and $2,102 (60 percent) for public officials.

The individual claims did not clearly identify the donor—whether the individual himself made the donation or whether his employer made the donation. In the case of public officials we could not determine whether they had provided a service above and beyond that normally furnished by a public employee, whether they had provided a service on their own time outside the scope of their public employment, or whether they had merely performed their duties as public employees.

OEO Instruction 6802–1 provides in part:

"1. * * * Volunteered personal services contributed as non-Federal share to a community action program will, except as noted, be valued at rates established by this Instruction. The rates set herein are national norms which cannot be exceeded.

"2. * * * The rates established by CAP for

various skills and professions are listed in the attachment to this Instruction. Rates not listed can be obtained upon request from * * * the appropriate Regional Office. * * *

"3. * * * c. In order for the services of a skilled or professional volunteer to be counted in the non-Federal share, the volunteer must:

"(1) posess the required qualifications in the skill or profession; *and*

"(2) actually perform that specific type of skill or profession in his volunteer work. * * *

"d. In all other cases, volunteered services will be valued at the basic minimum wage established by the Federal Government * * *.

"4. * * * a. When an employer furnishes the services of an employee, these services may be valued at the employee's regular rate of pay provided these furnished services are in the same skill for which the employee is normally paid. * * *"

We could not determine whether the value of the services furnished was ascertained in accordance with the OEO Instructions in all cases. It was not always clear that a volunteer's trade or profession was related to the service furnished or that the value assigned by the grantee was proper in view of the services furnished. For example, the services of a Pinkerton guard were valued as a truck driver at $3.40 an hour, a service station owner's service was valued as a brickmason at $5.30 an hour, a barber as a secondary teacher at $5.20 an hour. It did not appear that the services of any of these specialties were of any value to the grantee—they were nothing more than the occupations of persons furnishing a service. Because the OEO Instruction 6802–1 did not provide a rate for those occupations, the grantee showed an occupation that was listed in the Instruction with a rate of compensation which was believed to be fairly comparable with the normal earnings of the person donating his services. The grantee should have obtained a rate from the OEO Regional Office for the unlisted occupations or used the Federal minimum wage rate, as provided by the Instruction. None of the claims we reviewed had been signed by the persons furnishing the donated services, as required by paragraph 8 of the Instruction.

The grantee had not recorded non-Federal share in-kind contributions in the financial records in such a way that they were readily identifiable for audit. Part of the amount shown on monthly financial reports (CAP Form 15) was computed (see paragraph (1) above) and part was supported by individual invoices which had been batched, with adding machine tapes attached (see paragraph (2) above). These amounts, together with $20,000 of State furnished non-Federal cash, made up the $83,054 of non-Federal share contribution shown on the Grantee Monthly Financial Report, CAP Form 15, for the period ending January 31, 1971. No other summary record was maintained. We could not readily determine the total amount of any category of non-Federal share at any given point in time.

CAP Guide, Volume II, Part I, Section 4, provides in part:

"* * * The contribution and valuation of in-kind contributions must be recorded as expenditures in the financial records of the grantee in such a fashion that they are readily identifiable for audit purposes. * * * Records of in-kind contributions of personnel must be established and maintained on a monthly basis. These records shall include the signature of the person whose time is contributed and of his supervisor, verifying that the record is accurate. * * *"

We believe that none of the in-kind non-Federal share claimed has been adequately documented or properly recorded, that much of it fails to meet OEO criteria for acceptable non-Federal share and that some of it has been valued inconsistently with OEO instructions. Also, the form used by the grantee to document in-kind personal services does not show sufficient information to evaluate and classify the donated effort.

The grantee agreed to revise the documentation form and procedure to conform to OEO Instructions.

We recommend disallowance of $25,571 in Program Year "D" and $63,054 in Program Year "E" in the absence of adequate documentation and recordation of non-Federal share in-kind contributions. We recommend further that OEO instruct the grantee in the proper methods of documenting and recording non-Federal share and that the grantee be directed to amend its procedures to comply with grant conditions and other OEO requirements.

C. Telegram not related to grant program, $2,102

The grantee sent a telegram with no apparent relation to its approved grant programs to 198 addressees at a cost to the grant of $2,101.95. The telegram was sent in late October 1970 and appears to have been for the purpose of enlisting support for Senator George Murphy in the November 3, 1970 election.

The telegram stated:

"We have just received a vital message from Senator George Murphy in response to our request that he spearhead restoration of recent cutbacks in California's Head Start funds.

"Senator Murphy states: 'Citizens from all corners of California have expressed concern over recent cuts in the Head Start budget. As you may know, I am co-sponsor of legislation, S. 3480, the Comprehensive Head Start and Child Development Act of 1970, which would increase Head Start funding by $123 million over the FY '71 expenditure. On reconvening of Congress in November I pledge to lead the fight to restore Head Start funds for California. My thanks to you and concerned citizens throughout California for bringing this critical situation so forcefully to my attention. Please convey this important message to your entire staff and to interested citizens in your community.'

"LEWIS K. UHLER,
Director, State Office of Economic Opportunity."

The telegram was sent to OEO grantees, Head Start programs, County Supervisors, and others in the State of California.

The grantee's Director said that the telegram was initially conceived in an attempt to forestall threatened demonstrations by proponents of Head Start. He furnished one letter from a Head Start project in Stockton, California, which tended to support his statement, but the letter was not conclusive.

The telegram does not appear to be related to the grantee's approved programs or justifiable as an expense to the grant. We therefore recommend disallowance of $2,101.95 in the absence of such justification.

IV. AUDIT COUNSEL

We will be glad to provide audit counsel in connection with any matters discussed in this report.

V. SCOPE OF AUDIT

The audit was made for the purpose of evaluating the effectiveness and efficiency with which the State Office of Economic Opportunity utilized its resources in its evaluation of the various OEO grant proposals and programs and its furnishing of technical assistance to various OEO grantees in the State of California.

We reviewed basic grant documents, grantee's operating procedures, files, and records related to the operation of its programs and accounting for grant funds. We made an extensive review of the files and procedures pertaining to evaluation of the grant proposals and programs including detailed review of matters relevant to the Governor's approval of grants under Section 242 of the Economic Opportunity Act. We also reviewed in depth the grantee's efforts to develop and disseminate technical assistance to grantees in the areas of management, housing, and economic development.

STATE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, STATE OF CALIFORNIA

PRINCIPAL PERSONS CONTACTED DURING THE AUDIT

State office of economic opportunity

Lewis K. Uhler, Director.

Lawrence Chickering, Deputy Director for Community Development.

Leonard Down, Deputy Director for Planning, Budget and Finance.

Bernard Schur, Deputy Director for Program Analysis and Chief, Technical Assistance.

Robert B. Hawkins, Jr., Assistant Director for Operations.

John Sawicki, Assistant Director for Administration.

Dennis H. McKee, Assistant Director for Legal.

Theresa McInnes, VISTA Coordinator.

J. Robert Frane, Technical Assistance Specialist-Housing.

Stephen Archer, Technical Assistance Specialist-Economic Development.

Others

George Nagasawa, Accounting Office, Department of Human Resources Development, State of California.

Milton Pfleiderer, Auditor, Department of Finance, State of California.

Robert G. Lofaso, former SEOO Coordinator, Region IX, OEO.

Paul Katz, SEOO Coordinator, Region IX, OEO.

ATTACHMENT B

STATE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, STATE OF CALIFORNIA—SCHEDULE OF PAYMENTS IN EXCESS OF OEO SALARY INCREASE LIMITATIONS

Employee	Effective date	Monthly salary rate	Allowable monthly salary	Overpayment to Jan. 31, 1971		
				Rate	Months	Amount
Archer	Prior salary	[1] $1,050				
	May 1, 1970	1,475	$1,260	$215	9	$1,935
Frane	Prior salary	900				
	May 1, 1970	1,475	1,080	395	9	3,555
Hawkins	Prior salary	900				
	July 27, 1970	1,273	1,080	193	2	386
	Oct. 1, 1970	1,548	1,296	252	4	1,008
Kludjian	Prior salary	959				
	Sept. 1, 1970	1,405	1,151	254	5	1,270
McInnes	Prior salary	825				
	Sept. 1, 1970	1,213	990	223	5	1,115
Total						9,269

[1] Prior salary shown in Archer's application for employment was $13,500 ($1,125 monthly). In attempting to verify Archer's prior salary, OEO auditor learned it was in fact $1,050 a month, not the $1,125 as claimed.

SUPREME COURT FREES MOST NOTORIOUS DRAFT DODGER AND REVERSES CONVICTION OF MURDERER

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

Mr. SIKES. Mr. Speaker, I do not like to sound as irresponsible as the U.S. Supreme Court is acting. Nevertheless I must state there is serious question in my mind that any American youths should be drafted henceforth. I do not see how our country can in good conscience require young men to fight in Vietnam to protect the rights of draft dodgers like Cassius Clay. The Court has freed our Nation's most notorious draft dodger and almost in the same breath reversed the conviction of the brutal murderer of eight student nurses in Illinois. The Court's specious reasoning is sickening to those who expect justice in the courts. Action could be taken by the Congress or the administration to correct this situation. Yet sadly I must note that I see no prospect that either is going to be shocked into corrective steps. A nationwide wave of indignation should be directed to Washington on this matter.

RESTRICTION ON THE PRODUCTION OF AMPHETAMINES AND METHAMPHETAMINES MAY BE DELAYED

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

Mr. PEPPER. Mr. Speaker, I rise today to share with my colleagues some bad news for the health and welfare of our fellow American citizens. The administration's belated proposal to restrict the production of amphetamines and methamphetamines may now be delayed for up to 2 years because a new drug lobby has been formed to protest its action.

Mr. Speaker, as you know, this body's Select Committee on Crime, which I have the honor of serving as chairman, has campaigned for over a year to control the production of amphetamine-type drugs. Our hearings revealed that some 8 billion of these drugs are produced annually, and about half end up in the black market. When we moved last year to amend the Comprehensive Drug Abuse and Control Act of 1970 to restrict by quota the production of amphetamines, methamphetamines, phenmetrazine and methylphenidate, we were unsuccessful, largely because of opposition from the White House and the Bureau of Narcotics and Dangerous Drugs.

But we have persevered in our campaign to curtail the production of these dangerous and minimally useful dangerous drugs, and our educational efforts have paid off in part. Reversing its stand of last year, the Justice Department last month belatedly decided to administratively impose quotas on two of the four central nervous stimulants.

In a letter to the Attorney General dated May 18, 1971, I said:

> Though it is commendable that you should finally agree with the findings of this Committee, it is unfortunate that your move is but a half measure. We believe that it is unwise to move amphetamines and methamphetamines into Schedule II while leaving methylphenidate and phenmetrazine in Schedule III. The potential for abuse of methylphenidate (Ritalin) and Phenmetrazine (Preludin) has been well documented in the medical journals and has been vividly evidenced on a wide scale in Sweden.

I also pointed out that imposing quotas on only two of the four drugs would not bring U.S. law into line with the International Convention of Psychotropic Substances, of which the United States is a signatory, and which President Nixon recently said he would send to the other body for its advice and consent.

With these factors in mind, I called upon the Attorney General to support legislation introduced by a bipartisan majority of the Select Committee on Crime with over 75 cosponsors that would control all four drugs, bring our laws into line with our international agreements, and do so quickly and effectively. I have not yet received a response to that letter.

Mr. Speaker, I also publicly warned that imposing quotas by administrative procedure would entail the risk of long court challenges, thereby delaying by up to 2 years the effectiveness of this measure. It gives me no pleasure today to point out that I was right, that the administrative measure has been challenged, that the quotas will not go into effect for some time.

I think it was naive to expect that some of the drug companies of this Nation would quietly accept a measure that would seriously and adversely affect their profits. In the past, some of these firms have done little to prove that the public interest comes before the profit motive.

So we are today faced with this situation: a half measure to control these drugs, long overdue in its coming, now will be delayed even longer by a new drug group apparently formed specifically to fight this needed measure. And the administartion, which is apparently more concerned with taking credit for curbing abuse of these drugs than actually curbing that abuse, has so far failed to support bipartisan legislation in the Congress that would do the job effectively and quickly.

President Nixon, speaking before the American Medical Association recently, pledged a new drive to curtail these dangerous drugs. He could do this by supporting our legislation.

The U.S. Conference of Mayors recently passed a resolution urging the passage of our legislation.

Progressive doctors throughout the country are beginning to question the need for these drugs, and are voluntarily limiting their use.

We cannot understand why the administration is not supporting this meritorious bipartisan legislation. Surely neither the administration nor the Congress can leave itself open to the charge that in not enacting this legislation so vitally necessary to the health and welfare of the Nation, we are yielding to financially interested pressure groups or placing profits or politics ahead of the health and welfare of our Nation.

Mr. Speaker, we of the Congress cannot allow this situation to continue. I urge early hearings on our bill to limit the production of these drugs, and I am confident of passage by this body and the other body. We owe the American people quick and affirmative action on this legislation. What could we say to the parents of speed freaks who continue to get their drugs while the administration fights in court to do something we have the power and responsibility to do in the Congress. Let this not be viewed as a matter of politics, but as a matter of public health. Let us pass this bill soon, and worry after its passage who should receive the credit.

A pertinent article from the June 26, 1971, issue of the Washington Post follows:

PLAN TO CONTROL PILLS HITS 11TH HOUR SNAG

(By Morton Mintz)

Attorney General John N. Mitchell's plan to restrict production and use of two drugs with a "high potential for abuse" were stymied last night by an organization that experts in the field said they have never heard of.

The result may be that the plan, which had been scheduled to take effect next Wednesday, will be delayed by administrative and court challenges for two years.

The drugs in question are amphetamines and methamphetamines—the stimulants called "uppers" in narcotics slang.

President Nixon, in a speech to the American Medical Association this week said that about 3 billion "upper" pills were produced in the United States last year. He told the doctors that they were prescribing such drugs "too often and too easily."

Even so, the department's Bureau of Narcotics and Dangerous Drugs has estimated that as much as half of the pills are diverted into illegal uses.

Smith Kline & French Laboratories, the prime producer of amphetamines, and Abbott Laboratories, the principal synthesizer of methamphetamines, are reported to favor the restrictions proposed by Mitchell.

However, a number of small firms that convert the basic chemicals into pills are understood to be opposed.

The department allowed 30 days for comment on Mitchell's plan. None was filed. But last night, moments before the deadline, an objection was filed by the Manufacturers Educational Drug Information Association (MEDIA).

Listed as general counsel was Richard L. White. The Yellow Pages lists no lawyer by that name. He could not be immediately located through other directories. Neither do the directories list MEDIA at the address given on its filing suite 405 at 525 School st. sw.

MEDIA, in its filing, said the Attorney General's proposal—involving the imposition of manufacturing quotas, among other things—is objectionable partly because it would require small companies to provide excessively costly security precautions.

The Justice Department now must name an examiner to hold a hearing. He will make a recommendation to the bureau. Court appeals are probable. Meanwhile, the plan to restrict production and use of "uppers" is stayed.

MADISON AVENUE IN THE COAL MINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, tomorrow, the House will take up the Department of the Interior appropriation bill, H.R. 9417. At that time, I plan to offer an amendment as follows:

On page 15, immediately after line 17, insert the following:

> No part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaign among coal miners.

On February 18, 1971, the Interior Department hired Mr. Harry W. Treleaven, Jr., of the public relations firm of Allison, Treleaven & Reitz as a $121-a-day consultant. He finished his 90-day task on May 17, 1971. Three days later, on May 20, 1971, he submitted to the Deputy Director of Health and Safety, Bureau of Mines, a proposal growing out of his 90-day employment with Interior.

The Treleaven proposal, which was apparently to be carried out by his public relations firm, calls for a "full-scale, all-media communications program—to help motivate miners 'to do what is right.'"

When the plan was publicized, the Bureau of Mines quickly issued an invitation for bids on June 10, 1971. The Bureau's invitation is outlined as "a full-scale, all-media education program" using television, radio, billboards, posters, and bumper stickers aimed at "motivating workers to adopt safer working habits and in actually changing behavior." The Bureau gave only 6 days—3 working days—for bidders to respond. A copy of the Bureau's bid invitation follows my remarks.

Estimates of the cost of this public relations campaign range from $250,000 to a half a million dollars.

Who is responsible for coal mine accidents?

The General Accounting Office recently completed a careful study which concluded that the Interior Department's "policies for enforcing health and safety standards have been at times extremely lenient, confusing, uncertain and inequitable." The GAO report also stated:

> Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones.

Hon. Elmer B. Staats, Comptroller General of the United States, subsequently estimated that "roughly 90 percent of the accidents" in coal mining "are due to the failures of mine operators rather than to the failure of the miner himself."

In view of the fact that coal miners appear to be responsible for only 10 percent of accidents in the mines, such an expenditure of public funds for a public relations campaign is unnecessary.

What is really needed is enforcement of the Federal Coal Mine Health and Safety Act of 1969. Substitution of public relations for genuine law enforcement will never end the slaughter in the coal mines.

Mr. Speaker, I discussed the background of this fantastic public relations campaign in my remarks on June 14, 1971, which are printed in the RECORD on pages 19556–19560.

The text of the Bureau's proposal of June 10, 1971 follows:

BUREAU OF MINES,
Washington, D.C., June 10, 1971.

REQUEST FOR PROPOSAL NO. S0112094—DEVELOPMENT OF AN EDUCATIONAL PROGRAM TO ACHIEVE A SUBSTANTIAL REDUCTION IN THE NUMBER OF COAL MINE ACCIDENTS

GENTLEMEN: The Bureau of Mines, Department of the Interior, is requesting proposals from organizations having the capability to determine what elements in a safety campaign will motivate the adoption of safe working habits and procedures and then develop a full-scale, all-media education program with the objective of reducing substantially the number of coal mine accidents. The specific services required are set forth in the attached Exhibit A—Statement of Work.

All work required under Scope of Work shall be completed within 2 months after effective date of contract. If your organization can complete the proposed effort in less than 2 months without additional costs, your proposal should so indicate. In like manner, if your organization will require more than 2 months to effectively complete the proposed effort, so indicate.

It is anticipated that a cost type contract will be utilized for this proposed procurement action.

Award may be made without discussion of proposals received; therefore, offerors are cautioned that proposals should be submitted initially on the most favorable terms, from a technical and price standpoint, which the offeror can submit to the Government.

Unnecessarily elaborate brochures and other presentations beyond that required to present a complete and effective proposal are not desired and may be constructed as an indication of the offeror's lack of cost consciousness.

Proposals will be evaluated by a committee of technically qualified Bureau employees assisted by contracting personnel on the following objectives which are listed in decreasing order of importance:

1. Contractor's responsibility and past experience and performance in similar programs.

2. Qualifications of personnel to be assigned and man-hours to be spent on the proposed work.

3. Understanding of the Scope of Work and soundness of approach as shown by technical proposal.

4. Completeness and thoroughness in compliance with all elements of the Scope of Work and with other RFP requirements.

5. Commitment to meet the requirements of the Scope of Work within a realistic program schedule.

Award will be made to that responsible offeror, whose offer, conforming to this Request for Proposal is most advantageous to the Government, considering the criteria listed above, and in the order shown, cost and other factors.

A responsive proposal shall include two (2) separate and detachable volumes. The *Technical Proposal* should be prepared in accordance with instructions in Exhibit D, and the *Cost Proposal* in accordance with instructions in Exhibit E. Your proposal should indicate the names, and telephone numbers, of persons authorized to conduct negotiations for your organization.

If your proposal results in your organization being selected for the negotiation of a contract, the award will be covered by one of the standard type contracts set forth in the Federal Procurement Regulations. The Bureau of Mines proposes to use applicable Government clauses set forth in Exhibit C, and any other regulatory procurement procedures or clauses applicable to the type of contract utilized.

Proposals submitted in response to this Request for Proposal will not be returned, but will be retained by the Bureau of Mines for official record purposes.

Your attention is invited to the fact that the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds.

No preaward information concerning the status of this procurement will be furnished after receipt of proposals other than to organizations contacted for negotiations.

This request does not commit the Government to award a contract nor to pay any costs incurred in the submission of a proposal, or costs incurred in making necessary studies or designs for the preparation thereof, nor to procure or contract for the services or supplies. The Government reserves the right to reject any or all proposals, or to negotiate separately with any source(s) considered qualified.

Offerors are advised that, pursuant to the provisions of Public Law 87–653, dated September 10, 1962, the successful Contractor will be required to certify, except where the price negotiated is based on adequate price competition as determined by the Contracting Officer, or established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, that the cost or pricing data which he is required to furnish is accurate, complete and current.

Your proposal, signed by an official authorized to bind the offeror and containing a statement to the effect that the proposal is firm for a period of not less than ninety (90) days, shall be submitted in five (5) copies so as to reach this Branch before 3:30 p.m., local prevailing time, June 16, 1971. Late proposals will not be honored and will be returned to the offeror. *The mailing envelope* should be clearly marked with RFP Number S0112094 and forwarded to the attention of the undersigned at the address set forth below:

U.S. Branch of Mines, Branch of Contracts & Grants, Room 2751, 18th & E Streets, NW., Washington, D.C. 20240.

Telephone inquiries may be directed to telephone number (202) 343–3886.

Sincerely yours,

G. A. MELVILLE,
Division of Procurement and Property Management.

EXHIBIT A.—STATEMENT OF WORK

1.0 BACKGROUND

The Federal Coal Mine Health and Safety Act of 1969 (P.L. 91–175; 83 Stat. 742) is intended to reduce the number of accidents in the Nation's coal mines. Extensive efforts have been made by the Bureau of Mines to improve conditions in these mines. New rules and regulations have been established, a greatly increased research and development program is underway, and the number of inspections has been doubled during the past year. Unfortunately, the results do not reflect this increased effort. During the first five months of 1971, through May 29, 84 coal miners lost their lives in mine accidents compared to 81 deaths during the corresponding period in 1970. Efforts to enforce compliance with the law and improvements in methods and equipment will not alone make the miners safe. The attitudes, motivations, habits, and practices of the owners, operators and miners must be geared to safe working conditions if safety is to become a reality.

2.0 DISCUSSION

The work shall be done in two phases. The first shall be a study to determine what is effective in motivating mine workers, miners and management alike, and to develop a statement of objectives for the educational program. The second phase will be the development of the educational program and recommendations for its implementation.

3.0 SCOPE OF WORK

3.1 Phase I

The Contractor shall, as Phase I of the work, make a study and assessment of current and recent Bureau of Mines safety programs, programs sponsored by coal operators and miner's unions, and safety campaigns undertaken in other industries with hazardous working conditions and in the armed services. The primary aim will be to determine what elements in these programs seem to have been successful in motivating workers to adopt safer working habits and in actually changing behavior. Simultaneously the Contractor will conduct field studies to try to find out, through focus group interviews, the attitudes of miners and their families toward mine safety, safety programs, mine hazards, etc. The results of the foregoing studies will be summarized in a Safety Program Facts Book. A statement of objectives for the educational program will be formulated and presented to the Bureau of Mines for approval. The findings and approved objectives will become the basis for all further work under this contract.

3.2 Phase II

Phase II will be the development, by the Contractor, of a full-scale, all-media education program which will accomplish the agreed upon objectives. The program will probably include, but will not be limited to, plans for use of mass media (television, radio, newspaper, billboards); films; various forms of collateral material (pamphlets, posters, newsletters, perhaps buttons and bumper stickers, window signs, bulletin board material, etc.); a press kit; publicity ideas; direct mail; and suggestions for community activities. For maximum impact all materials will have a common theme and a consistent look and attitude. Upon presentation of the proposed programs, the Contractor shall submit his recommendations for implementation of the program and evaluation of its effectiveness. These recommendations shall include a budget estimate for the additional work.

EXHIBIT C.—ERRATA SHEET

CHANGES TO GENERAL PROVISIONS—APPENDIX A

The title and the preamble of Clause 8—Contract Work Hours Standards Act—Overtime Compensation is deleted and the following substituted therefor:

Clause No. 8—Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327–333).

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and the interpretations of the Secretary of Labor.

Clause 22, Data, of the attached General Provisions (Appendix A) is deleted in its entirety and the following is substituted therefor:

Rights in Data

(a) The term "Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphic representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor hereby grants to the Government a royalty-free, nonexclusive, and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all Data which is not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract, and (ii) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of the official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the publication, translation, reproduction, delivery, performance, use, or disposition of any Data furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in such Data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract; provided, such incorporated material is identified by the Contractor at the time of delivery of such work.

SUPREME COURT'S DECISION AGAINST AID TO PAROCHIAL SCHOOLS HURTS 7 MILLION CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, today the Supreme Court ruled against the rights of almost 13 percent of the schoolchildren of this country by declaring unconstitutional two State laws which provided for the purchase of secular services in private schools. The Court ruled in Lemon and Dicenso that Pennsylvania and Rhode Island were violating the Constitution by paying for part of the salaries of teachers of secular subjects in religious affiliated schools. These laws are said to cause an excessive "entanglement" by the government in these schools.

Mr. Speaker, I cannot believe that these decisions are wellfounded. Government is now and has been in the past deeply involved with these schools—and it could not be otherwise. How can Government ignore almost 7 million schoolchildren in more than 18,000 schools across the country. Government for years has provided food, busing, textbooks, and auxiliary services to these schools not to mention income and property tax exemptions—and these have all been declared constitutional by the Supreme Court.

Now when the States try to expand their assistance to these schools which are facing a grave financial crisis the Supreme Court suddenly calls a halt.

In the last 3 years almost a thousand Catholic schools alone have closed sending almost a half million students into the public schools. In Illinois almost 90,000 students left the private schools at a cost of more than $40 million a year in additional operating expenses to already financially strapped public schools.

Many of the States have recognized this crisis and have sought to avert financial disaster in both the private and public schools by passing carefully drawn statutes providing for a purchase of secular services. Rhode Island, for instance, limited its assistance to the teaching of secular subjects with materials used in the State's public schools and required that all the teachers in the participating private school had to have been awarded a State board of education certificate.

Mr. Speaker, I do not understand how this type of aid can be unconstitutional. Surely the Government is under an obligation to improve the education of all of its children whether in public or private schools, and if the Government gives a salary supplement to teachers of secular subjects in private schools and conditions that aid on an improvement of the teachers' qualifications, that seems to me to be clearly a State responsibility.

The only hope I can take from today's actions is that at the same time the Court was declaring unconstitutional these State laws aiding private elementary and secondary schools it was declaring constitutional a Federal law—the Higher Education Facilities Act—which provides for construction grants to church-related colleges and universities.

These decisions will have to be studied to see how the Court allows a Catholic college to build a science building but disallows a salary supplement to a science teacher in a Catholic elementary school within the same city.

I would suggest to proponents of State aid to private schools that they study these decisions. Construction of new buildings apparently is constitutional, but in my opinion I would rather see a better teacher in an old private school than a poor teacher in a newly constructed school.

The Supreme Court's decision is unconscienable and totally insensitive to the pluralism of American education.

It denies millions of American children their civil rights to attend a school of their choice so long as it meets legal educational standards.

Mr. Speaker, I shall soon introduce legislation which will meet the constitutional test and still provide financial aid to the Nation's beleaguered parochial schools. I have no intention of surrendering my legislative rights to the judiciary of this country.

There is no question in my mind but that the Court by this decision will force State governments and the Federal Government to go to a voucher system under which each child would get direct aid from the Government to select the school of his or her choice. I know that the voucher system is strongly opposed by

public school administrators throughout the country, but unless other means are found to help the 7 million youngsters attending parochial schools, it may become inevitable.

The main thrust of the Supreme Court's decision today barring aid to private schools was that there would be excessive entanglement of Government in the management of private schools.

Mr. Speaker, in my judgment, this rationale is ridiculous when you consider that the courts in many parts of the Nation are now literally running the public school system under court desegregation orders. The Supreme Court's concern about excessive entanglements of public officials in the affairs of private schools is a mockery when you consider the fact that the courts are actually appointing school superintendents in some jurisdictions.

The Court action today further shows the degree of confusion which exists among the jurists when you consider on the one hand that the Court says it is permissible to give Federal aid to church-related colleges for the construction of science laboratories but, on the other hand, it is unconstitutional to supplement the salary of a science teacher in a church-related elementary school.

I say to you, Mr. Speaker, the Supreme Court has reached a new level of judicial nonsense, and it clearly indicates that the Supreme Court has practically no knowledge of how the parochial schools of this country operate.

In the decision of the Supreme Court today Justice Burger, who read the decision for the court, said:

> Parochial schools involve substantial religious activity and purpose.

That may be so during religious teaching but it is not so in secular subjects.

Justice Burger said further:

> The Court does not assume that teachers in parochial schools will be guilty of bad faith or any conscious design to evade the limitations imposed by the statute and the first amendment.

The Chief Justice in reading the opinion added:

> We simply recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to inculcate its tenets, will inevitably experience great difficulty in remaining religiously neutral. . . . With the best of intentions such a teacher would find it hard to make a total separation between secular teaching and religious doctrine.

Mr. Speaker, I submit that the Chief Justice and his associates on the Supreme Court of the United States have delivered a grave injustice to lay teachers teaching in our parochial schools across America.

Mr. Speaker, I furthermore submit that the Chief Justice and his associates on the Supreme Court of the United States have delivered a grave disservice to the lay teachers teaching in our parochial schools across America, for, indeed, the Court assumes and presumes that everyone of these lay teachers is necessarily of the same religious faith as the school in which the teacher is teaching.

I can tell you, Mr. Speaker, that nothing could be further from the truth. I know of many instances where lay teachers in Catholic parochial schools are not of the same religious faith and in many instances do not in any way inject any religious teaching in their secular subjects.

As a matter of fact if the Supreme Court Justices had any knowledge at all about the operations of this Nation's parochial schools, they would know that the religious administrators of those schools frequently carefully instruct lay teachers to refrain from religious teaching because, the spiritual leaders of these schools believe this is their responsibility and do not want lay teachers teaching religion. This is a subject they quite properly reserve primarily for themselves, since they have been specially trained to teach religion.

So I say to you that the Court today has done a grave injustice in denying assistance for nonreligious subjects because the Court has in effect said that those 7 million youngsters attending parochial schools in America shall be treated somehow as second-class citizens. The parents of these children pay local taxes, they help maintain the public school system in their communities, and yet when they ask for just a little help for nonreligious subjects, the parochial schools in those communities which they support with their own resources, are told by the Supreme Court that this is unconstitutional.

Chief Justice Burger in the decision in this case said:

> The crucial question is not whether some benefit accrues to a religious institution as a consequence of the legislative program, but whether its principal or primary effect advances religion.

I suggest to you that the rationale of the Supreme Court in these two decisions is totally and completely cockeyed.

I suggest, Mr. Speaker, that the Justices of the Supreme Court remove their robes and go into the communities of America to see really what is going on, for indeed in the case of Rhode Island the State statute there provided a supplement to lay teachers teaching science and mathematics. There is no evidence, no proof, no allegation that the courses being taught by these lay teachers in science or mathematics have in any way advanced a religious cause.

I think the Supreme Court is blind to justice on this issue when it struck down the Rhode Island case.

The same holds true for the case involving Pennsylvania.

I say to you, Mr. Speaker, it was Aristotle who some 2400 years ago said that democracy is the perversion of constitutional government.

I pray that he was wrong and I pray that we Americans can prove him wrong.

But, Mr. Speaker, as I watch the Supreme Court today driving young children out of parochial schools and then on the same day handing down a decision reversing a conviction of the draft evasion of Cassius Clay and then on the same day handing down a decision reversing the death penalty for Carl Specht who in cold blood murdered eight nurses in Chicago, you cannot but ask yourself where is this Court going.

I would hope, Mr. Speaker, that we could find some way to get around this failure of the Supreme Court to understand the role that parochial schools play in this country.

I can tell you this, if the parochial schools of America were to close their doors and suddenly 7 million young students attending parochial schools in this country were to enroll in the public school system, community after community in this country would be faced with bankruptcy. In my own city of Chicago where we have some 300,000 youngsters attending parochial schools, the very thought of having to absorb these youngsters in the public school system is inconceivable, Mr. Speaker.

We do not have the resources. We do not have the funds. And here is the Supreme Court being totally and completely oblivious of these conditions and these circumstances.

This ruling will force us into seeking new ways, and the voucher system is one of those new ways of helping parochial schools being discussed.

I reject the doctrine that teaching secular subjects in parochial schools, nonreligious subjects, somehow advances religion in those schools.

I also say to you that it is a well-established principle of law, and other jurists have stated it more eloquently than I can, that while obviously we never want to set up a state religion in America, we do not ever want to reach that day when the state will be hostile to religion in America.

Above the head of our Speaker are the words "In God We Trust." We are a religious nation. We are perhaps more religious than any nation of people on the face of this globe. For the Supreme Court today to be this insensitive to the needs of America makes me ashamed of the Court. It is obvious to me that when the Court says that somehow or other well-meaning lay teachers teaching in parochial schools will find it hard to make a total destruction between secular teaching and religious doctrine, I submit, Mr. Speaker, the Supreme Court Justices just do not know what they are talking about. They obviously have never been in a parochial school and they obviously have never witnessed a lay teacher performing her duties on a nonreligious basis. It is an insult to the thousands of lay teachers teaching in parochial schools in this country for the Supreme Court judges to say that somehow or other they will find it hard to make a total separation between secular teaching and religious doctrine.

I submit to you, Mr. Speaker, that indeed if this Supreme Court continues on a course like this, we have every reason to ask whether democracy can survive. If the youngsters of this country who choose to attend parochial school and who, indeed, have a right to make that decision, cannot do so, then this Nation no longer fulfills the great promise of freedom.

There is one final aspect of this decision today which I do not think we can escape. Indeed, if we carry to the final conclusion the judgment of the Court in denying aid to parochial schools, then we

have a right to call upon the Internal Revenue Service to reverse its position that parents who contribute to a parochial school in the form of tuition cannot treat that tuition as a religious contribution.

It would seem to me that, if, indeed, the Supreme Court's decision means what it says that we cannot separate religion from secular subjects in parochial schools, then I submit, Mr. Speaker, that the Revenue Service has no alternative but to rule that, when a parent pays a tuition to a religiously oriented grammar school or a high school, then that parent ought to be able to treat that tuition as a religious contribution and deduct it from his gross taxable income for taxing purposes.

You cannot have it both ways. You cannot have the Supreme Court on the one hand say the schools are religious institutions, therefore not entitled to any public assistance, and then on the other hand have the Internal Revenue Service say that you cannot treat the tuition you pay to such schools as a religious contribution. For a numbers of years now, I have been trying to get IRS to allow treatment of such payments as a religious contribution. We should try again.

I am, of course, grateful that the Supreme Court did not strike down all of the existing programs, such as the milk program and the textbook program. But I am sure that across America today there will be millions of people bitterly disappointed that the Supreme Court has failed to understand the pluralism of American education.

If the day ever comes when Americans must march in a single cadence in education that will be the end of democracy. For the very strength of our whole system as a free people lies in the pluralism of our education. That is what democracy is all about—the free choice of Americans to select what they want to do and where they want to do it. For the Supreme Court to say that somehow or other we have to force every American child into single system of education is to deny the very strength and essence of freedom in our democracy.

Mr. Speaker, I am bitterly disappointed in the Supreme Court decision and I can give you my assurance here today as chairman of the Subcommittee on General Education that I will use every resource at my command to bring before this body a bill providing assistance to parochial schools which will meet the constitutional test and, yet, give these schools the assistance that they so urgently need. For to do anything else would be to deny the pluralism of American education and to put Americans into a single cadence from which they will not be able to extricate themselves.

So while this decision is disappointing, I think it will spur on those of us in the Congress who understand the plight of these parochial schools to a new concerted effort to find an answer that will come within the provisions of the constitution of this country.

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 Atomic Energy Commission was established in 1946, which created a five man commission of civilians to develop and utilize atomic energy toward improving the public welfare, increasing the standard of living, strengthening free competition in a private enterprise and promoting world peace.

DISTRICT OF COLUMBIA CRIME BILL JUVENILE CODE UPHELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, on June 21, 1971, the U.S. Supreme Court held in two cases, one from the State of Pennsylvania and another from the State of North Carolina, that trial by jury in a juvenile factfinding hearing is not a constitutional requirement. The Court's decision, however, reaches far beyond those two States and ends the challenge to the section of the District of Columbia Court Reform and Criminal Procedure Act of 1970 which provides that a juvenile factfinding hearing shall be conducted without a jury. The Supreme Court has thus joined the Congress in refusing to abandon hope in the juvenile court system. The court pointed out in its opinion that, although the juvenile courts in this country have not performed the miracles expected of them, requiring jury trials in juvenile cases would be to lose what has been gained, and would tend once again to place the juvenile squarely in the routine of the criminal process.

In so deciding, the Supreme Court has upheld the efforts of myself and of my colleagues in the House District of Columbia Committee to afford juveniles in the District of Columbia greater procedural protection than had existed under the prior Juvenile Court Act without at the same time injecting into those proceedings the delays, formalities and adversarial elements which necessarily accompany trial by jury. As Associate Deputy Attorney General Donald E. Santarelli stated to the House District Committee on January 29, 1970:

> As a procedural matter, jury trials are inappropriate in juvenile cases. Besides being in general conflict with the historical background and purposes of juvenile courts, jury trials inevitably involve technical arguments about the admissibility of evidence and require highly formalized procedure.

It is to be hoped that the Supreme Court's opinion will silence those critics, among them one of the city's leading newspapers which said the juvenile code in the District of Columbia crime bill was based on "backward-looking penology" that sacrificed individual freedom. Model juvenile codes as well as the overwhelming majority of States, including my own State of Maryland, did not consider the jury trial as an essential element of accurate factfinding in juvenile proceedings. This majority position was recognized by the members of the House District Committee, and subsequently by the full Congress, which also concluded that there was no constitutional mandate for a jury trial in juvenile proceedings.

It was, unfortunately, far too easy in the fury of the moment, for the critics to claim we were sacrificing essential freedoms in the new juvenile procedure code in the name of law and order without realizing what was behind the efforts of those who supported that code—namely a fundamental belief that our juvenile courts are worth preserving despite their failures to achieve our highest expectations. From the beginnings of our efforts to seek passage of the District of Columbia bill, my colleagues and I were fully aware that from a purely practical point of view, our juvenile courts were overloaded with increasing numbers of cases involving law violations by juveniles. These courts simply could not cope with the additional burdens which a jury trial imposes without sacrificing the promptness of adjudication which is even more essential with children than with adults. It is gratifying to know that the highest court in our country has joined us in our basic belief in the present juvenile court system and has refused to abandon that system merely because it has not worked as well as we all might have hoped.

Today, the juvenile courts throughout the country are beseiged with attack from all sides. Too many juveniles are breaking the law more than once; the juvenile courts are not rehabilitating the juveniles it has before it. Surely the Juvenile Code in the District of Columbia Reform Act will soon be universally recognized as a great step forward in meeting the needs of that juvenile court. The first 4 months of the new court's operation have reduced the delays which for years had plagued the District of Columbia Juvenile Court so that, now, new cases are heard within 30 days.

Mr. Speaker, all of us can be thankful that the last obstacle to that juvenile court's continued success—the demand for jury trial in juvenile cases—has been surmounted and that juvenile cases can continue to be promptly adjudicated while the ideals and purposes of our juvenile court system are preserved.

FTC ASKED TO HALT REVIVAL OF "MEDICAL QUACKERY" IN OVER-THE-COUNTER DRUG ADVERTISING

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, last fall and winter my office cooperated with a team of George Washington University law students in the development of information about chemically identical products which are promoted by their respective manufacturers as having qualities superior to competitive products.

This led, on January 14, 1971, to the

filing of a petition urging the Federal Trade Commission to issue a trade regulation rule to halt deception and misrepresentation in the advertising claims for products which are chemically identical. The petition was filed by a team of five GWU law students identified as "Students Against Misleading Enterprises—SAME." The team consisted of Peter C. Bowers, who later served an internship in my office, and Henry Polmer, Barry Schneiderman, Robert Solomon, and Edward Weintraub.

The petition asked the FTC to initiate a rulemaking proceeding and to promulgate a trade regulation rule which would identify as unfair and deceptive practices:

Claims that chemically identical products—such as aspirin or liquid chlorine bleaches—are superior to any other brand of that product unless substantiated by competent scientific tests filed with the FTC.

Implications through words, pictures, or in any other way that one brand possesses superior qualities unless substantiated by competent scientific tests filed with the FTC.

Failure to indicate affirmatively in all advertising and package labeling that all products of this type are chemically identical.

The need for prompt and favorable FTC action on this petition is clearly supported by testimony unfolding before the Subcommittee on Monopoly, of the Senate Small Business Committee. During hearings last week, a string of witnesses exposed the deception contained in the exaggerated advertising claims for over-the-counter drugs such as analgesics.

Grossly exaggerated claims of pain-relieving qualities for various over-the-counter drugs are nothing less than a contemporary revival of the medicine show cure-all potion. Such distorted promotions have all the characteristics of medical quackery at its worst, and have no rightful place in a society striving to achieve quality health care for its citizens.

I endorsed the petition of SAME when it was filed January 14 and urged the FTC to act favorably upon it. Not since February when the petition was reported to have been turned over to the staff for review and recommendation have I received further word of its status.

Action is long overdue, and even more necessary today than 5 months ago. In the promotion of various competitive products of their own manufacture, over-the-counter drug producers have resorted to contradicting their own advertising claims of superiority. Their practices constitute a farce which the FTC should expose and expose now.

I have written to the FTC Chairman urging prompt action to curb this type of sales abuse. I invite the attention of my colleagues to that letter, to a Food and Drug Administration "fact sheet" which elaborates on the chemical identity of competing brands of aspirin, and to the petition filed by the Students Against Misleading Enterprises.

JUNE 25, 1971.

Hon. MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: Having followed with keen interest the current proceedings before the Subcommittee on Monopoly, Senate Select Committee on Small Business, I am moved to invite the Commission's attention to a petition filed with the FTC on January 14, 1971, by a group of George Washington University law students identified as Students Against Misleading Enterprises (SAME).

On the date of the petition's filing, I addressed a letter to you endorsing the petition and urging the promulgation of a trade regulation rule requiring manufacturers of aspirins, liquid chlorine bleaches and other such products as may be identified by the Commission to affirmatively disclose that their products are chemically identical, and prohibiting claims or implications of superior performance unless such claims are substantiated by competent scientific tests.

Under date of February 18, 1971, I was advised by letter signed by the General Counsel, Joseph Martin, Jr., that the matter had been referred to the FTC staff for review and recommendations. Since that date, however, I have received no further word about disposition of the petition.

In view of the testimony being presented before the Subcommittee on Monopoly, substantiating the obviously deceptive nature of claims for numerous brands of similar or chemically identical analgesics, I again urge the Commission to take prompt and firm steps to halt misrepresentation in the advertising and promotion of such products.

I enclose a "fact sheet" issued by the Food and Drug Administration in which it is stated without reservation that, "Aspirin tablets are required by law to meet the standards of strength, quality and purity set forth in the Pharmacopeia, and must be packaged in the prescribed manner. Clearly, then, either the promoters of aspirins claiming superior quality or performance are guilty of deception, or the responsible Federal agency is engaged in deceiving the consumer.

Grossly exaggerated claims of superior pain-relieving or other qualities for various over-the-counter drugs are nothing less than a contemporary revival of the old Medicine Show "cure all" potion. Such distorted promotions have all the characteristics of medical quackery at its worst and have no rightful place in a society striving to achieve quality health care for its citizens.

I am convinced the FTC has substantial authority and motivation to resolve most, if not all, of the serious problems of consumer abuse which persist in the market place. I urge the Commission to apply both, forcefully, to this matter.

Please keep me advised of progress made in this regard.

With kind personal regards, I am

Sincerely yours,

FRED B. ROONEY,
Member of Congress.

FOOD AND DRUG ADMINISTRATION,
FACT SHEET

ASPIRIN

Aspirin is an "over-the-counter (OTC) drug," which means that it can be purchased without a prescription and can usually be used without a physician's supervision. Almost every American household has a bottle of aspirin in the medicine chest. In 1964, over 28 million pounds were manufactured in the United States and the American public bought 16 billion aspirin tablets. That's an average of 80 tablets per person.

First introduced into medicine in 1899, aspirin's popularity stems from its analgesic (pain-relieving) properties. Aspirin is suitable for temporary relief of minor aches and pains due to conditions which are easily diagnosed.

The pain-relieving ingredient in all ordinary aspirin tablets is acetylsalicylic acid. In addition, "inactive" ingredients such as corn syrup, sugar, and cornstarch are added to help form the tablet and to make it disintegrate.

Buffered aspirin also contains an antacid ingredient that may help prevent stomach upset which may be caused by aspirin. Manufacturers may use magnesium carbonate, dihydroxyaluminum aminoacetate, or other ingredients as a buffer. FDA would expect that buffered aspirin be comparable in pain relief to non-buffered aspirin, provided, of course, that both contain the same amount of acetylsalicylic acid.

Aspirin is listed in the United States Pharmacopeia (U.S.P.) which means that it conforms to the set standards therein. This is a book of drug specifications recognized in the Federal Food, Drug, and Cosmetic Act as an official compendium. Aspirin tablets are required by law to meet the standards of strength, quality and purity set forth in the Pharmacopeia, and must be packaged in the prescribed manner. From time to time, FDA conducts analyses of the various brands of aspirin tablets being marketed in the interstate commerce, but seldom finds any which do not meet the standards of the Pharmacopeia.

Since aspirin is a drug, consumers should remember that it should not be given indiscriminately to children or adults. Aspirin tablets for adults are usually five-grain tablets, while those for children are 1¼ grain. Overdoses could have serious consequences. Overdoses can result not only from a large single administration but also from continuous therapeutic administration without consulting a physician. To help prevent poisoning in children from accidental aspirin overdoses, representatives of the medical profession, the drug industry, and FDA participated in a 1966 conference which concluded that bottles of children's aspirin should contain only 36 tablets, since this is a quantity less likely to cause serious poisoning to a child. This proposal is currently in effect. Nevertheless, adult aspirin and other salicylates are also ingested by children and some 90 still die annually from overdoses.

Advertising for OTC drugs such as aspirin is subject to the regulations of the Federal Commission Act administered by the Federal Trade Commission in Washington, D.C. FDA's primary responsibilities are to ensure safety, purity, and proper labeling of the drug.

Labels on aspirin and other OTC drugs usually indicate the dosages for various age groups. These should not be exceeded except on the advice of a physician. The label must bear one of the following:

"Warning: Keep out of reach of children," or

"Warning: Keep this and all medications out of the reach of children."

Should the aspirin be offered for children's use then one of the following should be on the label:

"Caution: For children under 3 years of age, consult physician," or

"Caution: For younger children, consult your physician."

Also, if the drug is offered for "the temporary relief of the minor pains of arthritis and rheumatism" then the label must bear:

"Caution: If pain persists for more than 10 days, or redness is preesnt, or in conditions affecting children under 12 years of age, consult a physician immediately."

The net content must be a part of a label declaration, as well as the conditions for which the aspirin is intended. The label

must also carry the name and address of the manufacturer, packer, and or distributor, and at times the legend "U.S.P."

Many drugs are affected by long periods of storage. Decomposing aspirin tablets have a vinegar-like odor and a furry appearance. Because aspirin decomposition is so apparent, there is little chance that such aspirins can be successfully marketed. However, over-age apirin tablets may be found in the home medicine chests where the package has been stored for a long time. To prevent rapid decomposition, always keep the container tightly capped. Also, it is wise not to keep more on hand than is necessary for the immediate future.

Remember: For safe use of aspirin always keep the container labeled, always store out of the reach of children.

[United States of America before the Federal Trade Commission, Students Against Misleading Enterprises (Hereinafter S.A.M.E.), petitioner]

PETITION FOR TRADE REGULATION RULE PROCEEDING CONCERNING CHEMICALLY IDENTICAL PRODUCTS

JURISDICTION AND SUBJECT MATTER

This petition is filed pursuant to the provisions of the Federal Trade Commission Act as set forth in Section 5, *et seq.*, 15 U.S.C. 45, *et. seq.*, and the Federal Trade Commission Procedures and Rules of Practice, 16 C.F.R. 1.12, 1.15. The petition requests the Federal Trade Commission to initiate a processing that would result in the adoption of a trade regulation rule to remedy the unfair and deceptive practices currently employed in the advertising of chemically identical products.

PETITIONER

S.A.M.E. is a consumer organization composed of five individuals, *to wit*, Peter Bowers, Henry Polmer, Barry Schneiderman, Robert Solomon, and Edward Weintraub, all of whom are consumers and have been exposed to the unfair, deceptive, and false advertising practices for which this petition purposes a remedy.

THE ARGUMENT

The economic system of the United States is most often described as a free-market economy, especially in the consumer arena. In order to have a free-market economy it is essential for competition to exist among a large number of manufacturers all vying for the limited dollars of the consumer. In this system the consumer plays a vital role. He votes with his dollars to distribute the lion's share of any particular product market to the manufacturers who offer him products that are highest in quality or lowest in price. Thus a free-market economy should encourage manufacturers to produce the best possible products at the lowest possible price because such a policy furthers their own self-interests.

It is the assumption of consumers sovereignty that gives the free enterprise system its social justification. Indeed, without a free consumer there can be no free-market economy. A free consumer is one who, because of his knowledge of the quality of the products offered him and their respective prices, is in a position to intelligently choose the brand that best satisfies his wants and needs.

In a September, 1970 speech FTC Commissioner Mary Gardiner Jones spoke of the need for consumers to be property informed:

Consumers—both as purchasers and as citizens—are a vital force in our economy and in our society. The effectiveness of our free-enterprise system relies essentially on their trust and confidence and most importantly on their ability to act intelligently in the marketplace.

In order to cope with the complexities of today's marketplace, consumers have a basic need for accurate, complete and unbiased information about the products and services which they purchase. . . .

There was a time when consumers were presumably almost as familiar with the products they bought as were the vendors. In the nineteenth century a man who bought a horse might know a great deal about that horse before he bought it. It is not unlikely that he knew its history and geneology and the livery man and his wife as well. Today, however, it is impossible for the consumer to have a great deal of knowledge gained from his own experience about the products that he buys.

Today the technical complexity of the products sold and the predominance of national manufacturers as opposed to local ones in many fields has forced the consumer to rely on advertising to provide him with the information which he needs to make intelligent choices in the marketplace.

Advertising in America in the twentieth century has grown into a twenty-billion dollar a year industry with tremendous power in the marketplace. In 1950 the amount spent on advertising was approximately $5½ billion, or double the amount spent during the last year of World War II. By 1955 the figure had almost doubled to $10 billion, and by 1965 it was about $15 billion with $9 billion of that going to national advertising. The expenditure for advertising is more than 300 times what it was a hundred years ago and almost 40 times the national total in 1900. As Dexter Masters points out in *The Intelligent Buyer's Guide to Sellers* at page 131: "[advertising] has grown at a rate far in excess of the population, the gross national product, or even sales and profits."

The factor most important to the advertising boom was the commerical exploitation of television. With the addition of TV to the advertiser's arsenal, it has been estimated that the average consumer is exposed to advertising messages through all their many forms about 1600 times every day. *Fortune Magazine* has reported that Proctor and Gamble's salesmen are told that approximately one billion commercial messages for Proctor and Gamble's products are delivered to American housewives each week.

As important as the ubiquity of television is that fact that it is a dynamic medium. The Television Bureau of Advertising had this to say about the advantages of advertising on television:

In static media, the reader must act to receive your message. In dynamic media, the viewer must act to avoid your message. In print, you must overcome the disinterest of your public before you can even present your message. In television, the audience is already watching.

The consumer is barraged with product information from the advertising industry, and that information is usually the only information the consumer has on the products he buys. Thus there is a heavy responsibility placed on the advertising industry to provide information which is both truthful and complete. President Kennedy recognized the consumer's right to be informed as one of the four basic consumer rights in his consumer message of 1962. In 1969 President Nixon proposed a Buyer's Bill of Rights which again recognizes the consumer's "right to accurate information on which to make his free choice."

But accurate information has unfortunately not been the hallmark of the advertising industry. All too common are advertisements which make claims which the manufacturers are unwilling to substantiate when requested to do so by a consumer. In a recently completed study by Ralph Nader and Aileen Adams 58 companies were asked to provide data substantiating claims or to clarify vague statements they had made in advertising their products. The responses of the companies varied, but Adams and Nader were never able to get satisfactory, clinical evidence that would fully support the manufacturers' claims for their products.

Advertising should inform consumers, but advertising that makes unsubstantiated claims or that implies superior qualities for products where none have been clinically found to exist denies consumer sovereignty and thwarts the operation of a free-market economy. Advertising should encourage competition among manufacturers by supplying the means for a manufacturer to bring to the public's attention actual improvements in his product or reductions in its price. Instead advertising has increasingly discouraged meaningful competition among manufacturers and has substituted massive expenditures on advertising campaigns as the best means of capturing the lion's share of a particular product market.

Some of the worst abuses of advertising are perpetrated in the areas where products are chemically identical. In the case of identical products advertisements are often deceptive because of innuendoes, implications, or material omissions as well as outright false claims. Two types of products that are chemically identical yet are the subjects of very heavy advertising campaigns by certain of the largest manufacturers in their fields are aspirin and liquid chlorine bleaches.

In 1964, over 28 million pounds of aspirin were manufactured in the United States and the American public bought 16 billion aspirin tablets. That is an average of 80 tablets per person. The pain-relieving ingredient in all ordinary aspirin tablets is acetylsalicylic acid. There are many manufacturers of aspirin in this country, and each and every one of them is required by the United States Pharmacopoeia (U.S.P.) to produce a product which is chemically identical to every other aspirin tablet produced in the United States for over-the-counter distribution. All aspirin manufacturers must certify that their tablets meet the U.S.P. standard and contain exactly 5.00 grains of acetylsalicylic acid. The U.S.P. is a book of drug specifications recognized in the Federal Food, Drug, and Cosmetic Act as an official compendium and aspirin tablets are required by law to meet the standards of strength, quality, and purity set forth in the Pharmacopoeia.

Despite the chemical identity of all products labelled aspirin, millions of consumers have been cleverly deceived by the advertising campaigns of the two largest aspirin producers. Sterling Drug, Inc. has made the following false advertising claims for Bayer Aspirin during the years 1969 and 1970: (1) "Bayer is the best aspirin you can buy." (2) "Bayer Aspirin is the best pain-reliever on earth." Plough, Inc., the manufacturer of St. Joseph's Aspirin, recently advertised: "Shouldn't you give your child the very best?" The dissemination of this type of advertising is an unfair and deceptive practice under Section 5(a) of the Federal Trade Commission Act and also under Section 12 of the Act. This type of false advertising is a violation of Section 5 not only because it deceives consumers, but also because it is an unfair method of competition causing economic detriment to the smaller manufacturers of aspirin who produce a product that is chemically identical to Bayer and St. Joseph's Aspirins and who sell their aspirins at prices considerably lower than these two. Bayer Aspirin costs $1.07 for 100 tablets, and St. Joseph's Aspirin cost 69¢ for 100 tablets whereas many other aspirins sell for about 20¢ for 100 tablets. Yet Bayer alone holds more than 50% of the aspirin market.

As important for their sales as anything the advertisements for these two brands say is what they don't say. They don't say that all aspirins are chemically identical. Instead, each says that his aspirin is the best and even more importantly each spends millions of dollars making its name a household word. Sterling Drug, Inc. spent more than $22,000,-

000 in 1969 to promote Bayer Aspirin. Even in some of its most recent advertisements which do not openly assert that Bayer is the world's best aspirin, Bayer continues to imply that its aspirin is better than any other analgesic on the market including all other aspirins. Many of Bayer's recent advertisements state that "Bayer R Aspirin is *pure* aspirin . . . not just *part* aspirin." Also they assert that "Bayer works wonders." The assertion that Bayer Aspirin is pure aspirin logically implies that other aspirins may not be pure aspirin. This, of course, is false. The emphasis given the word Bayer in this ad by the use of the registration mark after that word further implies that one cannot rely on all aspirins to be pure aspirin— only Bayer R Aspirin. Another implied assertion of superiority for Bayer Aspirin is found on the package which tells the consumer that he has found "genuine" Bayer Aspirin.

On a recent NET television program, Congressman Rosenthal of New York had this to say on the subject of identical products.

The chemical ingredients are identically the same and the reason people buy Bayer Aspirin, because Bayer is the recipient of heavy television advertising. It's a familiar name, and yet if we could have a sign in the store or some public declaration or some advertising medium that could tell us what the true facts are there isn't any one person who wouldn't go out and buy the identical product for less money, and this is quite logical.

The liquid chlorine bleach industry is another outstanding example of a chemically identical product that is the recipient of lavish advertising expenditures on the part of the largest manufacturers. All the liquid chlorine bleaches on the market have one and only one active ingredient, sodium hypochlorite. All of them except for Purex are in a solution that is 5.25% sodium hypochlorite and 94.75% inert ingredients. Yet Clorox advertisements have in the past claimed that "no other bleach, liquid or dry, bleaches clothes cleaner, whiter than Clorox." On the surface this ad may be true. Yet it is plainly a deceptive and unfair practice under Section 5 of the Act because of a material omission and a misleading innuendo. The implication that is not lost on millions of people is that Clorox bleaches clothes whiter than other bleaches. The material omission is the fact that all liquid bleaches are chemically identical. Clorox advertising is so widespread that that brand has become almost synonomous with liquid bleach in the minds of many people. Indeed, Clorox has captured over 50% of the liquid bleach market with sales for The Clorox Company totaling over $85,000,000 in the fiscal year ending June 30, 1969.

Purex is also one of the leading bleach manufacturers. Purex Bleach also has sodium hypochlorite as its only active ingredient. Purex, however, is a slightly more concentrated bleach than the others. Thus to obtain the same results as with the other bleaches you use a little less Purex. Purex allows for this slightly higher concentration by charging more for its bleach. Thus Purex Bleach costs 57¢ per gallon while White Magic Bleach costs 49¢ per gallon. The important fact here is that the active ingredient in Purex is no better (or worse) than that of any other bleach. It is exactly the same, and by using slightly less Purex per load a consumer would obtain the exact same results as he would with any other bleach. Yet Purex, evidently alluding to its 6% concentration, has claimed that is bleach contains "more whitening power." This is clearly a misrepresentation in that it implies that Purex contains something more powerful than other bleaches. In an analogous case the Court of Appeals upheld the FTC ruling that it is not necessary that an advertisement contain an untrue assertion in order to be considered misleading. "The deception may be by innuendo rather than by outright false statements." *National Bakers Services, Inc.* v. *FTC*, 329 F. 2d 365, 367 (1964). In that case Hollywood Bread advertised as a diet product, stating that their bread contained "only 46 calories per 18 gram slice." The implication was that their bread contained something special or omitted something special causing it to have fewer calories per slice than other diet breads. The fact was that Hollywood Bread had the same number of calories per 276 gram loaf. It merely cut its bread into thinner slices. Thus, if one were to eat his normal amount of bread, he would get the same number of calories whether he ate Hollywood or some other diet brand. Likewise with Purex Bleach. Purex has merely put slightly more sodium hypochlorite into its bottle and charged a correspondingly higher price. But if a consumer uses the normal amount of sodium hyprochlorite in his wash, he will get the exact same results whether he uses Purex or a much cheaper brand of liquid bleach.

In the bleach industry Clorox, by the use of an enormous advertising campaign, has captured more than half of the liquid bleach market. In the aspirin industry Bayer and St. Joseph's, through their ability to outspend all other brands in advertising have cornered the major portion of their market. And what is the result for our free-enterprise system of the predominance of these brands? The result is that the free-enterprise system is mocked. Clorox costs more per wash load than any other liquid chlorine bleach on the market. Yet Clorox is chemically identical to every other liquid chlorine bleach. Bayer Aspirin and St. Joseph's Aspirin are the two most expensive aspirin tablets on the market, and they are chemically identical to every other U.S.P. aspirin available.

The consumer is persuaded to pay more for products that are chemically identical to all other products in the field by the use of advertising that implants in his brain the notion that these highly advertised brand names are better or more reliable. Yet nothing substantiates the fact that they are better or more reliable, nothing suggests that they are better or more reliable, and their chemical identity creates an overwhelming presumption that the quality and reliability of all brands in these fields is the same. Moreover, in the case of liquid chlorine bleaches laboratory tests by Consumer's Union have indicated that all liquid bleaches, chlorine or otherwise, perform equally well. *Consumer's Reports*, September, 1969, page 534. In the case of aspirins, a study funded by the FTC and directed by Dr. Thomas J. DeKornfeld, M.D., found that there was no appreciable difference in relieving pain between Bayer Aspirin and St. Joseph's Aspirins as well as three other analgesics tested. *Journal of the American Medical Association*, December 29, 1962, pp. 1315–1318.

Even if one were to assume that the leading manufacturers of these products did nothing more misleading than saturating peoples' minds with pleasant images of their brand names (an assumption that the evidence refutes) or that they would cease making false assertions in the future and confine themselves to saturating peoples' minds with their brand names, the fact remains that even this practice would be a violation of Section 5 of the Federal Trade Commission Act unless the manufacturers make clear the material fact that all brands of these products are chemically identical. Unless consumers know this very material fact they are being deceived and misled into buying an identical product at a higher price. The tremendous cost of advertising does not allow other manufacturers to expand their share of the market even though their identical products are cheaper.

In a speech delivered on October 1, 1970, Commissioner Mary Gardiner Jones recognized the FTC's responsibility to protect consumers and the free-enterprise system from advertising that sells products on appeals not based on quality or price superiority but rather on the cleverness or the mere repetition *ad naseum* of the commercial message itself. Commissioner Jones said:

. . . if a promotional practice achieves such success in luring customers to the advertiser's product or outlet that exactly comparable or superior products or services are unable to enter or survive in the market, it is obvious that our reliance on competition to ensure the highest quality at the lowest possible prices could become grossly misplaced or useless. It is equally obvious that the Commission must examine these practices with these implications in mind if it is to discharge its obligations to the business community and to the consumer to maintain the essential freedom of competition.

A failure to disclose product information can deceive consumers as to the actual properties of the product in question and can unfairly detract his attention away from what might be a superior product either in terms of price or quality.

The FTC has the power under the Federal Trade Commission Act, its own past decisions and the decisions of the Federal Courts to prevent manufacturers of chemically identical products (1) from making claims that their brands are better than or different from other brands unless such claims are substantiated by proof on file with the FTC, and (2) from implying that their brands are better or different unless substantiated by proof on file with the FTC. Moreover, the FTC has the power to employ the only remedy that would really restore consumer sovereignty with regard to identical products by providing the consumer with the material fact which advertising has omitted. The FTC can and, we submit, should require manufacturers of chemically identical products to affirmatively disclose in all their advertising and on their labelling the fact that they *are* chemically identical.

It is the contention of the petitioner that the leading manufacturers of aspirins and of liquid chlorine bleaches have violated Section 5 of the Federal Trade Commission Act by their claims, by their implications, and by omitting to disclose the chemically identical nature of their products.

Unfair and deceptive acts and practices evidenced in advertising can take three different forms. (1) An advertiser may claim for a product superior qualities than it does not possess. (2) An advertiser may deceive consumers by innuendos that imply a non-existent superiority for his product. (3) An advertiser may fail to disclose material facts and thus create a false impression in the minds of consumers. Each of these types of advertising practices has been found to be unfair and deceptive and thus unlawful under Section 5 of the FTC Act.

The first type of unfair and deceptive advertisement is exemplified in Sterling Drug's claim that "Bayer Aspirin is the best aspirin you can buy," or the Purex ad that claims "more whitening power." The FTC, in issuing cease and desist orders, has time and again ruled that a product cannot be represented (through advertising, packaging, labelling, or other means) to be unique in some way when in fact it is substantially similar to competing products.

The American Hospital Supply Company was ordered to cease and desist from representing that "pyrogens" were not easily removed by other detergents, when, in fact, all detergents removed "pyrogens" equally well. Stipulation 8557, 51 FTC 1434, 1954.

Duon, Inc. was ordered to cease and desist from claiming that their hair cream was substantially different from every other cream on the market when, in fact, there was no

noticeable or readily distinguishable difference. Stipulation 8007, 46 FTC 1234, 1950.

Marlene's, Inc. was ordered to cease and desist from representing that its haircream had different hairwaving effects from conventional types of wave sets when such difference did not actually exist. Stipulation 8265, 48 FTC 1662, 1952.

Mirra Chemical Laboratories was ordered to cease and desist from claiming that their moth preventative was the only one of its type on the market which was effective in preventing moth damage. Docket 5301, 41 FTC 294, 1945.

The second type of unfair and deceptive advertisement is exemplified in the Bayer Aspirin ad that says "Bayer (R) Aspirin is *pure* aspirin," or the Clorox ad claiming that "no other bleach, liquid or dry, bleaches clothes cleaner, whiter than Clorox." Here the deception is in the implications that other aspirins aren't pure aspirin or that other liquid chlorine bleaches can't get your clothes as white as Clorox.

This type of deception has also been the subject of cease and desist orders. In an action against the Satis-Factory Shoe Company, the FTC required the Company to stop representing that its shoes had "unique construction features" which were implied not to be found in shoes of comparable value. The FTC here prohibited the use of advertising which tended to portray a higher standard for a product than actually existed. Stipulation 3893, 39 FTC 605, 1944.

It is no defense to the charge of unfair and deceptive advertising for an advertiser to argue that he did not realize that the advertisement was creating in the minds of consumers an implication of a non-existent superiority. The advertiser's knowledge of the deception is irrelevant. The purpose of the Federal Trade Commission Act is to protect the free enterprise system and the public, not to punish the violator. The mere existence of a deceptive advertisement is held to be grounds for action by the FTC. *Gimbel Brothers, Inc. v. FTC*, 116 F. 2d 578 (1951).

In *National Bakers Services, Inc. v. FTC, supra*, at 367, the 7th Circuit Court of Appeals held that the literal words of an advertisement need not be false. "The deception may be by innuendo rather than outright false statements." And advertising that could be constructed as possibly misleading or possibly truthful shall receive the former interpretation. *County Tweeds, Inc. v. FTC*, 326 F. 2d 144 (1964); *Murray Space Shoe Corp. v. FTC*, 265 U.S. 438 (1962); *Rhodes Pharmaceutical Co. v. FTC*, 208 F. 2d 382, (1953).

A determination of misleading advertising has consistently been held to be based on the overall impression that the ad gives to the general public. *Murray Space Shoe Corp. v. FTC, supra.* In *P. Lorillard Company v. FTC*, 186 F. 2d 52 (1950), an FTC cease and desist order was upheld forbidding advertising which stated that Old Gold cigarettes contained less nicotine, less tar, less resin, or were less irritating to the throat than any of the other leading brands of cigarettes on the basis of a *Reader's Digest* test, even though technically speaking this is exactly what the test did show. The ads were misleading because, although the laboratory tests showed differences among the various brands of cigarettes, these differences were so minute as to be insignificant. The court stated that the proper test was a judgment of the effects which the ad might reasonably be expected to have on the general public. The terms "might reasonably" and "general public" are the crucial ones. Actual deception of the public need not be shown. *FTC v. Balmic* 23 F. 2d 615 (1928); *Parker Pen Co. v. FTC*, 59 F. 2d 509 (1946); *Charles of the Ritz Distributors Corp. v. FTC*, 43 F. 2d 676 (1944); *Feil v. FTC*, 285 F. 2d 879 (1960). Nor must injury or even probable injury to "particular interests" be shown to warrant a proceeding against deceptive advertising. "It is the totality of all interests conceived as the public interest which is decisive." *Fioret Sales Co., Inc. v. FTC*, 100 F. 2d 358, (1938).

The third type of unfair and deceptive advertising is the omission of a material fact. This type of deception is characteristic of all advertising of chemically identical products. The material fact that is omitted is the fact that these products *are* chemically identical. In the case of aspirins, Section 15 of the Federal Trade Commission Act referring to food, drugs, devices, and cosmetics specifically states that a failure to reveal material facts constitutes "false advertising" and is thus, an unfair or deceptive act or practice violating Section 5. 15 USC 55(a). In the case of bleaches, the failure to disclose a material fact is an unfair and deceptive act because the very existence of a capacity to deceive as measured by the net impression an ad is likely to make on the general public has repeatedly been held to violate Section 5 no matter what form the deception takes. *Montgomery Ward & Co.* v. *FTC*, 379 F. 2d 666 (1967); *Fell* v. *FTC, supra*, at 896; *Gulf Oil Corporation* v. *FTC* 150 F. 2d 106 (1945); *National Bakers Services, Inc.* v. *FTC, supra*, at 367.

Finally, it should be noted, that an advertiser of a chemically identical product who has perpetrated a violation of Section 5 by one or more of the three types of deceptive and unfair advertising cannot hide behind the facade of the "puffing" privilege, seeking to clothe himself with the vestments of free expression. The "puffing" concept has its necessary boundaries:

"Puffing" refers to an expression of opinion not made as a representation of fact. While a seller has some latitude in "puffing" his goods, he is not authorized to misrepresent them or to assign to them benefits or virtues they do not possess. *Gulf Oil Corporation* v. *FTC, supra*, at 109.

The important distinction between "puffing" and deceptive advertising is essentially one of knowledge. In the case of chemically identical products advertisers know or should know that all brands within that industry are identical. The "puffing" privilege is no defense.

Thus, it is apparent that sufficient grounds exist for the issuance of cease and desist orders against the major manufacturers of aspirins and liquid chlorine bleaches. Yet the special nature of the chemically identical products problem could best be resolved by the promulgation of a Trade Regulation Rule by the Commission pursuant to Section 5, *et seq.* of the Federal Trade Commission Act and Section 1.12 and 1.15 on the Commission Procedures and Rules of Practice. A Trade Regulation Rule in this area would set out the Commission's policy in regard to all manufacturers of chemically identical products, including aspirins, liquid chlorine bleaches, and any other industries which the Commission now feels or in the future might feel should be included in this category.

The petitioner has argued that the manufacturers of chemically identical products have violated Section 5 with their unfair and deceptive advertising practices by making *claims* which were unsubstantiated, by *implying* superior quality without substantiating evidence, and by *failing to disclose* the material fact that every brand within their industries is chemically identical to every other brand. The petitioner now submits that the FTC has the power to require any advertiser to cease and desist from disseminating in commerce any ad that makes unsubstantiated claims or implies, without substantiation, superior qualities for chemically identical products. And the petitioner further submits that the FTC has this same cease and desist power in regard to advertisers of chemically identical products who fail to disclose that their products are identical. Therefore, the petitioners urge the FTC to promulgate a Trade Regulation Rule that would prohibit advertisements containing unsubstantiated claims or implications for chemically identical products and that would require the affirmative disclosure of the identical nature of all chemically identical products.

In regard to the substantiation of claims and implications, the Commission has repeatedly taken the position that the Act is violated if a manufacturer fails to substantiate in advance the claims that his advertising asserts. Substantiation has been held to require adequate, thorough and well-controlled scientific tests, the results of which are in writing and available for inspection. *In the Matter of Bishop Industries, Inc.*, Docket No. c–1724, Decision and Order, April 10, 1970; *In the Matter of Charles Phizer and Co.*, File No. 702–3131, Determination to Issue Complaint, April 16, 1970; *In the Matter of Firestone Tire & Rubber Co.*, File No. 682–3381, Determination to Issue Complaint, December 1, 1969; Proposed Guides for Advertising Over-the-Counter Drugs, Guide 3(e).

Regarding the petitioner's proposal of affirmative disclosure, the Commission has used affirmative disclosure as a remedy and the courts have affirmed its use. The Commission has held that where affirmative disclosure is the only remedy to insure that the public not be deceived as to the attributes of a product the Federal Trade Commission will insist upon such disclosure. The Commission discussed this power in *Campbell Soup* 1967–1970. FTC Complaints and Orders § 19.261:

We have no doubt as to the Commission's power to require such affirmative disclosures when such disclosures are reasonably related to the deception found and are required in order to dissipate the effects of that deception.

The standards for a finding that the lack of affirmative disclosure was a violation of Sections 5 and 12 of the Federal Trade Commission Act were first enunciated in *Alberty v. FTC*, 182 F. 2d 36, where the court stated:

The Commission must find either of two things before it can require the affirmative clause complained of: (1) that failure to make such statement is misleading because of the consequences from the use of the products, or (2) that failure to make such a statement is misleading because of the things claimed in the advertisement.

This case is opposite to the aspirin industry which comes under Section 12 of the Act. The aspirin advertising that we observed claimed or implied unique qualities for the leading brands. Thus, the claim or implication of uniqueness would give rise to the requirement for affirmative disclosure under this standard.

In *J. B. Williams, Inc. v. FTC*, 381 F. 2d 886 (1967), a case involving an FTC directive that Geritol contain a disclosure that it has no benefit for the great majority of people, the court stated that:

The fact that the great majority of people who experience tiredness symptoms do not suffer from any deficiency of the ingredients in Geritol is a "material fact" under the meaning of that term as used in Section 15 of the Federal Trade Commission Act, and Petitioner's failure to reveal this fact in this day when the consumer is influenced by mass advertising utilizing highly developed arts of persuasion, renders it difficult for the typical consumer to know whether the product will in fact meet his needs unless he is told what the product will or will not do.

This case recognizes that the omission of any vital information which is bound to influence the consumer's decision on whether or not to buy a food, drug, device, or cosmetic

constitutes a failure to disclose a "material fact" under Section 15. This case demonstrates the need for affirmative disclosure in an industry such as the aspirin industry.

Based on the Geritol rationale, the Fourth Circuit recently affirmed FTC action requiring affirmative disclosure in a case not based in Section 15, *All-State Industries of North Carolina, Inc.* v. *FTC*, 423 F. 2d 423 (1970), extends affirmative disclosure as a proper remedy whenever there has been a Section 5 violation due to a material omission and no other remedy is sufficient to redress the damage done. Here the FTC held that the deceptive sales practices of All-State Industries necessitated that All-State reveal that any instruments of indebtedness of purchasers could be assigned to a finance company, against whom, the purchaser's claims or defenses might not be available. For other cases holding that affirmative disclosure is a proper remedy for curing violations of Section 5 see *Atlantic Refining Co.* v. *FTC*, 381 U.S. 357 (1965); *FTC* v. *Colgate Palmolive Co.*, 380 U.S. 374 (1965) *FTC* v. *Cement Institute*, 333 U.S. 683 (1948); *Jacobs Siegel Co.* v. *FTC*, 327 U.S. 608 (1946). See also FTC Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labelling of Cigarettes in Relation to Health Hazards of Smoking, Accompanying Statement of Basis and Purpose of Rule, June 1964.

THE PROPOSED RULE

As was previously stated, the petitioner urges that the Commission adopt a Trade Regulation Rule to remedy the unfair and deceptive practices currently employed in the advertising of chemically identical products. The proposed rule has three parts. (1) It would declare the use of any unsubstantiated claim in an advertisement for chemically identical products to be an unfair and deceptive act in violation of Section 5 of the Federal Trade Commission Act. (2) It would do the same thing for unsubstantiated implications in the advertising of chemically identical products. (3) It would require the advertising and labelling of all chemically identical products (the affected products to be named by the FTC) to contain an affirmative disclosure to the effect that all products in that industry are chemically identical. (For example: "All liquid bleaches are chemically identical.")

A capsule review of the need for the proposed rule follows:

(1) Unsubstantiated claims and implications are common practice in the advertising of chemically identical products. Such claims and implications mislead the public into buying chemically identical products at highly inflated prices. By its effect his advertising subverts the basis of our free-enterprise system, and specifically it deceives consumers and discourages competition within the industry. If all unsubstantiated claims for chemically identical products were eliminated, advertising would have to concentrate on price, superior containers, or other qualities which actually exist and which would benefit the consumer.

(2) The affirmative disclosure requirement is essential because consumers have been misled by the deceptive and unfair advertising of chemically identical products for so long that millions of people are already convinced that the leading brands are superior. The requirement of substantiation alone might lead to complaints and cease and desist orders where claims were shown to be unsubstantiated by the clinical evidence submitted to the FTC, but consumers would continue to be misled while a false ad was running, and the false impression of superiority of leading brands would continue.

(3) Affirmative disclosure is a proper remedy in the case of chemically identical products because such disclosure does not harm to the true functions of advertising which are to inform consumers of differences among products in quality, price, warranties, etc. The role of advertising is not to deceive consumers into believing that there are actual differences among products where none exist.

(4) Affirmative disclosure is necessary because these products *are* chemically identical and to impose a lesser requirement would invite advertisers to seek loopholes in the trade regulation rule.

(5) Affirmative disclosure is also desirable because it would make costly advertising campaigns for chemically identical products wasteful and would thus encourage competition among a large number of manufacturers for the national market. This competition would encourage manufacturers to produce their product at the lowest cost possible, a further advantage to the consumer.

(6) Finally, affirmative disclosure and prior substantiation would protect the honest businessman who is now encouraged to exaggerate his claims in order to keep up with competition.

TRADE REGULATION RULE

For the reasons outlined above, the petitioner urges the Commission to hold a rulemaking proceeding and to promulgate the following trade regulation rule:

(1) It is a deceptive and unfair trade practice and an unfair method of competition in commerce for any person, partnership, or corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising in commerce of liquid chlorine bleaches, aspirins or any other product declared to be chemically identical by the Federal Trade Commission—

(a) to claim that such product possesses any qualities that make it superior to any other brand of that product unless such claim has been fully and completely substantiated by competent scientific tests, and these tests are in writing, and are sent in advance of advertising to the Federal Trade Commission where they will be made available to the public, or

(b) to imply through words, pictures, general sense of the advertisement, or in any other way that such product possesses any qualities that make it superior to any other brand of that product unless such implication has been fully and completely substantiated by competent scientific tests, and these tests are in writing, and are sent in advance of advertising to the Federal Trade Commission where they will be made available to the public.

(2) It is an unfair and deceptive act and an unfair method of competition in commerce for any person, partnership or corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, to advertise distribute, or sell liquid chlorine bleaches, aspirins, or any other product declared to be chemically identical by the Federal Trade Commission, unless all advertising and all package labelling for such products shall contain an affirmative disclosure that all products of this type are chemically identical, and unless such affirmative disclosure shall be located in a conspicuous place in such advertising and package labelling and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter in the advertisement or on the package.

Respectfully submitted,

S.A.M.E.

VETO ON "BLACK TUESDAY"? UNEMPLOYED AWAIT PRESIDENT'S ACTION ON ACCELERATED PUBLIC WORKS PROGRAM

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

Mr. McFALL. Mr. Speaker, in the past week, reports have filtered to the Hill that the President plans to veto S. 575, the accelerated public works program, tomorrow. I learned today the Labor Department's Bureau of Labor Statistics, which usually announces on the 28th of each month which major labor market areas have been added to the list of "substantial unemployment areas," will not make this revelation until July 1—2 days after the President's projected veto of the measure expressly designed to alleviate the lack of jobs in high unemployment areas.

I believe it very important in the light of the administration's actual and predicted actions to remind the Members of this House of the purposes and goals of S. 575.

It is acknowledged by all Members familiar with this bill that it cannot cure at a single stroke the serious unemployment problem existing within the United States. Yet, despite the protests of some economists who oppose the "pump priming" nature of this legislation, it is clear that enactment of S. 575 will have an immediate and beneficial effect on the Nation's labor situation.

Experts who testified before the House Public Works Committee which considered this bill estimated that the program would create 170,000 jobs for workers immediately, and would put 250,000 men to work in secondary jobs. Four hundred and twenty thousand jobs hardly covers the 5.2 million persons unemployed right now, but there is no question that the unemployment problem can be quickly reduced. The act will make money available almost immediately in high unemployment areas, money which can be utilized by local contractors and labor pools for small public works projects.

Such an approach to the creation of more jobs has the definite asset of being much sooner in effect than the ideas of personal income tax cuts or tax credits which have been pushed by the administration. In addition, the economic consequences of tax cuts or credits are not as readily ascertainable as the effects of the accelerated public works program.

It should be added that the nature of the work the program will bring about will not be like the "leaf-raking" jobs of the 1930's. S. 575 will fund local projects such as waste treatment centers, water and sewer facilities, hospitals, and other public service facilities—construction which will not harm the tax base of small communities.

In sum, then, the administration's argument that the bill would set off an inflationary spiral sounds inadequate when compared to the relatively massive benefits which will accrue to workers and communities alike if S. 55 is signed by the President. I urge that he do so.

WILL CANNIKIN ENDANGER SALT?

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

Mr. MATSUNAGA. Mr. Speaker, all

concerned Americans were heartened recently when it was announced that the United States would discuss a possible limitation on antiballistic missiles at the strategic arms limitation talks now underway in Vienna. The announcement, made by our President, was the first indication of a breakthrough at the SALT talks in many months.

It is, therefore, deeply discouraging to learn that the Atomic Energy Commission is proceeding full speed ahead with plans to test a nearly 5-megaton nuclear device, reportedly the ABM warhead, on the Island of Amchitka off the coast of Alaska next fall. This test project is called "Cannikin."

Although my major concern in connection with the planned underground nuclear test has been and continues to be the immediate safety of the people of Hawaii and Alaska and our good neighbors in Canada, Japan, Taiwan, the trust territory and other areas of the Pacific, it should also be emphasized that by jeopardizing the strategic arms limitation talks, the AEC may be gambling with the future of all mankind.

Even if the proposed nuclear test, the largest ever conducted by the United States, does not cause a disastrous earthquake or tsunami, it may well end forever any hope of agreement with respect to the limitation of strategic nuclear weapons. If the President is seriously optimistic about SALT, he should order an abandonment of Cannikin, and demonstrate to the world that under his leadership the United States can act peace, not merely talk peace.

HON. CLAUDE PEPPER

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

Mr. BARRETT. Mr. Speaker, Sunday's Washington Post Potomac magazine carries a profile story of our distinguished colleague from Florida, CLAUDE PEPPER. I am pleased to see the Post honor my distinguished friend, whose 40-year political career is an outstanding example of service to his country.

We all know that CLAUDE PEPPER began his service in Washington in the U.S. Senate and continues his service here in this distinguished body. CLAUDE was a stalwart supporter of Franklin Roosevelt in the Senate, and one of President Roosevelt's key leaders in guiding New Deal legislation through the Senate. As the Post Story states:

> Claude Pepper was an untypical southern Senator and national leader, perhaps the most important Senator Florida ever sent to Washington.

I would only add here, and probably the most important Member of the House Florida has ever sent to Washington.

Mr. Speaker, I include the article on CLAUDE PEPPER immediately following my remarks:

"SENATOR" PEPPER, AT 70, HAS OUTLASTED HIS HATCHETMEN

(By Larry Mahoney)

Washingtonians, weary of District-baiting demagoguery by committee chairmen from the South, may have undergone some sense of "here we go again" when, in 1969, the House of Representatives created a Select Committee on Crime and appointed as its chairman a 69-year-old Florida congressman who had been born and raised in rural Alabama.

But the Crime Committee was getting no Claghorn for its chief. Instead, it got Claude Pepper, whose 40-year political career presents a heartening exception to the warning that Edgar Lee Masters sounded in *Spoon River Anthology:* "Beware of the man who rises to power from one suspender."

Congressman Claude Pepper has served in both the U.S. Senate and the House of Representatives. Pepper was first a senator and then a congressman.

Claude Pepper was an untypical Southern senator and national leader, perhaps the most important senator Florida ever sent to Washington; an early and primary victim of the "soft-on-communism" campaign techniques of the McCarthy era, a good example of American political pragmatism; a master politician of the Florida that V. O. Key, in his classic *Southern Politics,* called a state "unled and unbossed, where it is every man for himself;" a legislator operating ahead of his time.

Instead of one senator among 100 (or 96 as it was in his day), Pepper, since 1962, has been one congressman among some 435. The prestige and the power are not the same, but he seems to thrive in the lower house, where he is a respected and important leader, if not of the first rank as he was in the Senate. Others, including John Quincy Adams, Henry Clay and Thomas Hart Benton, preceded him as ex-senators in the House. Staff and friends still acknowledge Pepper as the *Senator* 21 years after he ceased to be that.

Pepper sits in his office, in Room 432 of the Cannon Building at desk No. 48595, the massive brown teak of the House. The high walls of the office are plastered with photographs and plaques of 40 years in politics. He is flanked by a potted palm, the flags of Florida and the U.S., a bust of himself as senator. The photographs range from his parents' graves to the surrender on the battleship *Missouri,* from Pepper the boy orator in the Heflin Debating Society, to Pepper the confidant of FDR, and beyond.

Claude Pepper, unlike a lot of silver-tongued politicians, never really had the good looks to complement what was coming out of his mouth. He would be a media disaster in these days of the all-mighty statewide television; no LeRoy Collins, he. When Pepper did his campaigning, though, being a golden boy probably didn't matter all that much. More decisive talents were his. He was master of the cypress stump, of hushpuppy oratory at the fish fry, of the sound truck and the motorcade, of the Pentacostal preacherman variety of joke, the reference to Job and jobs, Ruth and roads and Roosevelt, his hero. A gifted Populist orator; a preliminary mouth of the people.

Pepper the senator was adept with the federal pork barrel, too, and the establishment of airfields and forts in Florida during the early days of the Second World War was not entirely attributable to sunshine and vacant palmetto scrublands; FDR remembered his New Deal and lend-lease ally.

Today, Claude Pepper retains a good measure of that flair and style from an urban, largely northern-born and heavily Jewish and Negro congressional district at the tip of Florida, a constituency that bears hardly any semblance at all to the underpopulated state that counted Claude as its man in Washington in the 1930s and '40s. It is a style of great personal courtesy, of occasional oratory, of keeping the memory of FDR kindled among Izzy and Bella, the retired Lower Eastsiders on South Beach, who vote always; of personally plowing the grassroots. The 11th Congressonal District of Dade County has a veteran representative who keeps on his toes, partially because, as an aide said, "He works hard because he lost once."

Claude Denson Pepper was born to an Alabama farm family on Sept. 8, 1900. (His mother once said that he started talking when he was nine months old and he's been talking since.) When the boy was 10, the family moved 10 miles down the road to Camp Hill, in the heart of Black Belt cotton country. "I walked the family milk cow down the path to our new home," he remembers. "My father became a merchant, and later the chief of police in Camp Hill." Pepper worked from early on because the family was poor. As a teen-ager, he was a wandering blocker of hats. After a customer threatened to whip his hide for ruining a Sunday-go-to-meeting hat, he took a test and became a school teacher in the peanut town of Dothan, then worked as a steel hand in the belching furnaces of Birmingham before entering the University of Alabama.

Working his way through college, Pepper avoided the First World War's conscription by joining the UA Army Training Corps. He finished Phi Beta Kappa at Tuscaloosa and went North to the Harvard Law School, where, after three more years of double-timing it as waiter-student, he got his law degree and was ranked in the top six students of his class.

It was 1924 and, as a son of South with political ambition, Pepper went down to teach law at the state university of Arkansas, where he turned down a high-paying job with a utility company (that being not good work for a Populist). One of Professor Pepper's students was a smart boy from a prominent family: J. William Fulbright.

Boomtime Florida beckoned, and Arkansas didn't appear to be so much a land of opportunity as its auto tag motto proclaimed. Fatefully for him, Claude Pepper took a job in the law offices of Judge W. H. Davis at Perry, a scraggly little pinetree town at the peninsula's Big Bend on the Gulf. It was 1925, his starting salary was $125 a month, and from there he went straight up.

First it was the state legislature, then a temporary setback when he failed to be reelected there, then big game in 1932: the U.S. Senate seat of powerful Park Trammell. He lost, but narrowly, and next time came far sooner than expected. In 1936, with the death of Duncan U. Fletcher, the senior Florida senator, Pepper ran without opposition for the remainder of the term. That same year he married Irene Mildred Webster of St. Petersburg.

Claude Pepper took Capitol Hill by verbal assault. His maiden speech in the Senate was an indictment of his peers and colleagues for deserting the New Deal; in no time at all, he was the most prominent of the freshmen. His stature was soon to surpass that of most of the veterans.

By 1938, slickhaired Claude Pepper, eyes rolling heavenward, gesturing before a red Ford topped by washbasin-sized megaphones, was on Time's cover as "the Florida fighting cock (who) will be a White House weathervane." Pepper was a good barometer for the President and his program, a New Dealer supreme. He won and his conspicuousness mushroomed; some saw him as "the great liberal" and others considered him "the most dangerous man in the Senate since Huey P. Long." He became an influential member of the Foreign Relations Committee (now headed by his old student), Labor and Public Welfare committees at a time when the United States, working its way out of an economic depression, was nosing into what would become the century's great war.

At the Nuremberg Congress of the Nazis, Pepper watched another master orator from afar and returned to Washington convinced that Adolph Hitler was out to conquer the world. Working with FDR, the Floridian

pioneered lendlease legislation and pushed for a destroyers-for-bases agreement with Great Britain; he also promoted compulsory military service. The hawk from Florida was hanged in effigy by "The Mothers of the United States of America."

Domestically, the senator stayed close to FDR. The hostile *New York Herald Tribune* chided him: "When the White House has an important balloon to send up, it invites Senator Pepper to supply the necessary oratorical helium." He aggravated a lot of people in Florida by breaking with the Southern bloc and cosponsoring legislation to repeal the poll tax; he even lived dangerously, politically, by appearing on speakers' platforms with blacks.

Pepper was safely in the Senate for another five years when the war ended. He began to operate on an internationalist stage, particularly in relation to the Soviet Union, America's major wartime ally. Considered a warmonger in 1940, Pepper had become by the second half of the decade a peacemonger in the eyes of many.

"I believed that the seeds of a third world war were present at the end of the second," he told this reporter recently, "and the advent of nuclear weaponry made that possibility all the more horrible. I wanted to do everything in my power to keep the two giants, us and the Soviets, from becoming enemies. If I had had more support, if I had been more effective, the world would have been spared all of this Cold War, all of the troubles of the past 25 years."

Claude Pepper met with Josef Stalin in 1945. In the ruins of Berlin, the senator hopped aboard a Russian military transport and flew to Moscow, fearful all the way because the young Soviet soldiers were smoking American cigarettes while lounging on barrels of fuel. Safely in the Soviet capital, Pepper went (with George Kennan as his translator) into the bowels of the Kremlin, talked for nearly an hour with Stalin.

Pepper came away convinced that the Soviets were war weary, that the United States had treated them badly by plainly ignoring a request for a $6 billion recovery loan, that the Red Army was demobilizing and that Stalin wished to work for peace and amity with the U.S. Pepper wrote about it in a Page One piece supplied to *The New York Times* by the North American Newspaper Alliance which financed his trip. Allying himself with Henry Wallace and the Progressives, he split with Harry S. Truman over the military phases of the Marshall Plan, in particular the arms shipments to Greece and Turkey, where communist revolts were being smashed. In 1948, he urged Dwight Eisenhow, then president of Columbia University, to oppose Truman for the Democratic nomination; briefly, he put his own name before the convention.

At Pepper's homebase, unfriendly eyes were watching and plans were being hatched. That meeting in Moscow, that article in *The Times* and Pepper's entire record and attitude toward the Soviet Union would be used cynically and fervently—and deadly effectively—against the senior Florida senator. In 1950, Claude Pepper became the first and most prominent political victim of the Cold War in the United States.

In that Florida election year, Claude Pepper would become *Red* Pepper, apologist for Joe Stalin, "a pervert by assonance," and associate of an uppity "Nigger" named Paul Robeson, a proponent of socialized medicine, the very symbol of all that was far leftfield in the New Deal, an anti-business colleague of union gangsters and racketeers.

In short, Claude Pepper was a target. Both he and his opponent, George Armistead Smathers of Miami, today an ex-senator, still bear scars of '50, though Pepper, who lost, carries the most. That year was a pivotal point in the politics of Florida, the South and the nation. It was a march right, the spawning moment of McCarthyism, the rise on the national scene of Richard Milhous Nixon. The purge of Pepper began it all.

Wavyhaired young Congressman Smathers, nicknamed "Smooch" at the University of Florida and back from the war in the Pacific, had been an ardent supporter of Pepper in previous years, and the senator had helped the young lawyer get his shingle up. Smathers himself was not so important; his backers were. Especially Edward Ball.

Pepper felt that the people who had the big money should be made to pay for raising up the blacks and the poor whites. This idea grossly offended Ball, baron of the billion-dollar Florida duPont interests, which, besides owning at that time 500,000 acres of timberland, entire counties, paper mills and a railroad and the largest chain of banks in the South, was also considered the proprietor of a good many members of the Florida Legislature. To Ed Ball, Claude Pepper was "that Buzzard." The animosity was mutual; Pepper thought of Ball as a ruthless economic tyrant.

So by 1950, Ball and his empire, along with the U.S. Chamber of Commerce, the American Medical Association and the National Association of Manufacturers, had fueled, primed and raring to go the most elaborate crusade of political annihilation ever seen in the South.

Smathers attacked and, in retrospect, the stinging words seem unreal: "The leader of the radicals and the extremists is now on trial in Florida. Arrayed against him will be loyal Americans . . . Standing against us will be certain Northern labor bosses, all the socialists, all the radicals and all the fellow travelers . . . Florida will not allow herself to become entangled in the spiraling spider web of the Red network. The people of our state will no longer tolerate advocates of treason. The outcome can truly determine whether our homes will be destroyed, whether our children will be torn from their mothers, trained as conspirators and turned against their parents, their home and their church. I stand for election on the principle of the free state against the jail state."

A scenario of the spring of '50: Gunslinger George Smathers, eyes glinting, like Clint Eastwood in an Italian-made Western, entertains—and probably confuses—a gathering of North Floridians: "Are you aware that Claude Pepper is known all over Washington as a shameless extrovert? Not only that, but this man is reliably reported to practice nepotism with his sister-in-law, and he has a sister who was once a thespian in wicked New York. Worst of all, it is an established fact that Mr. Pepper, before his marriage, practiced celibacy."

William Buckley was to call this "making Claude Pepper a prevert by assonance." Some of the less funny things that Pepper was called in 1950 include "spell-binding pinko," "Nigger-lover," "wiley, oil-tongued apologist for 'Red' Quill of the CIO Transport Workers," "graduate of Felix Frankfurter's Harvard Law School and classmate of Alger Hiss."

Photographs of Pepper and Paul Robeson at Madison Square Garden rained down on the state like the tiny toads that sometimes fall from the thunderheads of a Florida summer afternoon.

Three weeks before election day, *The Saturday Evening Post*, in an article under the byline of Ralph McGill, early oracle of Deep South liberalism, carried a nasty attack on Pepper, calling him a spellbinding pinko supported by ultra-leftwing friends. It was one of the hardest blows of the campaign, pushing even liberals and moderates, rare critters that they were, over to Smathers. (McGill later expressed shame and sorrow over the article, saying that Smathers' father had tricked him into writing it.) A little book, *The Red Record of Senator Claude Pepper*, came out during the campaign's last week. Miami, a Pepper stronghold, got nine tons of the hatchet-job alone.

At the ballot box, Populist Panhandle folk and Tampa-Miami moderates deserted Pepper in droves. The smear put Smathers in office by 67,000 votes. From Manhattan, Henry Luce's magazine empire trumpeted: "Republicans joyfully saw the result as a harbinger of a national conservative trend . . . a blow to the Fair Deal nationally and a warning of the communist issue which Republicans are sure to raise this fall."

The primary of 1950 was a crushing blow to Claude Pepper, not only politically but personally. "I sometimes wonder how he survived the first years after he left the Senate," a Washington friend said. "He had campaign debts to pay off and, unlike a lot of senators, he had not been too busy looking after his own financial interests while in office." The ex-senator and his wife, Mildred (they had no children), returned to Florida to pick up the pieces.

Pepper expanded his Tallahassee law firm, and opened an office in Miami Beach. His old talent for the law proved endurable and he kept his interest in politics and public issues alive, appearing on platforms with Adlai Stevenson in 1952 and 1956. But he desperately missed the United States Senate. In 1968, he tried to return by unseating Spessard Holland. Pepper got 321,000 votes, but it wasn't enough.

The swelling population of South Florida presented another kind of route back to Capitol Hill. In 1962 a new congressional district was carved out of Dade County (Miami), perhaps the South's, and even one of the nation's, most liberal areas. Pepper easily won the election. At the age of 62, Claude D. Pepper became a freshman congressman. The return to Washington, associates say, seemed to rejuvenate him.

George A. Smathers left the Senate in 1969, his health bad, his reputation largely that of a senator who looked after his friends and cultivated the special interests, a man of considerable influence with John Kennedy and Lyndon Johnson but also linked to Rafael Trujillo and Bobby Baker.

So it is that at 70, and 40 of those years in public office, Claude Pepper has politically outlived the hatchetman who took his Senate seat in 1950. From his seat in the House of Representatives, Pepper endures. He is still liberal, and the times, well, they haven't entirely caught up with him yet.

The Americans for Constitutional Action, the rightist equivalent of the liberal and better known Americans for Democratic Action (ADA), consider Claude Pepper the most liberal Southern member of either house of Congress. Ratings after the 91st Congress last year, cumulative to 1957, gave Pepper a near negligible score of 3 per cent. The average for Florida's 14-man delegation was 63 per cent, which might mean, in the eyes of the ACA, that Pepper was 20 times as liberal as the average Florida congressman. (Senator Fulbright, Pepper's former pupil, got a 24 per cent.)

Such a nearly and continuing record of liberalism might seem to make Claude Pepper something of a hero to the young men and women of the New Left. But, of course, it is not like that. His last opponent was a Miami youth, a sort of "Wild in the Streets" candidate who accused Pepper of all varieties of selling out. And to Robert Kunst, a 29-year-old Miamian, chairman of Florida's New Party and ranked up there with Dr. Spock and Gore Vidal in the national apparatus, Pepper is "a has-been liberal, sort of wishy-washy, who just won't give us any kind of a hand."

Yet Claude Pepper seems even more youth conscious than the average congressman, even considering the advent of the teeny-bopper voter. This may be largely because

of his work on the Crime Committee, delving into the drug issue and also concerned with the often abusive treatment of juvenile offenders by the courts and the jails. The 70-year-old frequently comes to moments like this in his conversations and public utterances:

"Yes, I am reading up on marijuana and all of that . . . we've listened to Art Linkletter, whose daughter died of LSD, or was it speed? Somehow or another, we need the best educational brains in the country to educate the people, especially the young, on these drugs. . . . If you didn't put it to 'em by preaching. . . . We need a rock 'n' roll star to popularize a song for the wholesomely exhilarated. . . ."

Here he raps his fingers on the desk in faltering effort to capture a beat. . . . "Um, ah, I don't even have to take marijuana to *feel good*. Been on a trip, as it was." At threescore and ten, Claude Pepper is still operating on the current edge of what is happening, if a bit clumsily at times.

Besides his chairmanship of the Crime Committee, a plum he got because his fellow congressmen hold him in high regard, Pepper sits on the House Committee on Rules, a sort of Dardanelles through which legislation must sail or sink. Lyndon Johnson helped his old New Deal mentor get that seat. Pepper, a master parliamentarian, is considered one of Rules' most able members.

Pepper's third committee assignment is one of great irony. When, in 1969, Speaker of the House John McCormack and powerbroker Wilbur Mills asked him to become a member of the House Un-American Activities Committee, Pepper's first reflex was to say that he wanted nothing to do with the HUAC of the witchhunting, blacklisting Fifties and early Sixties. "In 1950, a lot of Smathers' material was leaked from the HUAC staff," a legislative aide said.

But McCormack and Mills persisted, telling Pepper they wanted him on HUAC because they did not want a witchhunting committee. Pepper took the seat and today he is the ranking Democrat on the committee, since renamed Internal Security and very much not a trampler of individuals on the altar of security. It is possible that he might someday be its chairman.

It is a good story of American political pragmatism. A time and a season for all things and all positions. Claude Pepper, short on ideology but firmly in the camp of the liberals, in 40 years of public office has been hanged in effigy as a warmonger, damned as a peacemonger, a man burned by the Red-baiters and Super-Americans, who sits on the House's onetime commie-hunting apparatus to keep it from going berserk again, an early liberal whose record does not mean so much to the Left of this decade.

With it all, Claude Pepper of Miami, Fla., and Washington, D.C., has not heard his last hurrah.

NUCLEAR TESTING IN ALASKA THREATENS HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous material.)

Mrs. MINK. Mr. Speaker, shortly the House of Representatives will be considering legislation to fund the Atomic Energy Commission for the coming fiscal year. I feel it is imperative that no funds be provided in the bill for the nuclear explosion called "Cannikin" which is planned by the AEC for this autumn in the Aleutian Islands off Alaska.

It has recently come to light that "Cannikin" is being conducted to test a warhead of an ABM missile which is now obsolete. The test series was conceived 5 or 6 years ago and the Pentagon has subsequently made new plans for its missiles. The AEC, however, is still intent upon conducting this unnecessary test. If it were only unnecessary, I would not quarrel with the contention that expenditures to date of some $100 million on the project might justify wasting $20 million more as sought for fiscal year 1972 to complete the test.

However, of greater importance is the fact that the explosion, if detonated underground as planned, has grave environmental implications for Hawaii, for Alaska, for California, and for the Pacific Ocean. No one can categorically deny that the blast, the largest underground nuclear explosion ever attempted, could produce an earthquake, which could cause a shift in the ocean floor and thus set off a giant surface wave—or tsunami—that could surge for thousands of miles across the ocean, crashing into Hawaii, Alaska, and California.

Our fears are not without foundation, for past earthquakes in the Aleutians have caused such tsunamis. In 1946 an Aleutians-originated tsunami killed 173 people and damaged $25 million in property in Hawaii. Another, in 1957, did $3 million in destruction to Oahu and Kauai Islands in Hawaii. In 1964, an earthquake in the Prince William Sound area spawned a tsunami which killed 12 and left 400 families homeless in Crescent City, Calif., 2,000 miles away.

The AEC knows that tsunamis created in this manner can be highly directional and can race long distances. The 1960 earthquake in Chile produced a tsunami that reached Hilo, Hawaii, at midnight 14 hours and 47 minutes later. This May 23 disaster killed 61 and did $25 million in damage in Hawaii, and later went as far as Taiwan, the Philippines, New Zealand, and Japan, leaving 138 dead in the latter country alone. Japan and Canada, it should be noted, have filed official notes of protest to the Cannikin test with our Department of State.

Clearly the force and destructive capability of tsunamis make it imperative that men do nothing to create such a force—especially for a futile and unnecessary purpose.

In addition, there is the AEC's acknowledgment that the blast could leak radioactivity into the ocean. The agency's environmental impact statement, although reading more like an advertisement for the project than an assessment of its potential harm, wavers by noting three possible alternative effects in this regard. It rates them according to the agency's assessment of their relative likelihood, but the primary admission is that there can be no certainty which alternative will occur. If the "least likely" result is the actual one, our seas will receive a generous dose of radioactivity. Otherwise, the amount is presumed to be slight. In any event, I do not see how we can afford this further pollution of the ocean. Already our public is becoming alarmed about the amount of pollutants in fish. Any further "scare" could entirely deplete our fisheries resource.

Of great environmental concern also is the physical effect of the blast on the surrounding surface and undersea area. Amchitka Island, where the explosion is scheduled to take place, is part of a national wildlife refuge established by President Taft in 1913. Unfortunately, the Executive Order, No. 1733, by which it was established contains a clause permitting its use "for lighthouse, military, or naval purposes." While this certainly was not intended to give license to a travesty of the magnitude of Cannikin, the unforeseen consequence is that the island's population of rare and endangered species of wildlife such as the bald eagle and peregrine falcon will suffer at least some amount of injury.

AEC Chairman Seaborg, in information supplied to Senator MIKE GRAVEL on December 5, 1970, conceded that—

> The Aleutians Islands chain is one of the more highly seismic regions of the world.

Lying athwart a great earth fault that runs through California as the San Andreas Fault, Amchitka Island may be the trigger of a potential earthquake of cataclysmic proportions. As far as any scientist knows, there is no way of predicting when an earthquake may occur, or that the potential for one exists. It is admitted, however, that a disturbance of a magnitude of the Cannikin test can touch off a large earthquake. The previous Milrow blast at Amchitka registered 6.5 on the Richter earthquake scale, and it was 1 megaton in size compared to 5 megatons for Cannikin. A panel headed by Dr. Kenneth S. Pitzer stated in an AEC-suppressed report that—

> Seismic events in the magnitude range 6–7 have been associated in the past as foreshocks to large earthquakes or as components of large earthquakes. In view of these observations, a risk must be associated with conducting large-yield nuclear tests in seismic regions. The risk seems to be small but not insignificant since the consequences of accidentally releasing a large amount of tectonic strain energy could be extremely serious.

One might conclude from Dr. Pitzer's evidence that the AEC would pay close attention to this danger in preparing for the Cannikin blast. Its self-serving environmental impact statement, however, merely quotes a panel of scientific consultants "who examined this specific question." The panel reported that experience in other nuclear tests "supports the conclusion that an explosion will not trigger a large earthquake, unless the event is detonated near a fault on which an earthquake of this magnitude is imminent." Since this is precisely the condition in the Aleutians, I do not understand how the Commission can disavow responsibility merely on that basis that there is no way to predict what will actually happen. There is no justification for the people of Hawaii and other areas along the Pacific rim to be exposed to the portentous consequences of an AEC action based on premises that cannot be checked or proven in advance, especially when the test itself is no longer necessary.

I feel that all funds for the Cannikin test should be rejected, and have asked the House Committee on Appropriations to do so. If the committee includes funds for Cannikin, I will seek an amendment on the House floor to delete them.

I include at this point in the RECORD several articles and testimony on this

subject, as well as my letters to the committee and to President Nixon in opposition to the Cannikin test:

JUNE 23, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I respectfully urge that you order the cancellation of the five megaton *Cannikin* underground nuclear weapon test scheduled for autumn 1971 on Alaska's Aleutian Island of Amchitka.

The AEC can give no positive guarantee that the explosion will not precipitate an earthquake which occurring in this already seismically unstable region could send destructive *tsunamis* to Hawaii and other Pacific-rim States and nations. The nuclear test could also have adverse effects on our environment, as well as exacerbate our relations with foreign governments who border on the Pacific.

We are already polluting our oceans and damaging our fisheries and even the microscopic oxygen-producing sea organisms which sustain all life on this planet. It is acknowledged that the Amchitka blast will introduce radioactivity into the ocean—the only question is how soon, and how much. The peril of miscalculation is too great to permit such a risk.

If there were reasons for assuming risks before on account of weapons development now because of changes in technology these tests serve no such purpose. These tests are designed to perfect a component of the ABM system which is already obsolete. Therefore if we proceed we would be wasting $20 million more in this futile, unnecessary project, which has already expended $100 million.

The safety of the people who are threatened and the preservation of our environment requires your thoughtful intervention. We are only told by the AEC that the odds indicate that adverse environmental effects may not occur. My principle point is that given the risks which are self-evident that there is no valid justification for undertaking these tests which cannot even yield information essential for our national security.

I urge your intervention in this matter of grave urgency and order a halt to these tests. Amchitka Island should be restored to its natural state in keeping with its status as part of a National Wildlife Refuge. I further request that Executive Order Number 1733, of March 2, 1913 creating this Refuge be modified so as to prohibit any such activities in the future.

Very truly yours,

PATSY T. MINK,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1971.

Hon. JOE L. EVINS,
Chairman, Public Works Subcommittee,
House Committee on Appropriations,
Washington, D.C.

DEAR CHAIRMAN EVINS: I strongly urge deletion of funds for the proposed 5 megaton nuclear explosion "Cannikin" from the Atomic Energy Commission budget for fiscal year 1972. Funds for the project are included in the $213.7 million sought for testing of atomic weapons in the public works appropriations bill.

There are many sound reasons for deleting the funds, among the most important of which are:

1. The explosion might well have a profoundly adverse environmental effect, yet the AEC has refused to reply with Congressional requirements of a detailed statement including alternatives to the proposed test.

2. There is a possibility that the explosion could cause an earthquake in the seismically unstable Aleutian Islands and send destructive tsunamis to Hawaii, California, and other areas.

3. The test will have harmful international consequences as shown in the official protests filed by the governments of Canada and Japan to such explosions in the past.

4. There is a grave question as to whether the test will serve a useful purpose. Reports indicate that the weapon for which the test is designed may be obsolete. It would therefore be a waste of Federal revenues to approve the budget request.

5. Even if the weapon being tested is feasible, it should not be deployed. The explosion is intended to help design a warhead for the Spartan ABM, a weapon whose deployment Congress has restricted. Instead of expending these deadly weapons with resulting escalation of the international arms race, we should be exerting every effort to achieve mutual arms reductions. Congressional approval of funds for Cannikin can only jeopardize this priority objective.

If carried out this October as planned, the Cannikin test will be the largest underground explosion ever attempted. There is no way of guaranteeing, with absolute certainty, the effects of such a detonation. Such environmental comments as have been made by the executive branch discuss only probabilities and do not flatly assert that no large-scale damage will occur—for no such assurance can be made by any responsible spokesman.

I see no justification for exposing the people of Hawaii to the risk of tsunamis such as those which have caused death and destruction of property in the past when caused by natural earthquakes in the Aleutians. I recognize the AEC's self-interest in seeking this granddaddy of all nuclear tests, whose purposes and effects are obscured in a bureaucratic cloud of secrecy and scientific jargon, but do not feel that Congress must blindly rubber-stamp the request in defiance of all the warning signs and dangers involved. Accordingly, I will be obligated to seek an amendment in the House removing the funds should they be included in the bill.

According to the AEC, Cannikin will be the last foreseeable test conducted in the Amchitka test. I am not certain whether this is a "hedge" because of the possibility that the usefulness of the area may be terminated by Cannikin, but in any event it would be both expedient and sagacious to deny funds for the blast as was done last year. This step would hasten the AEC-stated goal of terminating this abuse of a national wildlife refuge.

Very truly yours,

PATSY T. MINK,
Member of Congress.

[From the Washington Post, Apr. 13, 1971]

RECORD A-BLAST PLANNED

UNDERGROUND AMCHITKA TEST IS FOR WARHEAD

(By Thomas O'Toole)

A nuclear weapon with an explosive force of five million tons of TNT will be exploded underground by the Atomic Energy Commission at Alaska's Amchitka Island in early October.

Code-named Cannikin, the five-megaton test will be the largest underground atomic test ever conducted by the United States and will release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

The AEC will not confirm the size or time of the test, declaring only that Cannikin will be "larger in yield than the last Amchitka test" (Milrow, Oct. 2, 1969) and will be held "in the fall of 1971."

"Cannikin is scheduled for October, because the Alaskan weather is most reliable then," said an informed source. "It's expected yield is very close to five megatons, so close you might as well call it five megatons."

While the AEC will not comment on the purpose of Cannikin, it is understood that it will be a test of an enlarged warhead for the Spartan ABM missile. This is the long-range (more than 400 miles) version of the ABM, whose warhead is built to destroy incoming enemy missiles in the upper reaches of the atmosphere or above the atmosphere.

Whatever its purpose, Cannikin is likely to arouse at least as much protest as the Milrow test kicked up almost two years ago.

Milrow was a 1.2 megaton test, described at the time it went off as a "suitability" test to see if still larger tests could be safely carried out under the tundra and hard rock of Amchitka.

Besides Sen. Mike Gravel (D-Alaska) and antiwar and environmental groups, the Canadian and Japanese governments denounced Milrow in strong terms. Tokyo called it a threat to Japanese fishing operations, and Ottawa expressed "concern . . . about possible damage or injury for Canada resulting from these tests."

Milrow caused no damage, but Cannikin's five-megaton size is certain to revive fears about it triggering secondary earthquakes and submarine tidal waves, two biggest concerns of the critics.

Sen. Gravel has already consulted with Alaska's Democratic Gov. William A. Egan about how to protest Cannikin, and two weeks ago the Canadian Embassy in Washington made public a note it passed to the State Department Feb. 19.

The note conveyed the "serious concern of the Canadian government about further underground testing on Amchitka," noting in particular that Amchitka tests "take place in a region known to be prone to earth disturbances.

"Bearing in mind the acute concerns felt by many Canadians residing on the West Coast," the note went on, "the Canadian government hopes that the United States will reconsider its plans to carry out high-yield tests on Amchitka Island."

The Cannikin device will be detonated at the bottom of a hole 6,000 feet deep and at least 10 feet wide, the deepest and presumably the widest hole ever dug by the United States to contain an atomic bomb test.

Scientists say that a five megaton test will explode with a force equal to an earthquake of magnitude 7.0 on the Richter scale, which the AEC claims is not large enough to trigger a serious secondary earthquake.

One source said that AEC studies indicate it can safely test atomic weapons with yields of 20 to 25 megatons on the island. He said that it would take an explosion of greater than 25 megatons to trigger an earthquake of worrisome size.

Testing critics also worry about radiation contaminating, underground water supplies or leaking into the Pacific Ocean, but an AEC source contends that tests over one megaton create so much heat that they cauterize the nuclear cavity and seal in the radiation.

While the largest U.S. underground tests have been in the 1.2 megaton range, the Soviet Union has conducted one test equal to five megatons and another of six megatons.

STATEMENT BY JOHN SILARD, ESQ. ON BEHALF OF DISARMAMENT ISSUES COMMITTEE OF THE UNITED NATIONS ASSOCIATION BEFORE THE PUBLIC WORKS SUBCOMMITTEE OF THE SENATE COMMITTEE ON APPROPRIATIONS, MAY 25, 1971

I appreciate the opportunity of testifying again on a matter which the Disarmament Issues Committee brought to this Committee's attention a year ago, concerning the serious environmental risks of the AEC's proposed "Cannikin" 5 megaton nuclear explosion, the largest underground test ever attempted. In May of 1970 we presented to this Subcommittee testimony and materials alerting Congress to the fact that the AEC had neglected to comply with the Environ-

mental Policy Act of 1969 in connection with the Cannikin experiment. The Commission, we pointed out, had failed to file and publish the "detailed environmental statement" required by the statute wherever legislation or other major federal action may have adverse environmental consequences.

Following our presentation, this Committee's intervention resulted in the AEC's preparation of a "draft" environmental statement on Cannikin in June of 1970. This statement, however, was in many respects inadequate to comply with the Environmental Policy Act. The "detailed statement" prescribed by the statute must specifically identify the environmental impact of the proposed action as well as "alternatives to the proposed action," but the AEC's 1970 draft failed to provide the basic information upon which such matters could be understood and evaluated. For instance, both the actual purpose of Cannikin and its megatonnage were undisclosed in the AEC's submission, which offered instead a series of self-serving conclusions based on the assumption only of the best possible results and the discounting of error and mishap.

After the manifest environmental dangers and the inadequacy of the AEC's compliance with the law were pointed out, this Committee deleted the Cannikin test from the AEC's 1971 appropriations. Credit in that regard is in large measure due Chairman Ellender and the persistent efforts of Senators Muskie, Case and Gravel to bring the matter to the attention of the Congress. The environmental problem was expressly noted by this Committee in Senate Report 91–1118 (on H.R. 18127) as the reason for deleting funds for Cannikin:

"A reduction of $20,500,000 in the weapons program. Of this amount, $15 million is applied to the nuclear testing program principally against the supplemental test site activities conducted in support of the development of the nuclear warhead for a classified weapons system. Such a reduction is largely possible because of the change in scheduling of one experiment by several months. The later execution of this experiment will give the Atomic Energy Commission an opportunity to make a more thorough study of the environment in the region of Amchitka in Alaska and will permit conducting the experiment at a more favorable season to assure maximum protection to this environment."

Senator Muskie subsequently disclosed (see Washington Post, August 12, 1970) that Congressional refusal to fund Cannikin was "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environmental effects."

Following this important showing of Congressional concern over the risks of Cannikin and the necessity of full compliance with the Environmental Policy Act, it was to be expected that if AEC proposed to conduct Cannikin in fiscal 1972 it would issue a full environmental statement before Congress was again asked to authorize the test. But once again the AEC is trying to shortcut the requirements of the statute. It is presently offering only a "redraft" Cannikin environmental statement, rather than completing the publication and public comment process before Congress approves funds for the test.

Moreover, the "redraft" Cannikin statement still fails to disclose the major material facts necessary for Congress to weigh the environmental risks against the alleged national interest furthered by Cannikin. The central and crucial omission from the "redraft" environmental statement is the identification of the actual purpose of Cannikin. Without knowing precisely what, if any, defense interest is being furthered, members of the Congress cannot undertake to weigh whether there is a national need which justifies taking the environmental risks of Cannikin. In that connection there are recent indications that in terms of the weapons program with which it is connected, the Cannikin test has negligible or no significance. Far from the "prime significance to our national security requirements" claimed by the AEC on page 28 of its "redraft" statement, it now appears that Cannikin was programmed years ago for a warhead which the DoD no longer intends to make a significant part of our weapons arsenal.

While the AEC's redraft statement still declines to disclose the weapons program involved in the Cannikin test, the Administration presented public testimony to Congress in April through Dr. Harold Agnew disclosing that this is an ABM test. An article by Staff Writer Thomas O'Toole in the Washington Post of May 19 discloses that the component being tested is "an enlarged version of the warhead for the Spartan ABM missile." The article further notes that apparently the Pentagon "feels no great urgency beyond Cannikin to test a large Spartan warhead. . . . It is possible, sources speculate, that the Pentagon has [now] given priority to a one-megaton Spartan warhead."

Thus it is clear that the Congress cannot accept at face value the AEC's unsupported generalization that Cannikin is of "prime significance to our national security requirements." To begin with there is widespread doubt whether ABM itself promotes our national security interests to any significant degree. The recent announcements by President Nixon that a U.S.-Soviet agreement to freeze ABM deployment is now in the works surely indicate that further ABM development is *not* of "prime significance to our national security requirements." In addition, it appears that Cannikin will test an enlarged ABM warhead which in any event the Defense Department no longer deems significant. Surely the Congress is entitled to know the full facts before it approves Cannikin. Given the grave environmental risks of the test, only a weapon need of earth-shaking significance could justify a detonation of such earth-shaking proportions and consequent environmental risks.

And it is clear that the environmental risks of Cannikin are tangible indeed. In that respect the AEC's "redraft" Cannikin statement begins to reveal, as last year's draft did not, the major adverse environmental consequences and risks in the three critical areas of ocean contamination, earthquake, and tidal wave. The fact which stands out from the "redraft" statement is that AEC does not deny the possibility of all three of these effects of Cannikin, whose seismic intensity would be in the earthquake-triggering range. The Commission does not deny possible adverse environmental consequences, but in every instance merely minimizes or fails to disclose the degree of resulting environmental damage.

The fact is that no scientist can now predict with certainty that major environmental damage will not result from Cannikin, for we simply have no scientific experience with so immense an underground explosion. Considering the venting, earthquake, and contamination incidents which have come as repeated unhappy surprises to AEC in its testing of small nuclear devices in Nevada, no reasonable person could accept with assurance the AEC's optimistic predictions concerning this unprecedented detonation.

For these reasons we urge the Committee again to postpone funding for Cannikin, as it did last year, until the environmental safeguards and the weapons needs considerations claimed by the AEC are more fully explored. Surely, even if it were demonstrated that Cannikin advances our national security, Congress should go slow to approve this unprecedented explosion. But since it appears that Cannikin may be a test of an ABM warhead which we no longer deem significant, there is all the more reason for caution and fuller national consideration.

If the President's hopeful prognostications about an ABM agreement this year are to be credited, there remains not the slightest reason for proceeding with Cannikin at this time. What a tragic epitaph for ABM it would be if on the eve of agreement to halt the strategic defense race we were to detonate this last ABM test and find that we have caused a major earthquake, tidal wave, or oceanic contamination. We earnestly urge the Committee to delete Cannikin from the AEC's requested appropriations for Fiscal 1972. That course would honor the intent of Congress in its recent enactment of the Environmental Policy Act assuring that a significant environmental risk will be approved by the Congress only where there is urgent national necessity and no alternative course by which that risk can be avoided.

[From Science magazine, June 18, 1971]

NUCLEAR TESTS: BIG AMCHITKA SHOT TARGET OF MOUNTING OPPOSITION

A wide range of opposition, a bomb that may be useless, and a number of complex political considerations have raised the possibility that President Nixon may soon cancel the scheduled test of the largest underground nuclear device ever to be detonated by the Atomic Energy Commission. The blast, planned for this fall on the Aleutian Island of Amchitka, involves a 5-megaton bomb designed as a warhead for the Spartan antiballistic missile. To date, the AEC has spent some $160 million in preparation for the test. This includes the cost of a 1-megaton "calibration shot," code-named Milrow, which the AEC exploded underneath Amchitka on 16 October 1969.

The AEC encountered a good deal of opposition prior to the 1969 test (*Science*, 22 August 1969). And much of the debate surrounding the proposed 5-megaton test, with the code name of Cannikan, revolves around points that were raised against the 1969 test. Opponents of the test fear that the explosion could trigger a major earthquake, possibly leading to a destructive sea wave known as a tsunami. Tsunamis resulting from natural earthquakes in the Aleutians have caused extensive damage as far away as California and Hawaii. The opponents, including many Alaskans, are also worried about damage to the island's wildlife from the shock of the explosion, as well as possible leakage (venting) of nuclear material that could contaminate the ocean or the atmosphere.

Located near the western end of the Aleutian chain, the barren island serves as a refuge for sea otters, seals, and sea lions, as well as a nesting ground for two rare birds, the American bald eagle and the peregrine falcon. The bomb will be detonated at the bottom of a 6200-foot hole dug by the AEC.

In response to the Environmental Policy Act of 1969, the AEC has issued a draft of an environmental impact statement describing the probable consequences of the underground blast. And although many environmentalists believe the AEC's statement to be inadequate under the law (because they claim the statement reads more like a sales pitch than a catalog of possible environmental effects), the statement has formed the basis for a wider, more detailed discussion of the possible environmental consequences of the test. In response to a request from Alaska's Governor William A. Eagan, the Environmental Protection Agency held hearings from 16 to 19 May in Anchorage and Juneau, Alaska. There the AEC heard a parade of witnesses testify against the test. In fact, the only people speaking in favor of the test at the Alaska hearings were employed by the AEC.

Over the past 2 years, environmentalists

have gained both increasing public support and new political weapons. One factor that might influence the Administration to abandon the Cannikan test is the extension of environmental concerns beyond the estoteric and into the commercial. In speaking against the test, Senator Mike Gravel (D—Alaska) said, "In these days, when the nation is deeply concerned about mercury poisoning and the market for seafood has fallen off sharply, even the suspicion that radioactive water is leaking [from the test site into the ocean] could devastate the market for all fishery species of the North Pacific."

Another factor that may influence the President's decision is public knowledge of the test's purpose. A decision to conduct the test would be based on the assumption that the environmental risks were justified by considerations of national security. In its environmental impact statement, the AEC said that failure to conduct the Cannikan test "would severely hamper the development of nuclear weapons technology of prime significance to our national security requirements." Previously, such statements by the AEC have gone largely unchallenged, due to a veil of secrecy over the relevant data. But a good deal is known about the future uses of the warhead to be tested beneath Amchitka, and this has led to knowledgeable criticism of the test's utility. Much of this criticism has come from the Federation of American Scientists (FAS).

Herbert F. York, chairman of FAS and the first director of Defense Department Research and Engineering, called the Cannikan test a "pointless experiment in search of an unnecessary weapon." And in detailed testimony before the hearings in Alaska, FAS Director Jeremy J. Stone challenged the need for the 5-megaton test explosion.

According to Stone, the Cannikan test has been under consideration by the AEC since 1966 or 1967 as part of the development of a warhead for long-range (Spartan) missiles that could provide a curtain of x-rays, outside the atmosphere over the United States. Such a curtain could theoretically defend the country from a light (that is, Chinese) nuclear attack. But, he said, when in 1969 the Administration changed the rationale for the ABM program from a defense against heavy (that is, Russian) nuclear attack to a defense of Minuteman missile sites, the large warhead was no longer necessary. This, said Stone, is because the type of ICBM's that the Russians would deploy would permit the use of short-range (Sprint) interceptors with smaller warheads.

In addition, Stone suggested that the need for Cannikan is "further undermined" by the Defense Department's announced intention of building an "Improved Spartan." According to the statements of Pentagon officials, the Improved Spartan will take over many of the original Spartan's functions, carrying a smaller warhead at much higher velocities in order to intercept submarine-launched missiles and low-trajectory ICBM's.

Finally, Stone claimed that, even if the huge warhead were needed, there would be little reason to conduct the test, since "there is little doubt that the Spartan warhead will detonate; and much can be known about the warhead's effectiveness through paper and pencil calculations." The effectiveness of the Spartan ABM system depends less critically on whether the warhead will fire than on such considerations as the tactics employed by the Soviets and the reliability of the missile itself.

Stone's critical assessment of the warhead and the underground test is apparently shared by some Administration scientists and defense specialists. The Undersecretaries Committee of the National Security Council, which consists of Presidential Assistant Henry Kissinger and representatives of the State Department, the Joint Chiefs of Staff, and the Central Intelligence Agency, is conducting a detailed study to counsel the President in his decision on whether or not to proceed with the test. Advising the committee for this study are representatives of the Arms Control and Disarmament Agency, the Office of Management and Budget, the Council on Environmental Quality, the AEC, and the Department of the Interior. According to reliable Administration sources, the study will make no recommendation because there is no consensus either for or against conducting the test.

"This whole thing is wrapped up in the sordid history of the ABM," said one Administration official. "The people who are defending the test are in a difficult position because the changing justification for the ABM forces them to keep changing the justification for the warhead."

Pentagon officials, who, if asked, will claim that they need almost any weapon, would reportedly be willing to give up the Spartan warhead if forced to make a choice between Spartan and certain other weapons, or if faced with overwhelming public opinion in opposition to the test.

Such factors will certainly be spelled out in the Undersecretaries Committee report to the President. But the purpose of the report is not to weigh the need for the weapon against the possible environmental consequences. Rather, it will concentrate on the possible political consequences for Nixon if he goes ahead with the test or if he cancels it.

Of course a huge earthquake immediately after the test, particularly if it were followed by a damaging tsunami crashing against the shores of California, Alaska, or Hawaii, would hurt Nixon's chances for reelection in 1972. Most of the underground nuclear blasts in Nevada have triggered natural earthquakes that are one or more magnitudes less in intensity than the shock wave from the blast itself. And for the past few years, seismologists have suggested that an underground nuclear test might possibly spark a chain of events leading to a huge earthquake. The report of the Ad Hoc Panel on the Safety of Underground Testing, which was prepared for the President's Office of Science and Technology in 1968, stated that such a possibility was greater for tests exceeding 1 megaton and for tests conducted in the Aleutians because of that area's intensive natural seismic activity. The Panel thus concluded that "the need for these tests as planned should be compelling, if they are to be conducted in the face of the possible risks that have been identified."

The AEC's environmental impact statement declared it to be "highly unlikely" that Cannikan will trigger a huge earthquake, and "even more unlikely" that it will set off a damaging tsunami. In defense of these claims, the AEC argued that the 1969 Amchitka test did not set off any earthquakes with more energy than the blast itself. In fact, the 1969 test generated fewer aftershocks than were expected on the basis of the AEC's experience in Nevada.

Even with their one successful blast on Amchitka, however, the AEC is still dealing with an area where the lack of data makes predictions impossible. James Brune, a seismologist at the University of California, La Jolla, told *Science* that the 1969 test "shows that not every big explosion will trigger an earthquake." He added that "everyone agreed from the beginning that there was only a slight chance that it would happen."

Similar considerations apply to the possibility of leakage. Pointing to the AEC's record at the Nevada test site, where 67 out of 230 underground tests have leaked at least small amounts of radioactivity, critics of the test contend that a distinct possibility exists for a leak from Cannikan. While the AEC admits to the possibility, the environmental impact statement terms it an "unlikely event." Officials of AEC point out that none of the leaks in Nevada occurred with tests over 100 kilotons.

In addition to threats to Nixon's political future from earthquakes that might be triggered by the blast, the Undersecretaries Committee must consider the possibility that a coincidental natural earthquake might follow the blast on Amchitka and be attributed by the public to the AEC test. Three weeks before the 1969 test, a 6.6 Richter scale earthquake rocked Amchitka, and AEC Chairman Glenn Seaborg breathed a public sigh of relief that the quake hadn't taken place after the test.

POSSIBLE SENATE BATTLE

But perhaps more significant to Nixon than the possibility of natural calamities following the test is the possibility of a fight in the Senate before the test. The AEC authorizations bill, which will be reported out of committee to the Senate floor sometime in the next few weeks, contains $20 million in additional funds for the Amchitka test. And several senators are willing to support an amendment to delete those funds. As part of their study of possible political consequences of the test, the Undersecretaries Committee has sent a State Department representative around the Senate to sample opinion on the proposed amendment to delete funds for the test.

So far, the movement against the Amchitka test has been rather low key, with only Senators Gravel and Hubert H. Humphrey (D-Minn.) speaking against the test. "We don't want to put so much pressure on Nixon that he can't cancel the test," said an aide to Senator Gravel. "Let him be a hero for a change."

Although it is unlikely that the opponents of the test have enough votes to block the appropriation, a Senate squabble could prove embarrassing to the Administration. The Administration would be particularly sensitive to such a controversy because other provisions of the AEC authorization, including the fast breeder reactor, will also be under attack.

Besides the domestic politics, the decision of whether to continue the test necessitates international considerations. The governments of Canada and Japan have each filed notes of protest against the test, just as they did prior to the Milrow test in 1969.

Franklin A. Long, vice president of Cornell University, testified prior to the 1969 test that "There is a grave risk that . . . the unilateral U.S. action of performing large nuclear tests on the very brink of the Pacific Ocean will encourage anti-Americanism in Japan and Canada and . . . our national security will be decreased, not increased." Long told Science that "nothing has happened to change my viewpoint." At the time of the 1969 test, 18,000 Canadians closed off a border crossing with the United States, and more demonstrations are planned if Cannikan takes place.

Moreover, some observers believe the test could adversely affect the Strategic Arms Limitation Talks. FAS Director Stone said in his testimony at the hearings in Alaska that "none of the alternatives for limited ABM's being discussed at SALT require the basic Spartan missile."

Nixon has until the middle of September to make the final decision on whether to go ahead with the test. But the report of the Undersecretaries Committee is due for completion by the end of June, and the President's decision should be announced shortly thereafter.

To keep up the pressure against the test, a number of environmental and peace groups, including the Wilderness Society, the Committee for Nuclear Responsibility, the Sierra Club, Friends of the Earth, and the Federation of American Scientists, have formed the Coalition Against the Nuclear Test in Alaska. Still giddy from their victory

in eliminating the Supersonic Transport, the environmentalists are confident that they can stop the blast underneath Amchitka Island.

In defending the need for the 5-megaton test, the AEC maintains that there is little danger and that the weapon is vital to America's national security. But, in matters of nuclear energy, the public appears less and less willing to accept the AEC's word as proven fact (see page 1215). The cancellation of the Amchitka test could serve as the first indication, albeit slight, of a change in America's weapons policies.

CONCERNING REPORT ON CHINA

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, as chairman of the United States-China Committee of the Members of Congress for Peace Through Law, I have been privileged to work with my colleagues over the past 2 years in reviewing the need to improve relations between our Nation and the People's Republic of China, the problems related thereto and the likely consequences.

During hearings on June 24 before the Senate Committee on Foreign Relations, I testified in support of steps to improve these relations and presented the report of my committee.

Because of the growing interest in this important subject, I would like to include in the RECORD both my testimony and the report of the MCPL United States-China Committee. While the report is of an informational nature and does not necessarily reflect the views of the Members of Congress for Peace Through Law, I am happy that 24 Members of Congress asked to be associated with the summary and recommendations.

My testimony and report follow:

TESTIMONY BY REPRESENTATIVE PATSY T. MINK, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS CONCERNING LEGISLATION AFFECTING UNITED STATES-CHINA RELATIONS, JUNE 24, 1971

Chairman Fulbright and distinguished members of the Committee, I appreciate this opportunity to present my views on what I believe to be a matter of fundamental importance in our foreign policy—our relations with China.

The fact that you are holding these hearings is indicative of the growing interest in the once-forbidden subject of China relations. I applaud your consideration of legislation such as S.J. Res. 48, S. Res. 18, S. Res. 37, and S. Res. 82, all of which bear upon this important subject.

My own interest in this country's attitude toward China prompted me to accept the chairmanship of the United States-China Committee of the Members of Congress for Peace Through Law, a bi-partisan organization which seeks to improve our efforts toward world peace. I served as Chairman during the 91st Congress, and the Honorable Mark O. Hatfield, the new Chairman of the Members of Congress for Peace Through Law in the 92nd Congress, has been kind enough to extend permission for the Committee to wind up its activities begun in the last Congress.

Last year in a series of luncheon meetings, our Committee heard from a number of experts on China. Statements were given by the Honorable Elliot Richardson, then-Under Secretary of State; Mr. Harrison Salisbury, Assistant Managing Editor of the New York Times; Honorable Alvin Hamilton, former Canadian minister of agriculture and negotiator of the Sino-Canadian wheat agreement; Mr. Pat Clever, Canadian businessman; Dr. Jeremy Stone of the Council on Foreign Relations; Dr. Noel Brown of New York; Professor Jerome A. Cohen of the Harvard Law School; and Mr. Fox Butterfield, New York Times correspondent. We were also fortunate to have papers presented at these same meetings by our colleagues, Congressman Paul Findley, Senator Walter Mondale, Congressmen Charles Whalen, Robert Leggett, Jonathan Bingham, and Morris Udall, and Senator Dan Inouye.

At these meetings, which were attended only by the Members of Congress, we tried to explore in depth all of the major ramifications of U.S.-China policy. I might add that our Committee laid the groundwork for these studies by preparing an extensive report on the historical, political, and military aspects of the People's Republic of China. At the conclusion of our series, I submitted a summary and recommendations which I will discuss in a moment. The Members of Congress who have asked to be associated with the recommendations made in my U.S.-China Committee statement are Senators Hatfield of Oregon, Harold Hughes of Iowa, and George McGovern of South Dakota; and Representatives Bella Abzug of New York, John Conyers of Michigan, Robert Drinan of Massachusetts, Don Edwards of California, Paul Findley of Illinois, Don Fraser of Minnesota, Mike Harrington of Massachusetts, Augustus Hawkins of California, Robert Kastenmeier of Wisconsin, Abner Mikva of Illinois, Bertram Podell of New York, Thomas Rees of California, Henry Reuss of Wisconsin, Donald Riegle of Michigan, Howard Robison and Benjamin Rosenthal of New York, Edward Roybal of California, William Ryan and James Scheuer of New York, Frank Thompson of New Jersey, and Charles Whalen of Ohio.

In brief, I feel that we have looked at this matter closely over a period of time, including the recent innovation of ping pong diplomacy by the Chinese. I will leave a copy of both documents, which are of a background and informational nature, for the Committee.

Based on our studies, it is my firm belief that Congress should support and cooperate fully with all efforts to normalize relations between China and the United States. You will note that I did not say "Red China" as I feel that this is typical of the kind of thinking that we must change. Just as we do not say "Red Russia" or "Red Czechoslovakia," I believe we have reached a point of maturity where we need not add such an appellation in our references to the People's Republic of China. I sometimes think that such denigration is an attempt to characterize the Chinese, as a nation, as somehow less than human, as in the term "Gook". Once we have reduced the people involved to a sub-human status, it is easier to justify our actions of belligerence. This is just one of our accustomed habits that we will need to re-examine.

We have seen a general thaw in our governmental stance towards the People's Republic. All indications are that we will advocate that the People's Republic is a new entity newly established to represent a part of the people of China, but not all, thus leaving the government of Taiwan as a separate entity. This "two" China policy is the divided nation rationale.

The central issue is whether the two Chinas approach is a viable solution. I think that this issue is crucial to the Committee's hearings, for any action you may take on the pending legislation will affect the existing status quo and thus tend to support the case of either Taiwan or Peking. In taking any action, we should be fully aware of the implied decision and its consequences.

I believe that the time has long since passed when we should have acted to redress some of the ills that have arisen from our 21 years of avoidance of this matter. For nearly a quarter of a century, we have pretended in all of our official pronouncements and policies that 700 million Chinese people did not exist. They were referred to as "Red China", a mystery and an enigma whose very inscrutability justified an attitude of indifference and disdain. We refused to think about China and excluded it from the international councils of nations and our own diplomatic relations.

Plain logic tells us that we cannot safely or prudently shut ourselves off completely. It would be impossible, even if we wanted to. The pressures for contact are too immense and too irresistable. Evidence of this is seen in the declining world support for our efforts to exclude Peking representatives from the United Nations. Over the years we have gradually lost ground in the battle for world opinion, and finally last year there was a majority vote in favor of the Albanian resolution to seat the People's Republic of China in place of the Nationalist government. The only thing which prevented this majority opinion from forcing the recognition of the People's Republic as the proper representative of China despite United States opposition was the parliamentary tactics of requiring a two-thirds vote on the issue as an "important question". But our support on the "important question" tactics is slipping, too, and there is general recognition that very soon, possibly this year, we will not have the votes to prevent the seating of the People's Republic. It is noteworthy to point out that a majority can vote to eliminate the two-thirds requirement.

Just as the Great Wall of China failed to seal out foreign invaders, so our policy of exclusion is bound to fail. Unless we are willing to have the rest of the world dictate such decisions to us, we will have to face up to this issue and act on our own. I think favorable action by the Congress can be of inestimable aid in creating a climate in this country where the Executive Branch can act to restore a more rational and meaningful policy toward China.

This brings me to the question of what our policy should be. I feel that the major issue with which we are confronted concerns the recognition conflict between the two governments which both claim jurisdiction over all of China. I believe it is inevitable that this dispute will be decided in the United Nations for purposes of recognition with or without our approval. For practical purposes the United States will either have to abide by whatever action is taken there or our participation in the United Nations will have little meaning.

If the Albanian resolution is passed, it will mean that the delegates from the Nationalist group will automatically be excluded as the legitimate representatives of the government of China. It follows that when that happens, the Taiwan government can no longer be seated in the United Nations, unless the People's Republic surrenders its sovereignty and title to these lands—which is hardly possible in view of the People's Republic's long adamant opposition to such a proposal. If the United States attempts to seat Taiwan as a separate nation in the United Nations as part of the new arrangement, rejection by the People's Republic is a certainty. While some seem to speak favorably of this "two China" approach, this proposal is unrealistic. Realistically, we must recognize the refusal of both Chinese regimes to surrender claim to all of China. We have no alternative to a "one China" policy.

Of course, we cannot merely abandon the people of Taiwan even if we discontinue our support of the Nationalist regime. After 21 years of existence separated from the continent of China, we cannot ignore the growth

of a new generation of Taiwanese. It should be clear, however, that if the Nationalist government is no longer the government of China because the People's Republic of China is the recognized sole and legitimate government of the Chinese people, then it follows that the Nationalist government has no rightful dominion over the people of Taiwan.

I believe that the solution for this most difficult problem can be found by treating the territory of Taiwan like the territories over which Japan had dominion prior to World War II which after the war were placed under U.N. trusteeship. Japan had territorial rights over Micronesia under a League of Nation mandate. After World War II, Nationalist China took territorial claim to Taiwan from the Japanese. Following its retreat from the mainland, this Chiang Kai-shek regime established on Taiwan, continued to receive the sanction of the U.N. when he was allowed to retain the China seat in the world organization. If the Albanian resolution is adopted to recognize the People's Republic, that prior U.N. sanction of the Nationalist government's territorial claim over Taiwan will be rescinded. Then, the responsibility to find an equitable solution to the future status of Taiwan must be the duty and obligation of the U.N. which I believe can best be accomplished under the supervision of the U.N. Trusteeship Council. We could thus support the admission of the People's Republic and insist that the U.N. have a final decision, through recommendation of its Trusteeship Council, over how best to accommodate the interests of the people of Taiwan, with the territorial claim by the People's Republic of China.

Obviously, the interest of the People's Republic would be well protected by such a decision, by virtue of its membership in the U.N. Interests of the people who live in Taiwan would be protected by the Trusteeship arrangement. This proposal would provide for an orderly transition and, more importantly, it would provide time in which to solve the delicate questions of Taiwanese self-determination versus Chinese sovereignty.

If the Chinese cannot settle this matter among themselves, then the international community must assist in vaulting this high hurdle that has for far too long been a major obstacle in normalizing relations between the U.S. and China.

My proposal is in keeping with S. Res. 82, sponsored by Senator McGovern, except that he leaves the future status of Taiwan for settlement "by the people on both sides of the Taiwan Straits". I qualify this by placing Taiwan under the U.N. Trusteeship Council.

I feel that the alternative I have offered is worthy of consideration by this Committee. I concede that, as constituted, the Trusteeship Council is an imperfect mechanism, but I believe it can be modified and extended to fulfill this new role.

Again, let me commend the Committee for these most helpful hearings. You have my sincere support in your efforts.

MEMBERS OF CONGRESS FOR PEACE THROUGH LAW: REPORT BY U.S. CHINA COMMITTEE

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AN EVEN-HANDED POLICY TOWARD PEKING AND MOSCOW

(By Representative PAUL FINDLEY, March 26, 1970)

Earlier this month the Nixon Administration took another forward step—small but nevertheless significant—in easing relations with Mainland China by announcing that travel to that country by Americans would be permitted "for any legitimate purpose." This was the third announcement in a series by the State Department which hopefully will bring about greater contact and understanding between our two countries.

Last July, the Administration decided to permit six categories of Americans to have their passports validated for travel to China. In addition, U.S. citizens traveling abroad were told they could bring back $100 worth of goods originating in China.

Then, in December the Administration further liberalized the regulations governing trade with China. The $100 ceiling on Communist Chinese goods which could be brought into the United States was removed entirely. More significantly, the ban on trade with China by foreign subsidiaries of U.S. firms was also lifted.

Last year I wrote to President Nixon urging him completely to "remove from U.S. passports the requirement of an official endorsement which prohibits travel to China by most Americans." The action taken last week by the State Department removes that prohibition for all practical purposes. It is the type of bold initiative which I feel will contribute to world peace and security, but other initiatives remain to be taken, other doors opened, other barriers knocked down.

Although much remains to be done, the United States is beginning to show a progressive attitude toward participation by the Peoples Republic of China in the world community.

At the United Nations on September 18, 1969, President Nixon stated to the General Assembly that our country is ready to talk with the leaders of Communist China in a frank and serious spirit whenever they choose to abandon their self-imposed isolation. Representative Irving Whalley, who is a U.S. representative at the United Nations and who delivered the official U.S. statement of position on the Albanian resolution to seat the Peoples Republic of China and expel Nationalist China, did not at any point preclude future membership for China in the United Nations or place unreasonable restrictions upon such membership. Rather, he stated that the United States "shares the conviction that it is important for mainland China to return to the family of nations." And Representative Whalley reiterated Secretary of State Rogers' comment that "Communist China obviously has long been too isolated from world affairs."

This year, the vote to seat Mainland China and to expel Nationalist China won four more votes than last year. Even this small shift is evidence of the slow but steady progress being made each year, and of the inevitability with which most view China's eventual seating at the United Nations. Mainland China maintains that it has a "legitimate right" to be represented in the world body and would doubtlessly assume a seat in the U.N. under certain circumstances. By the year 2000, China will contain one-third of the people in the world and no one will surely question that right. Hopefully it will not take that long for this most populous country to be accorded representation in some form and to cease its isolation.

While it is fair to describe China's isolation as self-imposed, it is also true that this isolation has been encouraged by U.S. policy. Our government has but limited potential for influencing internal China policy, but at least we can discard the remnants of our own out-dated, self-defeating and ineffective effort to isolate China.

The time is long past, if it ever existed, when Communist China can be isolated within her Asian borders merely by the fact that the United States pretends that politically and economically it does not exist. The time is past when this giant among nations can be ignored and relegated to the ranks of those either too weak or too musclebound to deserve attention. The time has gone, if it ever existed, when simple bilateral power politics between the U.S. and the Soviet Union is sufficient to assure the security of the world—eastern and western alike. The time has gone when the United States can afford—either politically or economically—to stand idly by in the make-believe of mythology while other countries adapt to the reality of the changing relationships among Russia and the two Chinas.

It may be argued that there never was such a time; that only minor countries separated by huge geographical, economic and cultural expanses could afford to conduct their policies as if China did not exist. The Asian countries which rim China, while many have welcomed our support, have never for a moment felt that China was isolated. Rather, they have only hoped that Communist China be "balanced" by western support.

The balance was based upon the fact that while China was as close as next door to many of these countries, it had not yet achieved the status of world power. Thus, what the United States and other western countries lacked in proximity and understanding of their Asian friends, we made up in military and political power.

This balanced situation no longer exists. While the geographical separation still exists between the east and the west, China has itself truly become a power with a major influence on world affairs, and one to be reckoned with whenever major policy is formulated, whenever world security is discussed, whenever conditions of peace are sought. Thus, Prince Sihanouk has journeyed to Moscow and Peking, seeking their support for the removal of North Vietnamese troops from Cambodia and to support his personal position at home. China's influence in Asia is unquestioned.

The enormous power of this Asian giant has been demonstrated most convincingly within the Communist family of nations. China's behavior over the last decade and a half caused her great ally, the U.S.S.R., to reduce economic and military support to a trickle, to call home its ambassador, and to make contingency plans for the possibility of unlimited war with Communist China.

The Soviet Union created a new Central Asian Military District along its 1,000 mile border with China in the area of Sinkiang province. Moscow also shifted the former First Deputy Commander of Soviet strategic missile forces to head up the Far Eastern Military District on the Manchurian border to the north.

Western intelligence shows a marked shifting of some Soviet nuclear-tipped short range missiles installations into positions threatening China, not the West.

One year ago, in the early months of 1969, both sides reported bloody clashes between armed regulars of the two countries along the 4,575 miles of territory which forms their common border. Western newsmen who have spoken with soldiers while traveling the trans-Siberian railway confirm these incidents and testify to the rapid and heavy build-up of armed material, tanks, troops and other war supplies which could be used either defensively or offensively. And Soviet correspondent Victor Louis, who often operates at the behest of the Soviet officials, reported after one of these border incidents

over islands in the Ussuri River that "the whole surface of the island was burned together with any Chinese troops and equipment there." Such "scorched earth" tactics are extreme indeed, and suggests that fighting has been particularly savage between these former allies.

Perhaps the most significant piece of news to come out of Moscow since the invasion of Czechoslovakia was the speculation that the U.S.S.R. might be giving serious consideration to the possibility and consequences of mounting a surprise attack upon China, with the intention of knocking out China's nuclear facilities and perhaps other industrial and population centers. This possibility of a pre-emptive first-strike was apparently broached to member nations of the Warsaw Pact in anticipation of any expanded conflict. Whether or not the Russians ever seriously contemplate such a conquest, no one can doubt that their satellites in Europe, still smarting from the invasion of Czechoslovakia, viewed the possibility as a very real one. The Brezhnev Doctrine, which proclaims the right of socialist countries to intervene in each other's internal affairs, is surely applicable to China as it was to Eastern Europe.

China recognized this fully, and began making preparations for an all out war with the Soviet Union. Air-raid shelters and complex systems of tunnels have been constructed in many areas, and air-raid drills have become a part of regular Chinese life. Training in guerrilla combat tactics with dummy guns has been given to Chinese men so that should war come, they will be equipped and capable of defending their homeland.

There can be little doubt that the Communist Chinese feared greatly an outbreak of war and took steps to lessen its impact should it occur. Unfortunately, there is little reason to believe that the danger of an Asian explosion between Russia and China has yet passed.

True, the rising crescendo of mutual vilification between Moscow and Peking abated somewhat after Premier Kosygin visited with Chinese Premier Chou En-Lai on September 11, 1969. However, Victor Louis' justification for Soviet intervention in China in terms of the Brezhnev Doctrine came one week after the meeting in Peking. And on the evening the Sino-Soviet talks were to begin, *Tass* distributed a summary of an article describing "the adventurist and chauvinistic policy of the present leaders of the Chinese Communist Party." On this unpromising note, the talks began in October 1969. Almost six months later, the two parties appear to be deadlocked, and the prospect for a long, hot summer along their borders all the more real.

With Soviet troops massed threateningly just inside Russia, the Chinese have insisted that they will not negotiate "under the barrel." Before any progress can occur, Peking demands the withdrawal of troops from 60 to 100 kilometers behind their respective borders. The Russians refuse, asserting that this will leave the way clear for the Chinese encroachment.

Vasily V. Kuznetsov, the Soviet chief negotiator, has already returned to Moscow once for new instructions. But the intransigence of both parties on the basic issues which divide them continues to remain. If Kuznetsov returns home a second time without progress, the talks in Peking may follow the same course as the Paris Peace Talks.

Already this year there have been unconfirmed reports of a new clash on the Ussuri River last month. Even if they are false, such reports only add to the tension and beget emotions and circumstances which may cause such an outbreak in the future.

The possibility of an outbreak of war between Russia and China poses an incredible threat to world peace and security, and in fact, a threat to the very existence of life as we know it. The threat has been spawned by a controversy dating back into antiquity and of undeminished ferocity.

Although experts may differ as to the likelihood of war breaking out, and the significance to be attributed to the polemics surrounding the controversy, none can doubt the seriousness of the situation. Some suggest grimly that war is inevitable, that it is merely a matter of timing for the Soviet Union to select the exact moment when a first strike will be most effective. Others, who are more optimistic, believe that war is unlikely and that Russia threatens only to maximize its bargaining position in the meetings being held in Peking. Yet the Chinese have given no sign of bending to threats of military force, and this unyielding attitude may yet provoke the Soviets into considering the real possibilities of a first strike. Russia is not used to dealing with anything but a weak China. The prospect of a strong China on the southeast flank, dominating Asia, may be more than Moscow bargained for and it may tempt militarists to make a pre-emptive first-strike even as some in the United States suggested a similar course of action a quarter century ago when Russia was developing her own nuclear potential.

The attitude and the policies adopted by the United States at this critical point in world history—as the Asian cauldron containing Russia and China continues to boil—may well determine the future of mankind.

What the United States must realize in making such a policy judgment is that with the rise of China to the status of a major power, world diplomacy and power politics have become much more complex. At the same time, a world with three great powers instead of two also presents new opportunities for great national leaders.

The United States, as the only one of the three great powers committed to individual liberty, is fortunate to have as its President in this crucial, challenging formative stage in world diplomacy a man willing to think anew and act anew. His actions thus far have, in my judgment, greatly added to the stability of peace and the stature of the United States in the eyes of all mankind.

For example, consider President Nixon's visit to Rumania just six months after taking office. To the Soviet Union, Eastern Europe is private property. Just how private was amply demonstrated by the invasion of Czechoslovakia and the "Brezhnev Doctrine" which it spawned. The fact that an American president actually visited an Eastern European communist nation at the invitation of its President speaks well of the future course of our relations with that part of the world. But more important is what that visit symbolizes to all Europeans—east and west alike.

When the Soviets invaded Czechoslovakia, many in West Germany feared that troops from that Warsaw Pact would not stop at the German borders. Yugoslavia, Rumania, and Albania, members of the Eastern bloc who are to varying degrees independent, also felt the icy breath of Moscow upon them. Similarly, the message was not lost upon Red China. As a consequence, Peking issued a warning to the Soviets that intrusions upon the territorial integrity of its European allies would be intolerable and the Romanians and Yugoslavs pledged their mutual support for each other and began organizing people's militia to protect their own independence.

Seizing upon these signs of defiance in the fact of overwhelming Soviet military might, President Nixon decided to indicate clearly the position of the United States in favor of national independence by visiting the Romanians and talking with their President. The rest is history.

The Romanians accorded him a tumultuous welcome, unprecedented even for their own national heroes. The President earned more good will for the American people than our national leadership had engendered in almost a decade. And in the international diplomatic game of "one-upmanship", the President had clearly won the first round.

Similarly, the dispute between the Soviet Union and Red China—the Nixon Administration adopted a stance which greatly contributed to the peace and security of the world while at the same time maximizing the statute of the United States.

He wisely rejected the forecast from some quarters that an all-out war between the two Communist giants would benefit the United States. While the resulting holocaust might well cripple both and perhaps demolish one of the Communist power centers, it could not possibly leave the United States unscathed.

The conflict might quickly spread to worldwide proportions, engaging the United States itself. Even if Soviet and Chinese military operations were aimed only at each other, its consequences inevitably would seriously endanger other nations.

War between Russia and China would certainly involve the use of nuclear weapons, almost of necessity. Thus, the possibility of massive nuclear fall-out would present a grave danger to life and health in the western hemisphere. Also, peace, security, and stability would hardly be enhanced; the survivor in such an engagement would emerge as the unchallenged leader of the Communist world, a development certain to influence neutral nations and complicate U.S. policy problems.

In a carefully worded statement, Assistant Secretary of State Elliot Richardson announced the U.S. policy of non-alignment in the Sino-Soviet dispute. Stating that the conflict would not deter the United States from trying to improve relations with the Chinese, Richardson said:

"President Nixon has concluded that our national security would in the long run be prejudiced by associating ourselves with either side against the other. Each is highly sensitive about American efforts to improve relations with the other. We intend, nevertheless, to pursue a long-term course of progressively developing better relations with both."

As intelligence and other evidence began to show that the Soviet Union might be giving serious consideration to mounting a military offensive against the Chinese, the United States acted to make sure that the entire world was apprised of this possibility and to bring world opinion to bear on the Russians to forestall such action.

The surprise of the invasion of Czechoslovakia was still fresh in mind. This daring move by the Soviet Union had paid off handsomely, and its success might prompt an act of even greater daring against China. The world needed to be put on notice concerning the possibility of a Soviet invasion of China.

The positive acts by the United States may well have helped deter the Soviets from this adventure. They also served a valuable purpose in laying the foundation for additional peaceful initiatives.

Our Administration now has the rare opportunity to facilitate an important advance in U.S.-Chinese relations. This is so because of the convergence of several major factors.

First, there is little likelihood that the U.S.S.R. and Red China will work out their differences sufficiently to permit any real cooperation between them to the detriment of the West. Present differences are long standing and will not be overridden in a few meetings. China adamantly maintains that Russia appropriated 100 million square miles of Chinese territory in unequal treaties imposed upon them in years past by the Czars. While China does not presently demand its return, this disputed territory remains a sore point. Moreover, about 20,000 additional square

miles of land are in active dispute between the two nations.

In addition, China is unlikely to forget being "stabbed in the back" by its Soviet allies in 1960, when Premier Khrushchev, spurred by the widening ideological gap between the two countries, suddenly withdrew most economic and military aid and support from China. This left the Chinese in an extremely sensitive and precarious position, with many industrial factories incomplete, and others unable to operate because of the lack of trained technicians. China was prematurely and summarily forced into a position of self-sufficiency, and it is unlikely that it will soon, if ever, put faith in the Soviet Union.

Second, China feels challenged by Russia in what it regards as its own legitimate sphere of influence in Southeast Asia. The heavy support given by Russia to Hanoi, Russian proposals to hold an Asian collective defense meeting, and the halting of Russian pressure to get China into the U.N.—all suggest Soviet competition and intrusion.

The U.S. corollary of this is obvious. As we extricate ourselves from Vietnam, reduce forces in Thailand, and retire—at least politically from Okinawa, our own effectiveness and bargaining position vis-a-vis the Chinese may be substantially improved.

Third, at the same time that China feels challenged by Russia, it also feels the constant pressure of Chiang Kai-shek on Taiwan. If war were to break out with Russia on China's western front, the temptation for Formosa to enter the fray from the east would be great indeed. China cannot help but ask itself if this developed whether the United States would stand idly by, gang-up with Russia, or come to the aid of its ally on Formosa.

Fourth, the traumatic Cultural Revolution in China seems to have finally wound itself out and the country is beginning to return to some degree of normalcy. After calling home its entire diplomatic force during the cultural revolution, last year China sent 17 ambassadors back to their posts. Since then no new ambassadors have been sent out, although diplomatic activity remains strong and Canada, Belgium and Italy are negotiating, or about to, for a resumption of ties. How far China may be willing to go is unknown; however, these developments should help China to shed its "back-street" complex.

Fifth, China has stated that it will never attack another country unless it is itself attacked, and it has also set forth five basic principles for peace. They are "mutual respect of territorial integrity and sovereignty, mutual nonaggression, mutual noninterference in internal affairs, equality and reciprocal advantages and peaceful co-existence." In addition, China has also stated that it favors the elimination of nuclear weapons. These points could form the basis for fruitful discussion between Washington and Peking.

Sixth, China has condemned United States policies which, until recently, maintained an embargo on all trade between it and U.S. citizens and firms. Hopefully the change in policy regarding foreign branches of U.S. firms will stimulate any latent desire for economic intercourse with us which the Chinese have. It may even lead the way to broader, more direct trade in limited areas, such as agricultural products.

Seventh, as the U.S. continues to withdraw combat forces from Vietnam, China may well decide to use its own influence to wind down the war. This could be justified as a means of minimizing longterm Soviet influence in that area. Certainly, China could hardly be pleased with the prospect of a Hanoi regime subservient to Moscow. Nor could we. In the coming decade the U.S. will be better off dealing on an equal footing with two major competing Communist powers, rather than being forced to deal only with one giant colossus.

Eighth, the climate of United States public opinion is favorable to initiatives toward China. None of the steps thus far taken by the Nixon Administration has aroused adverse reaction among the public. To my knowledge, no editorial or person of any prominence accused the Administration of going soft on Communism. To the contrary, comment was almost uniformly favorable.

The "China lobby" which for years urged that Chiang be "unleashed" no longer packs a wallop on Capitol Hill, mainly because the ritualistic claims by Taipei of political authority over mainland China are no longer considered seriously either in the United States or Formosa.

My own personal experience attests to a change in public opinion. When I first suggested a more progressive policy toward China nearly three years ago, the reaction, while generally favorable, included some sharp attacks from some of my colleagues in Congress as well as elsewhere. As I have repeated similar suggestions periodically since then reactions have become favorable, almost without exception.

Ninth, and most importantly, the United States has reopened talks with Chinese officials in Warsaw, talks that were suddenly broken off by the Chinese over a year ago. Resuming the Warsaw talks was a natural as the Chinese pursued negotiations with Russia. The talks would provide needed leverage for the Chinese, help balance the SALT talks between Russia and the U.S. which have aroused great suspicion in Peking, and also give China direct access to the United States if the situation along the Sino-Soviet border continues to deteriorate.

Although little can be gleaned from official sources, the Warsaw talks apparently are making satisfactory progress. Certainly, Communist China has not made the resolution of the Formosa question a precondition. Also, the rapid succession of the first two meetings, coming only a month apart, is encouraging. Indeed, the timing of the State Department's easing of all restrictions a few days ago on travel to China may invite new initiative from the Chinese and pave the way for further modifications of long-standing and outdated U.S. policies.

A friendly gesture on a very personal basis occurred. On February 9, when the Communist Chinese Embassy in Paris responded favorably to my request for an appointment and received me, even though briefly, so that I was able to present a written appeal on behalf of a constituent.

The convergence of these nine factors presents the United States the opportunity to undertake, with great advantage to its own security interests, additional initiatives looking toward better relations with China.

Therefore I propose a major advance in our basic policy—one seeking to place relations with Peking on exactly the same basis as Moscow.

The advance I recommend would take two forms: action and announcement.

At an early date a prominent official of the Administration should use an appropriate public forum to make the following policy announcement.

1. The United States in the future will seek to treat the Soviets and the Chinese in exactly the same manner in matters of military, economic, trade, and diplomatic policies. No longer will we place primary emphasis on improved relations with Moscow. Rather, we will put an equal emphasis upon seeking ties with Peking in order to improve simultaneously our relations with both Communist capitals.

Removal of the present double-standard approach we have so obviously employed in recent years would give Russia a strong incentive to improve its own relations with the United States, perhaps by reducing pressures in Europe, the Middle East and Asia. It would also be an essential first step on the long road to improved relations with Communist China.

2. To implement this basic policy of treating both major Communist powers equally, the United States officially recognizes the integrity of Communist China's coastline and professes complete opposition to any violation of Red China's borders whether by the Soviet Union, Nationalist China on Formosa, or any other nation.

For nearly twenty years our government pretended that Chiang Kai-shek's regime was the political authority over mainland China as well as the population of Formosa. Never before in our history has our government lived with a total myth of such magnitude for so long.

This myth has now become a liability which fosters instability and uncertainty where it can least be afforded. Mainland China can never lower its guard against Formosa, no matter what military pressures are brought to bear elsewhere. Russia knows this, and threatens China not only from its own massed troops on the western border, but also uses the leverage of possible invasion by Chiang Kai-shek from the east should war break out. Mao can never forget that once before Russia joined with Chiang against the revolutionary movement.

The United States should make it abundantly clear to all parties that it will not condone Nationalist Chinese participation in a military conflict between Russia and Mainland China, and it will seek in every way possible to prevent any such participation from occurring.

At the same time that we drop this aged and pointless pretense, that Formosa governs the mainland, we should reaffirm our pledge to defend Formosa from attack.

3. The United States will no longer oppose membership for Communist China in the United Nations, but we will oppose any seating arrangement which would deprive Nationalist China of a seat in the U.N.

Although this would not likely bring China into the U.N. at an early date, it would nevertheless be a decided improvement. Our position on U.N. membership for China, up to now, has been uniformly negative, simply opposing Albania's resolutions and thus being unable to influence the course of those who do favor Red China's admission.

By giving lip-service to the goal of enlarging Chinese participation in world affairs while at the same time persisting in a totally negative position on U.N. membership for the most populous nation in the world, the United States makes an unbecoming spectacle of itself.

4. The United States proposes the opening of bilateral arms limitation talks with the Chinese, contemporaneous to the SALT talks presently being held between our country and Russia.

China has stated that it favors the elimination of nuclear weapons. It cannot be expected to accede to any bilateral or multilateral agreement in which it had no part in negotiating and which it feels does not adequately protect its own interests. Nevertheless, it might very well be in China's interest to strive for some form of arms limitation which would permit more of its economic resources to be used to feed and supply its burgeoning population, rather than to defend itself against supposed threats from the United States.

Even if some form of agreement proves impossible to negotiate over the long run, the very fact that negotiations took place would act to alleviate much of the fear and suspicion which surround the U.S.-Russian talks at Helsinki. In addition, it would undoubtedly give the U.S. greater leverage when the SALT talks resume once again in April.

5. The United States proposes the establishment of a Washington-Peking "hotline" similar to that connecting Moscow and Washington.

Although China presently does not have the capacity to pose a direct nuclear threat to the continental United States, the existence of the "hotline" could serve much the same stabilizing role as fulfilled by the Washington-Moscow "hotline." It would give China immediate unimpeded access to Washington, and this fact alone might help to forestall major power crises.

6. The United States proposed that the New China News Agency be permitted to open an office in New York City.

Hopefully, such a move would help to improve understanding between our two countries and eventually would be reciprocated by permission being granted to a U.S. news agency to open an office in Peking.

Concurrently with the above, the United States should take the following steps:

Rescind the embargo on direct trade with Mainland China, permitting commerce on all items within the same limits as presently govern trade with the Soviet Union. This could be done in two stages: first rescinding the embargo only as it applies to agricultural commodities, then later the rest.

Although recent Administration moves have been wise and progressive, the present prohibition, which is relieved by only minor exceptions, works no hardship on China, only upon our own citizens who are denied a valuable foreign market. Each year millions of bushels of grain are sold to Communist China, yet the United States gets none of this business. China has no difficulty securing what it needs elsewhere. Our trade embargo hurts only us, especially the American farmers.

Taken together, these steps would show convincingly our desire to end the double standard which we have applied to relations with Peking and Moscow.

The promulgation of a single standard would add substantially to our own security, as well as to our stature in the eyes of the world.

It would strengthen our position relative to the Soviet Union as Moscow carries on its own cold and hot war with China. Tensions in Europe and the Middle East might take on a new cost to the Soviets as Chinese-American hostilities are lessened.

It would also strengthen our position relative to Mainland China by recognizing its new status of world power and subjecting it to hard Yankee bargaining.

In recommending this new evenhanded approach toward China and an end to the double standard which has heretofore governed our relations between these two Communist capitals, I do not wish to leave the impression that an era of good relations with China is about to begin, or that vigilance is no longer needed. Like the Soviet Union, China is ruled by a dictatorial, conspiratorial system that is characterized by hostility and suspicion toward the outside world.

As China continues to grow in power, it may seek to extend its influence widely in Asia. Every small country in Indo-China must constantly be alert to China's changing foreign policy. So must India, where there is ever-present the danger of renewed fighting and war over still unsettled boundaries.

The Philippines and even Japan may one day be subject to either direct or covert challenge from Mainland China. Whether, and to what degree, China may attempt to export revolution and "wars of national liberation" remains to be seen.

The United States will not be better able to cope with such unfavorable developments by burying its head in the sands of ignorance like the proverbial ostrich and pretending that Communist China does not exist. Our own national security interests require that we accord to China the same consideration we have long extended to the Soviet Union. They also require that we keep our guard up.

U.S.-CHINA TRADE

(By Senator WALTER F. MONDALE, April 15, 1970)

Last year after much study and discussion, the Congress enacted a most significant piece of legislation regarding East-West trade—the Export Administration Act of 1969. I had the pleasure of helping to draft that act and served as floor manager during its Senate passage. In commenting at that time on the statute that had been in effect for 20 years, I said, "All of the evidence the Subcommittee received indicates that the present Export Control Act hurts no one but ourselves. The communist countries of Eastern Europe are not hurt; they can obtain what they need from other free world countries. Western Europe and Japan are not hurt; indeed their businessmen have received a windfall by virtue of U.S. default. Only the American businessman and the U.S. balance of payments are substantially hurt. Basically we deny ourselves the right to compete."

This is true not only with respect to the greatly restricted trade between the United States and Eastern Europe and the Soviet Union, but also with respect to the nearly total embargo upon trade between the United States and the Peoples Republic of China.

Not only has U.S. policy virtually prohibited direct U.S.-Chinese trade (which in 1968 totalled only $200,000—largely publications, and works of art, which the U.S. imported from China), but it has, until the Administration changed policy last December, severely affected trade between foreign subsidiaries of American firms and mainland China. This essentially has been a United States policy of extraterritoriality—a holdover from the days of colonial trade.

In spite of these restrictions, much progress has been made in the last year in liberalizing East-West trade. The Export Administration Act of 1969, passed at the end of the last session of Congress and representing the culmination of two years of work, declared that it was the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest . . ."

In spite of a decidedly lukewarm acceptance of the new East-West trade legislation, the Administration has moved on its own to begin a relaxation of the total prohibition against exports to China. On December 19, 1969, the Department of State announced changes in the restrictions on trade with China. It announced that "for foreign subsidiaries of U.S. firms, most Foreign Assets Control restrictions on transactions with China regarded as non-strategic by COCOM are removed." It went on to state that "This is intended to permit American subsidiaries, insofar as FAC restrictions are concerned, to engage in trade with Communist China under regulations applicable to other firms in countries in which they operate and to remove restrictions which *those countries view as interference in their domestic affairs*" (emphasis added). While, this provision is still far from even a limited endorsement of trade with China, it is an encouraging recognition of a new policy of noninterference in domestic affairs of other nations.

Two other changes, announced at the same time, also signify a thaw in administration policy, although the immediate practical effects are likely to be negligible. American financial, shipping, and trading agencies abroad may now finance, ship, and insure China trade.

Also, private citizens traveling abroad will be able to bring back for their own use an unlimited amount of goods of Chinese origin. Before last summer, such purchases had been illegal, and until the most recent change there was a $100 limit upon them.

There has also been speculation that the United States was interested in approaching the Chinese with offers to sell wheat and other feed grains. Secretary of Agriculture Hardin last month testified before the Senate Agriculture Committee and mentioned the desirability of removing prohibitions which restrict trade with China. In a latter "clarification," he indicated that his words were directed at the Soviet Union and Eastern Europe. However, speculation persists, encouraged by United States business organizations, that the Administration is considering further moves to restore some economic relations with China.

Yet, while Congress has passed legislation to greatly liberalize trade with Eastern Europe; while the Administration relaxes some of the more obvious injustices encountered in trade between China and American subsidiaries abroad, and while speculation of further liberalization persists, *no basic change has occurred in U.S.—Chinese trade.* If relation with the most populous and potentially dangerous nation on Earth are ever to be normalized, we must begin with a normalization of social *and economic* relations.

For 20 years we have imposed virtually a total embargo on trade with mainland China. Acting upon the statutory authority of the Export Control Act of 1949 and the Trading with the Enemy Act of 1917, the President, within 6 months of the establishment of the Peoples Republic of China, declared a national emergency and placed controls on all exports to China, paralleling at that time controls then placed on shipments to Eastern Europe and the Soviet Union.

Three days after the commencement of hostilities in Korea in June, 1950, a total embargo on all goods to North Korea was instituted. Several weeks later the United States Government revoked all outstanding licenses to export to China.

In early December, 1950, the Commerce Department issued instructions requiring written permission for the direct or indirect export of any goods to China. Before Christmas of the same year, after Chinese entrance into the Korean War, assets of residents of China and North Korea were frozen by the Treasury Department. In addition, the Commerce Department issued a transportation order barring U.S. ships from stopping at Chinese ports or transporting any Chinese cargo. Consequently, as 1959 ended, a total U.S. embargo on trade with China had been instituted.

From imposition of a bilateral trade embargo, the U.S. then attempted to institute a total free world embargo on trade with Communist China. Several methods were used: First, the Coordinating Committee (COCOM) agreed in July of 1950, within a month of the start of the Korean War, to extend their control over trade with the Soviet Union to trade with China. During the height of the Korean War, COCOM, at the instigation of the United States, adopted a much larger list of control items which became known as the "China differential." Trade between China and our allies, however, did continue, including British trade with China through Hong Kong.

Second, at the urging of the United States, the General Assembly of the United Nations adopted on May 18, 1951, a resolution recommending that every member-state apply an embargo on shipments to China of "arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic values, and items used in the production of arms, ammunition, and implements of war." Since the United Nations was one of the belligerents in the Korean War, the resolution further recommended that "every state determine which commodities exported from its territory fall

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within the embargo and apply controls to give effect to the embargo and prevent by all means within its jurisdiction the circumvention of controls on shipments by other states pursuant to the present resolution."

The third means of forcing our own embargo with China upon the rest of the Free World was through our military and economic aid legislation. During the early 50's, the Korean War was at its height. Some of the Western allies continued to trade with China. At the same time, the U.S. had instituted the giant Marshall Plan to rehabilitate much of Western Europe. Strong feeling was aroused on the floor of the Senate by Senator Kem of Missouri in his repeated attacks on the Marshall Plan and its possible effect against American troops fighting in Korea. Senator Kem reminded his colleagues: "All too fresh in our minds is the fact that during World War II our ships and planes were blasted with scrap iron furnished by us to the Japs. . . . It is entirely possible, even probable that many of the shipments of iron and steel from Marshall Plan countries to Russia went into building those very same guns and tanks now killing our boys."

The battle raged between those forces calling for a complete and mandatory aid ban on those countries trading with the communists, and those favoring Presidential discretion in determining which countries were and were not complying with U.S. regulations on trading with the communist nations. During August, 1951, the Battle Act formalized Congressional action and applied an embargo on arms traffic between the United States and the communist countries, and extended this embargo to all countries receiving aid from the United States. The bill stated that "No military, economic, or financial assistance" could be supplied by the United States to any nation which did not in turn apply the same embargo on shipments to communist nations.

It would seem particularly wise in 1970—in light of changing "Cold War policies," in light of the consolidation of Communist power on the Chinese mainland, and in light of the questionable political and/or economic effect of this embargo—to review these old restrictions of the 1950's.

The noted American economist, Alexander Eckstein, analyzed the political and economic effectiveness of our policies in this definative work on *Communist China's Economic Growth and Foreign Trade*. The basic objective of United States policy toward China, according to Eckstein, is designed to isolate and contain it within its present boundaries, and trade controls are intended to support both these objectives. If adhered to by all major trading countries, such controls would, of course, limit intercourse with China and therefore isolate here not only commercially, but politically as well." Eckstein then claimed that: "while the United States trade policy was formerly ineffective because China could obtain controlled and embargoed goods from communist countries, it is now ineffective because these same goods (except for military material) can be obtained from practically every country which exports them except the United States and, to a certain extent, the Soviet Union." Consequently, he concluded, "In her relations with the West, therefore, China probably cannot be expected to give up or modify seriously any of her important foreign policy objectives even though such decisions might benefit her economy."

It is vital to note, therefore, that leading economists who specialize in Chinese trade have concluded after exhaustive study that the United States embargo is "practically of no economic significance." China, according to Alexander Eckstein; "has been and is currently able to obtain virtually all the good she needs from other countries at no significant additional cost. Therefore, the embargo has only a symbolic meaning. It stands as a symbol of our determination to isolate China, to treat her as an outlaw, and to refuse to have any dealings with her . . . The embargo also serves, however, to maintain the illusion at home that we are somehow inflicting serious damage upon the Communist Chinese through it. Moveover, the embargo and our general policy on our trade with China have three other consequences. 1) They separate us from our allies who do not see the point of our policy on either theoretical or practical grounds. 2) They contribute to frictions between ourselves and our allies whenever we attempt to press our allies to bring their policies into line with ours. 3) Finally, they deprive our businessmen of their potential share, however modest, of the China trade now carried on by other countries."

While United States has been maintaining this embargo on trade with mainland China, it is interesting to note what our European and Asia allies have been doing in this regard. In 1968, for instance, our neighbor and good friend Canada sold a total of $150 million in manufactured goods to mainland China; France sold $87.7 million; Italy sold $61.1 million; Great Britain sold $69.8 million; and West Germany sold a total of $171.4 million. We can see another instance, then, in which unrealistic trade policies of the United States have resulted in our abandonment of a substantial market to our allies.

On this point Najeeb Halaby, President of Pan American World Airways, speaking in February, 1970, to a world trade convention in Chicago said that many of the participants in that conference would be richer if the United States had permitted the exportation of Minnesota, Kansas, and Nebraska wheat to China, instead of letting Canada obtain the large orders she had during this last decade. During the first 8 years of the 1960's, for example, Canada exported one billion dollars worth of goods to China.

Our policy, then, has been to block China's economic development—and, indeed, her development as a nation. This policy has been totally unsuccessful. This broader policy of containment, isolation, and military encirclement of China as a basis of our Asian policy has been based on the fundamental assumption that the Communist government which took over China in 1949 was temporary, and could be brought down by a policy of pressure from the outside.

Such a policy, however, is more likely to be counterproductive—even assuming the wisdom of the basic objective. It can easily be demonstrated that political and economic pressures from the outside are far more likely to consolidate the power of a government than weaken it. While China might be somewhat inhibited economically by an inability to engage in normal foreign trade, she is perfectly capable of meeting her basic economic needs from her own resources. What we are promoting, then, is a wholly self-sufficient China—uninhibited by the fear of economic loss due to her actions or attitudes.

The other response to a policy of isolation might be to become totally reliant upon trade with a single other nation or bloc of nations. Our restrictions on trade with Eastern Europe have had this effect—adding to, rather than weakening, Soviet economic and political hegemony in this area. Originally, our boycott of China had the same effect, with Soviet trade accounting for nearly half of all Chinese trade before their break in 1959. Currently, the Sino-Soviet split has dropped the Soviet share of Chinese trade to, in 1967, about $107 million or less than 3% of total Chinese trade.

Thus, in spite of our best intentions, China has become primarily a free world trader, doing about 75% of her trade with non-Communist nations.

Her major trading partners, for example—Japan, Hong Kong, West Germany, and Singapore—are all non-Communist.

Thus, it would appear that our policy of isolating China from the rest of the Free World has been less than successful. But we still maintain a posture toward China which is based on the old assumption of economic and political isolation and containment.

If we can accept what I believe to be the obvious—that the United States has little or no influence over internal events on the Chinese Mainland—and if we can assume that the interest of world and Asian stability are best served by a China dependent upon normal international intercourse, then it would seem that new trade policies with respect to China are in order.

We should not, of course, expect too much from changes on our part. China's total trade is still small—about $2 billion each of imports and exports. By comparison, 1968 figures show the Soviet Union importing about $9.4 billion and exporting $10.6 billion; Germany importing $20.1 billion and exporting $24.8 billion; and the United States importing $33.3 billion and exporting $34.7 billion.

At present, then, there is no "vast, untapped market" in China, although the potential is surely there. More significant in the short run may be the willingness of the Chinese to respond to any moves we might make in behalf of opening up trade. So far, they have not responded to the minor liberalizations which we have unilaterally taken. But, as China attempts to recover from economic chaos of recent years; as the ideologists of the Long March give way to Communists of the more bureaucratized variety; as China seeks to build up her independence from the Soviet Union; and as the disastrous war in Southeast Asia comes to a close, there should be a potential for considerable expansion of our current $200,000 worth of trade with China. Mr. William E. Roberts, President of Ampex Corporation and Chairman of the California Industry and World Trade Commission recently suggested that U.S.-China trade could reach $250 million within a decade. Any such estimate is, of course, an educated guess, but there should be little doubt of the trade potential if tempered with patience on our part.

In the meantime, such changes would have a beneficial effect upon our trade relations with all nations, especially our allies. Writing in the December, 1968, issue of the *Columbia Journal of World Business*, the University of Michigan's economist Robert F. Dernberger argues cogently that "Sino-United States relations must be improved before there is any possibility of significant trade between the two countries. Direct trade between the United States and China would not respond immediately to a unilateral removal of the many restrictions on that trade. However, the removal of those restrictions and the political pressures that accompany them would greatly benefit those of our allies who desire to trade with China and would greatly facilitate an increase in exports to our allies, i.e. the export of parts and imports used in the foreign production of and products for export to China. In other words, the existing restrictions on trade with China impinge on U.S. businessmen and on our allies in Europe much more than they impinge on China. The unilateral removal of these restrictions would be an important first step in improving Sino-American relations, although the initial reaction would probably be minimal."

In summary, I would make several policy recommendations:

First, we must operate on the assumption that China, whatever political upheavals the future may bring will remain governed by basically the same forces which govern her today, and that no internal or external pressure is likely to create an abandonment of or radical departure from, her current political and economic ideology.

Second, we must abandon the explicit or implicit assumption that our trade—or non-trade—with China can have any significant effect either upon her foreign policy or upon her domestic ideology.

Third, we must abandon our attempts to impose our economic and foreign policy toward China upon our allies and upon other nations of the West.

Fourth, we should seek now to begin what will be a long and slow process of normalization by applying controls upon China trade no more stringent than those controls placed upon trade with the Soviet Union. This would mean a continuation of prohibitions upon trade with military or strategic value but a relaxation of control and even an encouragement of other forms of peaceful, nonstrategic trade.

COMMUNICATIONS AND TRAVEL WITH CHINA

(By Representative CHARLES W. WHALEN, JR., April 29, 1970)

I. Brief History of U.S.-China Communications

On April 15, our distinguished Senate trade expert stated that "if relations with the most populous and potentially dangerous nation on Earth are ever to be normalized, we must begin with a normalization of social and economic relations." Senator Mondale then perceptively reviewed the economic aspects of this normalization. Today, I will discuss the social side.

I do not wish to repeat here the history of U.S.-China relations which others already have more than adequately reviewed. However, I believe that some restatement of history is necessary if we are to perceive the conditions which make social changes between these two nations unlikely in the immediate and near future.

Besides traders and diplomats, our missionaries, doctors, educators, and technical experts had innumerable contacts with the Chinese from the late eighteenth century until 1947. As Professor James Thomson of Harvard phrased it: "An 'Open Door' to China came to mean 400 million potential customers, 400 million potential Christians, our special receptacle for the outflow of our altruism, and our special protectorate against the obvious greed of the European and Japanese predators."

Indeed, the efforts of other nations did seem predatory. The British traders, who arrived in China during the early part of the nineteenth century, demanded exclusive trade franchise. In order to further their economic ends, European powers waged numerous wars against the Chinese. The Westerners, with their superior military technology usually were victorious. Consequently, the Chinese were forced into signing unequal treaties which ceded part of their territory to Westerners. Also, extraterritoriality was frequently practiced in China during those days. The Chinese customs service was controlled by the British, and much of their finance and foreign trade was completely dominated by non-Chinese.

China was exploited economically, and the centuries-old traditions of her culture were attacked. The international settlement in Shanghai had foreign police and foreign courts. Clubs bore signs warning that dogs and Chinese were not allowed. As depicted in a cartoon around the turn of the century, the Chinese dragon was being dismembered by the Western powers, all of which had concessions in China. Thus, the Chinese people, who considered themselves superior to all others, were second class citizens in their own land.

As Professor Thomson summarized: "What to the West was the century of China's 'opening'—China's exposure to the benefits of Western civilization—was something rather different to China. It was a century of national trauma: of the collapse of a 2,000-system of values, social structure, and political authority—the collapse of one of mankind's most durable creations, the Confucian state—a collapse induced by Western guns, ideas, and institutions. Out with the state went its all-encompassing ideology. In its place, came the prolonged agony of a search for something new to fill the vacumn, to regenerate the nation, and to repel the foreign intruders."

Thus, while the U.S. could legitimately claim not to have insulted the Chinese to the extent the Europeans had, it could do nothing to prevent being included in the expulsion of the foreign intruders and their influence from the China mainland. We simply failed to understand the facet of Chinese character which resents the influence of any nation, not only those which forced themselves into her national life. In fact, because of our continuing strong ties to the faction defeated in China's civil war, the U.S. actually has become one of her two great enemies.

II. Efforts to communicate in the 1950's and 1960's

A. Chinese Overtures in the 1950's and U.S. Reaction Thereto

For two centuries, the United States and other Western nations sought to expand contacts with China. During this period, China tried, unsuccessfully, to isolate herself. In the middle 1950's, this cycle was reversed. The United States sought to isolate China while China attempted to reopen her doors to Americans.

For instance, in August, 1956, the Chinese government offered visas to 15 U.S. newsmen who had requested them. The State Department, however, announced that it would continue to bar travel to Communist China as long as Americans were held there as "political hostages". Gradually during the next year, under pressure from the American journalistic community, Secretary Dulles grudgingly relented, first to permit a "pool" of American newsmen to visit China and then to authorize 24 news organizations to send correspondents to mainland China for a seven-month period. The State Department, nevertheless, said the U.S. would not accord reciprocal visas to newsmen from China. By this time, the Chinese began to draw back from their proposal.

B. Kennedy and Johnson Administrations Policies

As the 60's began, China watchers had great expectations that the Kennedy Administration would institute a fresh approach to U.S.-China relations. However, it is believed that President Kennedy soon after taking office decided for political reasons that he would not move in a new direction on the U.S.-China situation until his second term.

Under President Johnson, the tenor of official U.S. pronouncements became less hostile to Peking and efforts to reopen communications were renewed. In March, 1966, restrictions on travel to China by scholars were eased. The following month, it was disclosed that for the first time scientists and scholars from China would be permitted to visit the United States. By July, the State Department relaxed restrictions on tourist travel to Communist China. The only condition imposed by the new regulations was that the traveler's position or professional stature be such that his trip would benefit the U.S.

In May, 1968, the Director of the U.S.I.A. extended an invitation to certain Chinese journalists to come to the United States to cover the Presidential election campaign. As it has since 1958, Peking rejected all the aforementioned overtures.

III. Position of Nixon Administration

The Nixon Administration has manifested a renewed willingness to establish contacts with China. Perhaps this is most appropriate, for as Professor Thomson noted: "That the healers are the man and the party that organized the 1950's headhunt for those who 'lost China' is ironic but perhaps necessary. Republican anticommunists are less vulnerable to charges of 'softness' on communism, and therefore, best equipped to risk accommodation".

Last July, the Nixon Administration broadened passport rules for China when it authorized automatic validation for six specific categories of travelers, including congressmen and teachers. In March of this year, State Department officials announced that passports have been validated for China travel for certain other Americans who did not fall within the July, 1969, categories. Included in this extension are businessmen and tourists with specific interests. More than 700 Americans now hold passports valid for travel to China, but only three have received entry visas from Peking in the past five years. The easing of passport restrictions, coupled with revisions in our China trade policy, is encouraging evidence of the executive branch's interest in dismantling the barriers separating the Chinese and American peoples. This observation is bolstered by our willingness last January and February to resume meetings in Warsaw with representatives of the Peoples Republic of China.

IV. Peking's Reactions

Yet Peking, even since the Warsaw meetings, has continued to reject American visitation overtures. Why? Two answers are advanced by China watchers. First, the Chinese feel that for 21 years the U.S. has been trying to destroy them by following a policy of containment, isolation, trade embargo, and military encirclement. Second, the Chinese believe that since the U.S. has not been able to bring down their government by these methods, now maybe we want to subvert them by sending American travelers and traders. Considering what happened to their country during the last century, these assessments of Chinese attitudes are persuasive.

In addition to their nineteenth century experience, several other factors may influence China's position": first, our continuing armed presence in Asia; second, our strong support of Taiwan; and third, internal pressures on the Chinese government. These three situations give a pessimistic tint to proposals to renew communications with China. Only one factor, the Russia-China split, is cause for optimism. In view of this development, it might be considered to China's advantage to relate to the U.S. to prevent us from siding with Russia. Our government already has stated its neutrality in the dispute. Thus, this also might encourage China to pursue a course which will lead to more open relations with the U.S.

V. Congressional positions

The House of Representatives has not helped the Administration in its efforts to achieve a thaw in Chinese-American relations. Rather, in the past six months, it has assumed a posture which can only appear as militant to the Chinese. In the FY 1970 Foreign Assistance Act, the House provided an authorization of $54.5 million for jet aircraft for Taiwan. Fortunately, the Senate deleted this provision. Last month, the House approved legislation which would give Taiwan three submarines. As so often happens, the House seems insensitive to the advantages that could be gained by refraining from such actions.

The Senate has pursued a more reasoned approach to the question of U.S.-China relations. In 1966, for example, the Foreign Relations Committee held seven days of hearings on U.S.-Mainland China policy. Although no significant policy changes resulted, the Senate's interest could have only encouraged the Johnson Administration to reappraise the U.S.'s position.

Nevertheless, it is quite clear that, for the time being, the leadership required to improve U.S.-China relations will have to continue to come from the White House.

VI. Private interests in U.S.-China communications

There is a great deal of interest among private American citizens in opening communications with China. As noted earlier,

American journalists are eager to visit the mainland. Scholars and doctors also would welcome an opportunity to meet with the Chinese. Press reports of a luncheon address by the President of Pan American World Airways, Najeeb E. Halaby, indicated he supported swift moves to develop economic ties with Communist China. At a later news conference, Mr. Halaby was quoted as saying that Pan American was "thinking about" the time when a new regime in China might make airline service possible, although negotiations would take five or more years. When contacted about appearing at this meeting, Mr. Halaby retreated somewhat from the press' interpretation of his comments. His main concern was based on the reaction of Russian officials with whom Pan American had negotiated for ten years in order to get a New York to Moscow run. Would it not be another ironic twist if Russia now tried to isolate China by applying pressures on those who have contacts with her to prevent the establishment of the same contacts with China?

Other private groups have evidenced an interest in improving U.S.-China relations. Recently my East-West Trade Committee of MCPL held a breakfast meeting for representatives of the business and labor communities. Early in our discussion, the spokesman for the U.S. Chamber of Commerce asked if, in addition to Eastern Europe, China should not be included in our trade review. Certainly, even this slight indication of interest in China is encouraging. It represents a significant advance from the position adopted just two years ago by the U.S. Chamber. In a 1968 policy statement, the Chamber said: "A long range objective should be a free and democratic China on the Asia mainland. To this end, we urge the U.S. government to explore steps designed to more effectively open channels of communication with the people of mainland China. The United States should continue its recognition of the Nationalist government of China now on Taiwan and should continue to render assistance to the extent consistent with our interests. The Chamber favors adhering to the position of the United States government to conditions which have existed, in not extending diplomatic recognition to the Chinese Communist regime and in opposing its seating in the United Nations."

The Chinese, looking at the first two sentences of this statement, could draw only one conclusion—that the U.S. Chamber advocated a different government in China and that lines of communication should be established by Americans to achieve this objective.

Let me state emphatically that this cannot be our goal. Rather, we must accept China for what she is—a major Asian nation. Why should we expect to change China's form of government when we did not hold such expectations for Russia?

VII. Conclusion

As Americans we are essentially desirous of minimum government regulation of our speech and movements. It is only natural, then, that we seek to incorporate into our foreign policy this desire for the free interchange of ideas and people. Thus, our attempt to break down isolation and mutual suspicion between our country and China simply embodies that fundamental American tradition.

One of the leading China scholars of the United States said recently that he'd gone to Chinese embassies in various parts of the world to talk to officials there in the hope of obtaining permission to visit China. In a seemingly adamant way, however, Chinese embassy officers would always respond: "No, you're an American. Our rule is not to talk to Americans. Until the United States changes its policy of complete hostility towards China, we will not be able to invite you to our country". The charade thus continues back and forth. Words flow between individuals but little communication takes place.

However, we have not exhausted the options available to us to encourage communication. In my opinion, there are several further overtures we might make. First, I believe it would be worthwhile if the Nixon Administration would extend invitations to the Chinese, as was done by the Johnson Administration in the late 60's. For example, an invitation to the New China News Agency and to doctors and educators to visit the U.S. might indicate to the Peking government that we have something to learn from them. Second, I believe we should encourage unofficial meetings between journalists and professional Chinese and Americans outside either country. Finally, I believe it would be extremely helpful if the Congressional build-up of Taiwan could be held at bay.

Nevertheless, even if we implemented these suggestions, I do not believe we can expect any drastic change in the Chinese position for the time being. As long as we remain in Vietnam, it will be difficult for China to accept our efforts as sincere. I think this is understandable. If China had 500,000 troops in Mexico, we would be somewhat leery of any friendly actions she might take.

As we withdrew from Korea in the middle 50's, China made her first overtures to resume communications with us. Perhaps, when we extricate ourselves from Vietnam, there again will be an opportunity to re-establish communications with the Chinese.

CHINA AND THE ABM

(By Representative ROBERT L. LEGGETT, May 20, 1970)

Since work began on the anti-ballistic missile system in 1956, four missions have been conceived for it:

1. *Defense of the American people against a heavy Soviet attack.* This mission was abandoned in 1967, when Secretary McNamara concluded it was technically unfeasible in the sense that any ABM expenditure in this direction could be offset by a much cheaper offensive expansion on the part of the Soviet Union. Testifying before the House Armed Services Committee in that year, he said:

". . . All we could accomplish by deploying ABM systems against one another would be to increase greatly our defense expenditures, without any gain in real security for either side."

This position has not been subsequently contested by the White House, or the Pentagon. Heavy anti-Soviet defense is not a live issue at present, although I do not doubt that, should a President decide we needed such a system for pork-barrel reasons, he would have no difficulty finding a general who would declare it essential to national security.

2. *Defense against China.* At the same time Robert McNamara was rejecting the heavy anti-Soviet defense as futile and prohibitively expensive, Lyndon Johnson was becoming aware of the need to build some kind of ABM—*any* ABM—to protect the Democrats again Republican charges of allowing an "ABM gap" to develop. In the fall of 1967 the CIA estimates of Soviet capability were rather radically and dramatically revised upward. So Johnson proposed Sentinel, which was a light anti-Chinese ABM system designed to cost approximately one-fifth as much as the heavy anti-Soviet system. (The projected costs were $4 billion and $20 billion, respectively.)

The anti-Chinese mission was relegated to secondary status by President Nixon in 1969, but now in 1970 it is enjoying a formidable renaissance, and the latest DOD Posture Statement presents it as the primary rationale for the current Safeguard ABM.

3. *Defense of our hardened ICBM sites against heavy Soviet attack.* This was presented by President Nixon as the primary rationale for the Safeguard system he announced in March, 1969. However, the technical inadequacy of Safeguard to perform this mission was examined in considerable and damaging detail during the ensuing Congressional debate, with the result that this mission has recently been soft-pedaled in favor of the anti-Chinese rationale.

4. *Defense against an accidental or unauthorized launch from any source.* This is the only one of its many missions Safeguard has even a remote hope of performing successfully. However, the probability of such an attack occurring is too small to justify the expense of Safeguard, which in four years has escalated from the similar-sized 1967 Sentinel's $4 billion to more than $12 billion in 1970. So defense against accidental launch is merely a secondary or "fringe" benefit of an anti-Chinese system.

It is evident from the above that ABM rationales have oscillated with a slightly higher frequency than that of women's hemlines. Currently the anti-Chinese rationale is in vogue. It is difficult to predict how long the vogue will last, since the Chinese rationale is completely untenable. (Unhappily for the administration, the hard-point ICBM-defense rationale is also untenable, but that is another matter.)

In discussing the anti-China mission of the Safeguard ABM, I shall first set forth the political ends the Administration expects Safeguard to achieve. I shall then demonstrate some of the many reasons why Safeguard is incapable of achieving these ends, or even of contributing toward them to any significant extent.

Political function of anti-Chinese ABM

According to repeated statements by top officials of the Nixon Administration, the anti-Chinese mission of the Safeguard ABM is to enable us to maintain "a credible diplomacy in that part of the world."

The term "credible diplomacy" apparently refers to the status quo wherein presumably we can, if we wish, destroy China's society with nuclear weapons while they cannot do any damage at all to the American homeland.

(In fact, as will be explained in the section on technological inadequacy of ABM, the Chinese are not so helpless. But for the moment, let us grant the Administration's assumptions that China is presently incapable of a nuclear strike, and that Safeguard can maintain this inability.)

Why is it important that we be able to destroy China with impunity? Under what circumstances would we consider doing so?

One possible contingency is that of Chinese entry into the Vietnam war. It may be argued that the threat of direct American nuclear retaliation against China might prevent such entry.

Another contingency would be a decision on the part of an American President to lay down an ultimatum to China: Stop supporting insurgency in Vietnam or we will destroy you.

Other scenarios can be postulated, all of them having in common the threatened use of American nuclear power to force a change in Chinese policy—"nuclear blackmail", to coin a phrase. But this threat would not be credible if the Chinese had the power to destroy even one American city while we were destroying their nation. The American people would not consider any objective in Southeast Asia to be worth the loss of Seattle or Los Angeles. Americans may take pride in killing ten Vietnamese for every American, but the "body count" becomes another thing entirely when it involves millions of American lives.

This raises an obvious moral question: Is there any objective in Southeast Asia, or any point of contention between the U.S. and China, that could justify the taking of

hundreds of million of Chinese lives? Is there any issue short of national survival that could induce us to become the greatest mass murders in history? I suggest there should not be. Hitler killed six million Jews and his regime is almost universally considered the low point in all human history; a heavy American nuclear strike against China would kill at least fifty times that number.

It must be emphasized that the ABM becomes significant only in the context of such a heavy American strike. A light strike, say against the Sinkiang nuclear plants, would not bring Chinese ICBM retaliation, for they would know that retaliation would be sure to provoke a heavy American strike in return.

It should also be emphasized that the anti-Chinese ABM rationale assumes we are in fact willing to commit the atrocity of a heavy strike, since nothing less than this nothing-to-lose situation could reasonably be expected to provoke Chinese nuclear retaliation.

It becomes apparent, then, that "credible diplomacy" for the Chinese consists of presenting us with the serious possibility that we cannot prevent them from taking out one of our cities; this would deter us from provoking them by a heavy strike. For our part, "credible diplomacy" consists of denying the Chinese such a capability. This is the purported function of the anti-Chinese ABM.

Unfortunately, or perhaps fortunately, it is completely incapable of performing such a function.

Technological inadequacy of the anti-Chinese ABM

Probably the greatest single weakness of an anti-Chinese defense lies in the impossibly high standards it must meet. Suppose the Chinese target 25 thermonuclear ICBM warheads on San Francisco. If the ABM system is 96% effective, 24 warheads are destroyed, one gets through, the city is incinerated, and we might as well not have had the ABM. If the Chinese have 100 warheads, even a 99% effective ABM is inadequate.

A President would have to be insane to stake the lives of a million Americans on the assumption that such a fantastically complex system would be 60% effective, let alone 96% or 99% effective, *the first time it is used in combat.*

The Chinese are well aware of this. So simple probability considerations of reliability and effectiveness preclude any ABM from maintaining "credible diplomacy."

But for the sake of discussion let us set this point aside and explore some of Safeguard's other weaknesses.

First. Safeguard can be exhausted. We would have to defend the entire country, but the Chinese could determine over which population center the Safeguard defense was thinnest—this is easily done by satellite reconnaissance—and target all their missiles against that city. They could thus attack it with more warheads than we had ABM's.

Parenthetically, it should be noted that a 50-warhead Chinese attack against Los Angeles would probably approximate the attack that city would sustain in a heavy Soviet strike against the entire country. President Nixon has admitted the impossibility of defending a city against a heavy Soviet strike.

Second. Safeguard can be circumvented by means whose variety is limited only by the imagination of the attacker.

Safeguard is useless against a low altitude cruise (airborne) missile launched from a submarine against a coastal city.

The Chinese could put a megaton-sized bomb in a crate, stamp it "farm machinery" or some such, and send it to New York City by Pan Am air freight. The bomb could be altitude-fused to detonate on landing.

If one is not concerned about physical size and weight, it is relatively cheap and easy to make a bomb of a hundred megatons or even several times larger. Such a bomb could be placed aboard a freighter, a Liberian flag hoisted, and the ship sailed into New York or San Francisco harbor and detonated. Or it could be placed in a trawler or submarine and detonated outside the three-mile limit, creating a tidal wave and tremendous fallout. A dozen such multi-hundred-megaton bombs simultaneously detonated off our coasts might kill a third of our population. *China has the ability to mount such an attack today.*

Safeguard can be penetrated. A thin area defense, which is all Safeguard will provide for the cities, is relatively easy to penetrate by the use of chaff, decoys, blackout, and so forth. These are devices we already have in our arsenal. The Pentagon doubts the Chinese can develop penetration aids within ten years. I suggest that if we have them now we cannot depend on Chinese inability to get them within that time. Moreover, it will be at least 4 or 5 years before Safeguard will be ready for deployment. During this period we will be vulnerable to their ICBMs even without penetration aids.

In summary, we do not have the "credible diplomacy" Mr. Laird speaks of, and Safeguard will not give it to us. The Chinese can do us considerable harm if they are willing to commit national suicide in the process. We may as well learn to live with it. We have no choice but to rely on their traditional conservatism and caution in foreign affairs, and on their perception of their self-interest as affected by our nuclear deterrent.

Finally, perhaps it is just as well that we do not have the ability to kill hundreds of millions of Chinese with impunity.

TAIWAN AND UNITED STATES DEFENSE IN EAST ASIA

(By Representative MORRIS K. UDALL, June 10, 1970)

Last year I attended an American Assembly meeting in Japan at which American-Japanese relations were discussed. A considerable part of the exchange dealt with mutual Japanese and American relations with the Peoples Republic of China. It was the general consensus at the meeting that there should be more contact between the people of China and the peoples of Japan and the United States.

The stated goal of the Nixon Administration has been to increase contact between the Chinese and the Americans. The Administration relaxed restrictions on travel to China in July, 1969. In the field of trade, restrictions were reduced in December, 1969. In January, 1970, it was announced that the Warsaw talks between the Chinese and the Americans would be resumed, after having been in abeyance for two years. Two formal conversations have been held since then on February 20, 1970, but the entry of American troops into Cambodia caused the Chinese to cancel the talks.

Essentially the United States negotiators, because of the general impasse regarding the Taiwan question, want to talk about items on the periphery of Sino-American interests. Trade, travel, and exchanges are illustrations of those. Conversely, Chinese negotiators want to discuss and settle the central question of ensuring their own security as a nation, including what is generally recognized by both the Nationalists and the Communists to relate to the province of Taiwan. It is to Chinese and American security that I shall address myself in this paper. The question of Taiwan is the fundamental problem dividing the United States and the Peoples Republic of China. Consequently, we must examine U.S.-China relations in that light.

For 21 years, the United States has followed a policy toward China based on the containment, isolation, and military encirclement of that country. This containment philosophy was transferred to Asia after having been successfully applied by Americans to the European situation. In 1947 the mysterious Mr. X (who turned out to be Mr. George Kennan), gave in a Foreign Affairs article historical and philosophical justification for the containment of the Soviet Union in Europe. That policy became operational in the Truman Doctrine which aided the Greek and Turkish governments in their fights against communists, and it had a large part to play in the formation of N.A.T.O. with the purpose of preventing further communist expansion in Europe. When the communists were victorious in China in 1949, the same general philosophy was adopted in regard to China and has in the main been the policy this country has followed ever since.

It was due to the events that occurred in 1949 and 1950, both internationally and domestically, that our China policy was both formulated and remained essentially the same through five Presidents. Consequently, it is important to examine this formative period in U.S. policy in greater detail.

There is no question that fierce anti-communism dominated our foreign policy, and particularly our policy toward China, fueled by certain international events and by the domestic political events of those two years. The virulent anti-American posture of both the Soviet Union and Communist China enabled the late Senator Joseph McCarthy to stir up anti-communist feeling in this country. The hornets nest that Senator McCarthy disturbed in turn caused heavy criticism by Congressmen of our then Secretary of State Dean Acheson for his approach to the China problem. In many ways this domestic factor was a very heavy feather that tipped the scales between a policy of moderation toward China which President Truman and Secretary Acheson followed until the Korean War, and a policy of hostility.

A coalition of conservative Republicans and conservative military leaders, plus the very influential Henry Luce (born in China of missionary parents), formed the China Lobby to ensure that this country's policy toward China was a hostile one. The general fear in the United States of the advance of communism, through both foreign conquest and domestic infiltration, made this group an extremely powerful force in formulating and adhering to a policy toward China which is still hostile 21 years after its initiation. This group of men with their friendships and connections in Congress, with the press, with academia, with business, and with the executive branch of the government, has had and continues to have a strong influence on our China policy.

Truman and Acheson retained a moderate approach to China, despite strong opposition from the China Lobby, until the Korean War. On January 5, 1950, the day after his State of the Union Address to Congress, President Truman issued a four-paragraph release in which, after declaring that the United States regarded Formosa as Chinese territory without qualification, went on to say:

"The United States had no predatory designs on Formosa or on any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time. Nor does it have any intention of utilizing its armed forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China.

"Similarly, the United States Government will not provide military aid or advice to Chinese forces on Formosa . . ."

The following week it was Secretary Acheson's job to further clarify President Truman's controversial statement included in his speech entitled "Crisis in China—An Examination of United States Policy." Secre-

tary Acheson both described the communist takeover in China, as well as defined very precisely the United States defense perimeter in East Asia.

Mr. Acheson in his memoirs describes Chiang's downfall in this manner:

"Chiang Kai-shek had emerged from the war as the leader of the Chinese people, opposed by only one faction, the ragged, ill-equipped, small Communist force in the hills. Chiang controlled the greatest military power in Chinese history, supported and given economic backing by the United States. Four years later his armies and his support both within the country and outside it had melted away. He was a refugee on a small island off the coast . . . To attribute this to inadequate foreign support . . . was to miscalculate entirely what had been going on in China and the nature of the forces involved. The most inexhaustible patience of the Chinese had ended. They had not overthrown the Government. *There was nothing to overthrow. They had simply ignored it.* The Communists were not the creators of this situation, this revolutionary spirit, but had mounted it and ridden to victory and power."

He then went on to quote an interview which General MacArthur had given in Tokyo on March 1, 1949, which defined his view of an American defense perimeter in East Asia. MacArthur said, "It starts from the Philippines and continues through the Ryukyu Archipelago, which included its main bastion, Okinawa. Then it bends back through Japan and the Aleutian Island chain to Alaska."

Secretary Acheson described in like terms his own concept of the U.S. defensive perimeter in East Asia: "This defensive perimeter runs along the Aleutians to Japan and then goes to the Ryukyus. We hold important defense positions in the Ryukyu Islands, and these we will continue to hold . . . The Defensive perimeter runs from the Ryukyus to the Philippine Islands." Looking at that speech in retrospect, he left out two very important parts of East Asia which were later to be included in that defensive perimeter—namely South Korea and Taiwan. The conservative Republicans in the China lobby fiercely attacked Acheson for this clarification of United States policy in East Asia. Senator William Knowland demanded Acheson's resignation. Senator Stiles Bridges demanded a vote of censure against the Administration, and others joined in the attack. The cry went up generally that the "left wingers" in the State Department had "lost China." That, of course, was presuming that the United States had had China in the first place!

However with the advent of the Korean War, both Secretary Acheson and President Truman changed their approach to China. It was initially recognized that if any outside force encouraged the North Koreans to invade South Korea in June, 1950, it was the Soviets, *not* the Chinese, who instigated it. However, President Truman, on the advice of Dean Acheson, reacted as if China, not Russia, were the aggressive force. By sending the Seventh Fleet into the Taiwan Straits, President Truman interferred in the internal conflict in China between Chiang Kai-Shek and Mao Tse-Tung—action he had foresworn five months earlier.

The avowed aim of the Truman Administration was to limit the Korean War and prevent Chinese involvement. In October, 1950, the Chinese warned the West not to cross the 38th parallel—indicating that a hostile force on their boundary would be a grave threat to Chinese security. Nevertheless the U.S. chose to ignore the warning and the forces of General MacArthur proceeded right to the Yalu. First we interferred in the Chinese Civil War, and then we severely provoked the Chinese by placing troops on their very border.

The conventional wisdom has been and remains that Communist China's entry into Korea was a manifestation of pure aggression on that country's part. The U.S. pushed for and achieved condemnation of China in the U.N. While I understand and in part agree with our government's posture on China at that time, the point that has been missed is that Communist China most certainly felt threatened by our military actions in the Asian Theatre and we must take part of the blame for her entry into the Korean War.

Presently the United States has over 800,000 men militarily encircling half of China. On her eastern and southern border, from Japan to Thailand, the line of American military bases stretches from Okinawa through South Korea, Thailand, the Philippines, Vietnam, Cambodia, and Laos. The United States is still intervening in the remnants of the Chinese Civil War, not only by supporting the Chinese forces on Taiwan, but also by giving logistical support to the Chinese forces on Quemoy and Matsu Islands just off the coast of the mainland.

Thus the situation has changed very little from the time twenty years ago when our original China policy was established and it is my fear that our current inflexible China policy carries with it the risk of another (avoidable) military conflict. I did say that there has been some talk on the part of the Nixon Administration as to a change in China policy. And the President reduced the Taiwan Strait Patrol of the Seventh Fleet as an indication of his good faith. Yet as I pointed out, military assistance to Taiwan continues unabated. At this time approximately 10,000 American troops remain on Taiwan—there have been repeated rumors that a large American air base is being built on that island.

Last fall the House of Representatives passed an amendment to the Foreign Aid Bill authorizing 54.5 million dollars to provide an 18 to 20-plane squadron of F4 jet fighters to Taiwan. Fortunately during conference, that authorization was defeated by the Senate. But at the end of January, 1970, the Pentagon announced that Taiwan would be getting 34 F100A aircraft to modernize its air force. Although Congress refused to approve military authorizations for Taiwan, the Executive branch proceeded to give Taiwan the jet fighters.

On March 30, 1970, the State Department confirmed that the U.S. "secretly supplied Nationalist China with surplus military equipment last year, including war planes and four destroyers, worth $157 million." In 1968 the official defense spending of the Taiwan government was $302 million. In 1969 the figure was comparable. Consequently with United States gifts of $157 million, in a secret arms agreement our government furnished the equivalent of one half of Taiwan's defense budget. This action was taken without the knowledge of Congress which has the Constitution-given power to appropriate money for such gifts.

Thus a reasonable man in Communist China might conclude that the U.S. foreign policy toward his country remains one of blind hostility and that his country will have to react accordingly. The risk exists, then, that we will find ourselves in military conflict with China. Based on the recent past, at least some of the blame would have to be placed at our feet if this conflict occurs.

Take a look at China's handling of her close to 3 million man army. There has been no sizeable shift in China's deployment of troops in the last few years. Those troops that have been moved have been transferred to the Sino-Soviet frontier. Approximately one-fourth of the army is deployed on the coast between Shantung and Hong Kong. It is situated in anticipation of an attack from Taiwan. Along the axis of the Canton Wuhan Railroad there is another quarter of the army. In Manchuria and around Peking the third quarter of the army resides. The fourth quarter is located in Tibet (3 divisions), Sinkiang (4 divisions), Inner Mongolia (4 divisions), Hainan Island 3 divisions), Western China (11 divisions), Szechuan and Yunnan (12 divisions). Along the Sino-Soviet border there are approximately eight to nine additional divisions not included in the above figure of three million. It is generally agreed that the Chinese forces are deployed defensively and it would be very difficult for them to mount an offensive, especially on more than one front.

The Institute for Strategic Studies' Military Balance for 1969–70 states: "China's conventional arms industry would be in no position to produce weapons on a scale needed for war; neither could Chinese-produced nuclear arms be a substitute for them." High members of the Nixon Administration have indicated that essentially China's foreign and defense policy over the last few years has been very cautious and essentially one of nonintervention. While the Chinese have been supporters of various wars of liberation, at the present time they remain non-involved in the matter of sending troops to assist various communist movements in Asia. Marshall Lin-Piao's famous speech in 1965 was widely quoted as being a Chinese Mein Kampf, yet essentially advocated not direct Chinese action and involvement in wars of liberation, but a fairly generalized support—logistical and otherwise—of these wars of liberation. In many ways it commits the Chinese to nearly nothing, yet leaves their options open to provide support when necessary.

In a recent paper presented at an Asian scholars meeting in Washington, Professor Mark Mancall of Stanford University addressed himself squarely to that question "Monolithic Communism: The Fallacy of the China Threat." Professor Mancall says: "While America's justification of its war in Southeast Asia has passed through many verbal permutations in the last three administrations, it has hewn to one major theme: the threat of an aggressive Communist China and the need to contain it through the maintenance of a balance of power in that region. Moreover, it has insisted upon this theme despite the failure of reality to match Washington's expectations."

He then goes on to quote various Administration officials from Eisenhower's to the present ones indicating that we must maintain a strong presence in East Asia. Otherwise there would be a "grave imbalance of power." In 1965 President Johnson in a speech at Johns Hopkins University said, "Over this war—and all Asia—is another reality: the deepening shadow of Communist China. . . . The contest in Vietnam is part of a wider pattern of aggressive purposes." Undersecretary of State Richardson evidently used the same argument to justify our actions in Vietnam and Cambodia in a recent meeting with a group of visiting professors and students. Professor Mancall further states: "It would be logical to conclude, given this argument, that American escalation in Southeast Asia, particularly since 1964, took place either in response to an escalation of Chinese activities in the region or as a preemptive measure to prevent Chinese escalation. However, the Chinese have rather persistently spoken loudly but carried a small stick. They have always talked of support, not intervention."

Mancall concludes by stating: ". . . the escalation of American involvement to well over 500,000 men was independent of any real Chinese threat in Indochina itself; nor did the Chinese respond at any time with a comparable influx of personnel into combat areas of North Vietnam, Laos, or Cambodia. Peking has wanted to maximize her influence in the region while minimizing the possibility of a direct United States-China conflict." China has displayed utmost caution in confrontation with the United States,

while the U.S. has elusively sought to continually contain the so-called China threat which never really did materialize. One result has been a tragic war in Indo-China. If we are to avoid future and wider war, it is time we reassess our China policy.

Policy recommendations

I propose the following steps the United States Government could undertake in developing a genuinely new China policy.

1. Recognize as President Truman did prior to the Korean War that the fight over Taiwan is a dispute internal to all Chinese. I realize that there would of necessity be a transitional period between the phasing out of our present policy and the implementation of this new one, but we should state this policy as our objective. I was delighted to see that the distinguished Chairman of the Senate Foreign Relations Committee, Senator J. William Fulbright, in a recent article said, "I think there is nothing for the United States to do as to the status of Taiwan except to leave it to the Chinese to resolve—or to leave it unresolved—in their own way." He went on to state that, "It is by no means clear that the Chinese themselves can resolve this issue, but it is quite clear that if it can be solved, it is only the Chinese that can solve it." Essentially then, Fulbright calls for non-interventiton in the Chinese civil conflict, precisely what President Truman advocated prior to the outbreak of hostilities in Korea in mid 1950.

2. The United States should withdraw American forces from Taiwan and the Taiwan Straits and terminate military aid to Chinese nationalist authorities. This action would be the first step in implementing the policy enunciated above—a withdrawal from the Chinese civil conflict. Very possibly the controlling function that the Taiwan Strait patrol of the Seventh Fleet has been undertaking for the last twenty years could be performed by the Chinese Nationalist Navy which includes ships of the same caliber as in the U.S. patrol.

3. In order to add credibility to our change in policy toward China we must end the current policy of military encirclement and trade embargo of China. This step would be in keeping with the Nixon Administration's avowed aim of a lower profile in Asia. As was stated earlier, we have military bases and troops in every country on China's border from Japan to Thailand. Such stationing of troops seems unnecessary in an age in which our primary defense is strategic nuclear weapons. I question the necessity of having military bases on China's borders. It provides too much a provocation to China—a provocation not worth the risk of a Sino-American confrontation.

4. After the above steps had been taken by the United States, we could then make a meaningful attempt to establish economic, social, cultural, and diplomatic relations with the Peoples Republic of China on the basis of the principles of equality, mutual respect, and nonintervention in each others' affairs.

In essence, the above constitutes the policy which recognizes the fact that the Peoples Republic of China is the sole legitimate government of mainland China. Although a new departure for the United States, this policy is followed by many of our allies. Most importantly, it is a policy based on the actual facts of the situation, and not a perpetuation of the myth that surrounds the present policy. While we have no guarantee that China would react favorably to a new policy, there have been indications from the Chinese that if this kind of policy is adopted by the United States Government, there could be a very rapid establishment of diplomatic relations between our two governments.

President Kennedy in his famous address at the American University in 1963 quoted a Chinese saying: "A journey of a thousand miles starts with a single step." Sino-American relations have for the last twenty-one years been frozen in the concern that developed in the early 1950's and the era of the late Senator McCarthy. It is time to break with the past and take that one bold step along the path of reconciliation between two great powers—the United States and China. With the policy stated above, we can start down that long road. Peace in Asia and peace in the world make it imperative that we move now.

CHINA AND THE UNITED STATES

(By Representative JONATHAN B. BINGHAM, July 8, 1970)

Background

The problem concerning Chinese representation in the United Nations arose after the Communist regime of Mao Tse-tung gained control of the Chinese mainland in late 1949 and the National regime of Chiang Kai-shek established itself on Taiwan (Formosa). Both claimed to be the only legitimate government of China. Each government claimed the seat of China, which was an original member of the United Nations and a veto-possessing permanent member of the Security Council. The Nationalist government continued to occupy China's place as it already had a representative at the United Nations whose credentials had been certified earlier.

During 1950 the Soviet Union made attempts in the Security Council, the General Assembly, and other organs and subsidiary bodies of the United Nations to unseat the Nationalist representative and seat the representative of Communist China. All of these attempts failed.[1] Subsequent efforts to unseat the Nationalist Representative have also failed.

The manner in which the United Nations should decide the representation of a member nation is not spelled out in the United Nations Charter. Usually the rules of procedure of each organ stipulate that credentials are to be examined by a Credentials Committee whose report is passed upon by the parent body. However, whether a case of contested representation such as is involved in the case of China is a matter of credentials to be decided by a procedural vote, or whether it is a substantive question (thus requiring a two-thirds vote in the General Assembly and the concurrence of all permanent members in the Security Council), has become part of the controversy.

Although each organ or subsidiary body of the United Nations decides matters of representation independently, the action of the General Assembly has been guiding. On December 14, 1950, a resolution of the General Assembly recommended that when a problem of representation arose "the attitude adopted by the General Assembly or its interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies."

In 1950 the General Assembly rejected, by 37 to 11, with 8 abstentions, a Soviet draft resolution to seat the representative of the Peoples' Republic of China.

Starting in 1951 the tactic of the United States was to seek to postpone discussion of the so-called "ChiRep" item from year to year, thus preventing any substantive debate. This tactic succeeded for a while, but after 1953 the margin in favor of postponing discussion of the issue steadily declined and in 1960 the vote on the United States proposal was 42 in favor, 34 against, and 22 abstentions.

The next year, 1961, instead of leading a move to keep the subject off the agenda as in the preceding years, the United States sponsored a resolution designating the question of Chinese representation an important question. This would make a two-thirds majority necessary to adopt a resolution on the subject. The resolution was adopted by a substantial margin, with 61 in favor, 34 against, and 7 abstentions. A Soviet draft resolution to remove the representatives of Chiang Kai-shek and invite representatives from the Peoples' Republic of China to participate was then defeated by a vote of 48 against, 36 in favor, and 20 abstentions.

This has been the pattern of action in the General Assembly every year since. 1965 was the high point for Peking, in terms of votes: in that year the resolution requiring a two-thirds majority on the issue passed by a margin of only seven votes, 56 in favor, 49 against, and 11 abstentions, and the vote on the resolution which would seat Peking and oust Taiwan was defeated by a vote of 48 to 56, with 21 abstentions.

It is interesting to note that in recent years Albania, not the U.S.S.R. has been the principal sponsor of this resolution. The only other Communist sponsor among the 14 co-sponsors last fall was Romania, the other sponsors being Algeria, Cambodia, Congo Brazzaville, Cuba, Guinea, Mali, Mauritania, Southern Yemen, Syria, Tanzania, Yemen, and Zambia. Last year for the first time the Soviet Union did not speak in the debate on the item.

Most states which favor the Albanian resolution vote against the important question resolution, but the United Kingdom, while voting for the Albanian resolution, has consistently supported the important question resolution, at the request of the United States.

The "Two Chinas" approach

For a number of years it has seemed to many observers that the logical solution to the problem of Chinese representation in the United Nations was to have both Peking and Taiwan represented. There are various versions of this proposal, especially with respect to China's seat in the Security Council. At the one extreme, it has been suggested that Peking could be admitted to the United Nations (and the General Assembly) as a new member, possibly under the name "Peoples' Republic of China", with the Republic of China (Taiwan) retaining the Security Council seat. Other proposals include: (a) leaving the China seat on the Security Council vacant, and (b) adopting a Charter amendment which would eliminate China as a permanent member, possibly substituting India or Japan. The most common "Two Chinas" proposal would give the Security Council seat to Peking, but would leave Taiwan as a member of the General Assembly. This was the recommendation of a distinguished National Policy Panel set up by the United Nations Association and headed by Robert B. Roosa, as Chairman, and Frederick S. Beebe, as Vice Chairman.

There are all kinds of points to be made in favor of the U.N.A. Policy Panel's recommendation: it is logical; it reflects the factual situation; it is consistent with the idea of eventual self-determination of Taiwan which would give the Taiwanese control over their own political destiny; it preserves the principle of universality, which is widely recognized as the best principle for membership in the United Nations today.[2]

The "Two Chinas" approach, as reflected in the U.N.A. Policy Panel recommendations, is also politically realistic in the United States. A number of elected officials, including the

[1] Although the Executive and Liaison Committee of the Universal Postal Union seated a Communist delegate provisionally, the decision was later reversed.

[2] It is unfortunate that the principle of universality is not consistently supported by a number of United Nations member states that favor the admission of Peking. The Lusaka Manifesto issued last year by Presidents Kaunda and Nyerere, and supported by most African states, specifically call for the expulsion of South Africa from the United Nations and its related agencies.

author of this paper, have made recommendations along these lines without adverse effect, or even much adverse comment. Starting, I believe, in 1963, the State Department and the United States Mission to the United Nations gave serious consideration to the idea of having a study committee set up by the U.N. General Assembly to review the Chinese representation issue, with the idea that such a committee would no doubt come in with recommendations along the lines of the "Two Chinas" approach. In 1966 this idea came to fruition, and Italy emerged as the principal sponsor of such a resolution in the General Assembly, with the United States indicating its support of the resolution. The following paragraphs from Ambassador Goldberg's speech announcing the United States' position are of interest:

Our discussions of this issue, I would recall, have always foundered on one rock: Peking's insistence that we repudiate solemn treaty commitments to the Republic of China and leave Peking a free hand to take over the people and territory of Taiwan.

We have refused and shall continue to refuse to repudiate our commitments to the Republic of China.

Similarly, we refuse to countenance any solution to the problem of Chinese representation which involves the expulsion of the Republic of China on Taiwan from the United Nations. As we understand the study-committee proposal, it does not in any way prejudice or undermine our commitments, nor indeed does it prejudge the results of the study to be made.

We hope this inquiry of the committee may help to obtain answers to questions which can only be answered by Peking:

Will they refrain from putting forward clearly unacceptable demands, and specifically the unacceptable demand that the Republic of China be expelled from this organization?

And will they assume the obligations of the U.N. Charter, in particular the basic obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state?

While the study resolution was not put forward in 1969, the statement of the United States Representative in the debate on the Chinese Representation issue (Congressman Whalley) was not at all polemical against Peking provided Taiwan would not have to be expelled.

On the question of political realities, it should be noted that the Congress each year routinely readopts provisions contained in the Department of State, Justice and Commerce Appropriation Act and in the Foreign Assistance Appropriation Act reiterating the opposition of the Congress "to the seating in the United Nations of the Communist China regime as the representative of China." But these are only "sense of Congress" provisions not binding on the President, and indeed the provision in the Foreign Assistance Act contains the following rather mild language of what the President is requested to do in the event that Peking is seated in the Security Council or the General Assembly: In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

The trouble with the Two Chinas approach—and it is likely to prove a fatal weakness—is that this approach is opposed both by Taiwan and by Peking.

The opposition of Taiwan would not necessarily be fatal, if Peking were agreeable. It is true that Taiwan currently enjoys a veto power in the Security Council and could argue that its expulsion from the Security Council would be a substantive matter, not a procedural one, and hence would be subject to the veto. Taiwan could also argue that a motion to declare the question of credentials for the seat in the Security Council a procedural question would itself be subject to veto (the so-called double veto). All this, however, would probably prove ineffective if all the major powers were prepared to support the substitution of Peking for Taiwan on the Security Council. In that event, it is hard to conceive that procedural devices by Taiwan would long delay the action.[3]

Regardless of the position of Taiwan, however, so long as Peking remains adamant in its opposition to any form of continued membership in the United Nations for Taiwan, it is hard to see how this approach will lead to the entry into the United Nations of Communist China. The difficulty of proceeding along these lines without Peking's active cooperation is illustrated by the vote in 1966 on Italy's proposed resolution to establish a study committee, which it was expected would lead to a Two Chinas recommendation. Only 34 member states voted in favor of the resolution, 62 were opposed and 25 abstained. Voting against the resolution were not only all of those states which favored Peking's admission, but also the Republic of China and some of its close friends, such as Singapore and Thailand.

What are the prospects for a change of attitude on the part of Peking on this question? While opinions differ, my own judgment is that the prospects are slim indeed. Peking continues to maintain a very tough attitude on Taiwan in discussions with countries about exchanging diplomat representatives: for example, in the current discussions with Canada, Peking continues to insist, not only that Canada withdraw recognition, but that Canada recognize the validity of Peking's claim to Taiwan as a part of China. The existence of Taiwan as a separate state—and continued United States support for it in that respect—continues to be the major stumbling block for any improvement of relations between Peking and the United States.

If Peking were really interested in obtaining membership in the United Nations, this situation might change, but there is little indication that Peking has such an interest. The evidence on this score is ambiguous at best.

The Ultimate question

It seems to me altogether clear that the United States Government should adopt the posture that it favors and would support the kind of Two Chinas approach represented by the U.N.A. Policy Panel's recommendation. I can see virtually no argument against this position, and I take it as perfectly feasible politically. To the extent that the United States has been hurt over the years by appearing unrealistic and doctrinaire in fighting against the admission of Peking China to the United Nations, the U.S. image could be improved by adopting the Two Chinas position. The Government of Taiwan would loudly protest, but this would not adversely affect the interests of the United States to any degree.

However, I believe we should recognize that the adoption of such a posture would be valuable primarily from a public relations point of view and would not lead to the admission of Communist China, at least as long as the present regime or some reasonable facsimile of it continues in office in Peking.

The ultimate question to be faced, therefore, is whether the United States should proceed to accept the notion that Taiwan will have to be expelled from the United Nations if Peking is to take its place in the General Assembly and in the Security Council. What we must attempt to measure in determining the answer to this question is whether there is enough to be gained by having Peking in the U.N. to offset the adverse consequences of such a decision.

What are the adverse consequences?

We must accept the fact that for the United States to abandon a long-time ally in this fashion would raise questions around the world about the faithfulness to its friends of the United States. So far as I can determine no treaty obligations between the United States and the Republic of China would be repudiated by such an action (assuming that in agreeing to the expulsion of Taiwan from the U.N., we would make clear that we would continue to observe our mutual defense treaty commitments to Taiwan and other treaty obligations). But there is no doubt that we could in such a case be fairly accused by the Republic of China and its friends of giving in to an unreasonable demand by the Peking Government, in contravention of the principle of universality. We would not even be able to point to a visible change of circumstances to justify such a reversal.

There would also be short-range adverse consequences for the effectiveness of the United Nations itself if Peking were to have a veto in the Security Council. It is quite possible, for example, that the Soviet Union might agree to a compromise settlement in Southeast Asia which would entail some form of United Nations policing, but that Peking might oppose the terms of such a settlement and veto any U.N. participation. The danger of a similar outcome in the event of a settlement in the Middle East would also have to be faced.

Long range, the picture is a different one. The prestige of the U.N. would undoubtedly be enhanced by having the world's largest nation in terms of population represented in its Councils, instead of being excluded. And the ultimate effect on the behavior of the Peking regime itself might well be a salutary one. Continuing exposure to the opinion of the international community should in time help to moderate Peking's policies. Peking's presence in the U.N. should also enhance prospects of its participation in arms limitation talks and make more difficult its refusal to participate in international efforts to solve Asian issues. Its entrance into the U.N. and its specialized agencies should also make more likely its cooperation in world wide efforts in technical fields such as narcotic control, disease eradication, meteorological advances, and outer space.

Different observers will no doubt assess the advantages and the disadvantages of such a course in different ways. I think all would have to agree, however, that it would be very difficult politically for any Administration in the United States to take such a step, particularly while Chiang Kai-shek himself is still alive and in office.

I am compelled therefore to conclude that, for the near future at least, it is most unlikely that Communist China will become a member of the United Nations.

[3] Interestingly enough, in 1950, the United States took the position that the question of China's representation on the Security Council was a procedural matter, but in 1951 Secretary Acheson stated that, if it ever appeared the United States might be in a minority on the question, it would seek an advisory opinion from the International Court of Justice on whether the negative vote of a permanent member counted as a veto in such a case.

POLITICAL REPRESSION IN "FREE CHINA"

(By Representative DONALD M. FRASER, July 29, 1970)

Introduction

This paper details the authoritarian nature of the regime controlling Formosa (Taiwan). The suppression of basic political liberties is amply documented.

What are the implications for the United States' China policy? A fresh start on U.S. policy must take the country as it is, not as it might have been. The U.S. undoubtedly bears responsibility for helping establish on Formosa and continuing in office the existing Nationalist Chinese government. And most Taiwanese (Formosans), as well as the transplanted mainlanders, if faced with the choice would prefer the present regime, coercive as it is, to the mainland Communist regime. But if the U.S. wants a resolution of the political impasse now existing in that part of the world, the U.S. cannot continue its extensive support of the Nationalistic regime simply because it is the lesser of two evils. The people living on Formosa want to and must become masters of their own destiny.

For all practical purposes, the State Department no longer recognizes any claim by the Nationalist government to mainland China. Inevitably the fiction that the Nationalist regime represents all of China must be abandoned. This in turn will force the Nationalist government to receive a mandate from the people living on Formosa or lose the legitimacy it now claims.

When these changes will occur is uncertain. Members who serve in the three national congressional bodies now based in Taiwan (Formosa) were elected in the late 1940's before the flight from the mainland. Now, as National Assembly members die, quorum requirements are lowered. The passage of time alone will force some change in the present system and outlook. But the abandonment of the current Nationalist fictions of legitimacy will be fiercely resisted as long as possible by the present regime.

Our present Ambassador to Taiwan recently said: "The established policy of our Government is to prevent the renewal of hostilities in the Taiwan Strait area which could easily imperil the peace of Asia." I agree that this should be a part of our policy. But this is not enough. Although we have no vital security interest in Formosa, we have a great humanitarian interest in and concern for the people who live on Formosa.

Thus, we should neither explicitly nor tacitly encourage incursions by the Nationalists onto the mainland or the expansion of Formosan military airfields to accommodate U.S. military aircraft as large as B–52 bombers. We *should* encourage more realistic military defense levels. And until a process begins that will result in the destiny of Formosa being placed in the hands of all those who live there, we should scale down or discontinue military and other support to the Nationalist regime. We should strongly assert our belief that the people living on Taiwan be given full political rights including self-determination.

Beyond reducing our support for the regime, it is unclear how the U.S. can directly aid the growth of political freedom on Formosa. Were we better equipped, we might find other ways to contribute to the growth of freedom there. But it is clear that *the most important contribution* the U.S. can make is its support of the morally right position of self-determination. The people of Taiwan are capable of directing their own affairs.

In any event, a more realistic appraisal of the facts about Formosa must underlie new U.S. policies toward the regime, and the American public must become aware of the realities.

Brief history of Formosa

Chinese, primarily from Fukien Province, began to migrate in substantial numbers to the island of Formosa in the late 15th and early 16th centuries. During the 17th century, various colonial powers (the Portuguese, the Spanish, the Dutch) and dissident Chinese vied for the island. In 1683 the *Ching* Dynasty formally annexed Formosa. For the next two centuries, Formosa was very loosely controlled by China. After being defeated in the Sino-Japanese War of 1894–1895, China ceded Formosa to Japan and agreed to Korea's "independence." Although Korea was not annexed by Japan until 15 years later, Formosa was annexed immediately. For the next 50 years, Formosa was ruled by Japan.

In 1943, at a meeting in Cairo, President Franklin D. Roosevelt, Prime Minister Winston Churchill, and President Chiang Kai-Shek issued a declaration which read in part: "All-territories Japan had stolen from the Chinese, such as . . . Formosa, and the Pescadores, shall be restored to the *Republic* of China" (which had never governed them). The terms of this declaration were repeated two years later at the Potsdam Conference. When Japan surrendered, General MacArthur authorized the Chinese Nationalists to accept the surrender of Formosa from the Japanese and to occupy the island in behalf of the allied powers. Peace treaties subsequently signed with Japan ended that nation's "right, title and claim" to Formosa. But the island's status was left in limbo. The official position of the U.S. is that the status of Formosa remains unresolved.

When the Chinese came to Taiwan in 1945 and 1946, they found a highly literate (80%) and modern state. Chinese troops took advantage of the relative prosperity of Formosa and numerous incidents of pillage, rape and murder occurred. A former resident of Formosa, Albert Axelbank, wrote in *Harper's:* "Formosan rage (at the conduct of the occupation force exploded February 28, 1947, after police beat to death a woman who allegedly sold untaxed cigarettes." Blood literally flowed in the streets of Taipei. A recent State Department paper summarized a memorandum submitted by Ambassador Leighton Stuart to President Chiang on April 18, 1947: "The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947." The Formosans have not forgotten.

This tragedy received little foreign attention because even as the Nationalists were occupying Formosa in 1947, they were engaged in a bloody civil war on the mainland. In 1949, Chiang and the remnants of his government and armies were driven out of China and sought refuge on Formosa. Chiang arrived on the island on December 10, 1949.

The area controlled by the Nationalist Government was reduced from 3,700,000 square miles and a population of 500,000,000 on the Chinese mainland to Taiwan proper, the Pescadores, and the tiny islands of Quemoy and Matsu, with a combined area of 13,890 square miles and a population of 8,000,000. Today there are 14,000,000 people on Formosa. Of that number, 85% are native Taiwanese.

Permanent "state of siege"

The Nationalist Government now had control over a relatively small territory and it had taken steps to ensure that its rule over Taiwan would be virtually complete. On May 19, 1949, the Nationalist Chinese Garrison Command in Formosa had proclaimed a general "state of siege" or martial law over Formosa and the other islands. The effect on the civil liberties of the people was devastating. Illustrative of its severity were the large number of offenses carrying the death penalty including: (1) circulating rumors and beguiling the public, (2) disrupting the money market, (3) striking by workers or traders, (4) encouraging students to strike and, (5) disrupting water supplies or electric and gas services.

Examination of these martial law regulations is essential to an understanding of the internal situation in Taiwan, because the "state of siege" still exist.[1] Since 1949, a major portion of community life in Formosa has been under the control and surveillance of military authorities. Most guarantees and protections of individual rights and freedoms written into the 1947 Chinese Constitution have been suspended, and the judicial system has become a pawn of the military.

Political offenses are defined generally as "crimes which are incidental to and form a part of political disturbances, including offense consisting in an attack upon the political order of things established in the country . . . as well as offenses committed to obtain *any* political object." Several laws were added to ensure complete control over the local population. The Statute for Punishment of Rebellion (June 21, 1949) the Statute for Denouncement and Suppression of Rebels (instituted in 1940 and amended in 1954), the Military Trial Law (instituted in 1956 and amended in 1959), and the Judicial Interpretation of the Council of Grand Justices (1956) have formed the basis for the militarization of the judicial system. Since 1949, political offenses have been under the control of a military court.

Special practices of the Chinese judicial system abrogate important provisions: (1) In practice, the statute of limitations is not applicable for political offenses. Individuals have been tried for political offenses. Individuals have been tried for political crimes allegedly committed nearly two decades ago. (2) The principle prohibiting *ex post facto* laws is not applicable to political offenses. This results in trials and convictions of "offenders" for political acts committed before laws prohibited the acts. (3) Immunities and privileges of legislators are not recognized for political offenses. A member of the Legislative Yuan is "permanently responsible for opinions expressed in it if the opinion constitutes a political offense," even though the constitution provides immunity for "an opinion expressed or a vote cast in the Yuan." (4) Persons are not given remission of punishment for political offenses committed when they were underage. Recently, several persons were convicted of offenses committed over 24 years ago when they were less than 14 years old. (5) Leniencies given to an offender's family who shielded him are not applicable for political offenses. Everyone is obligated to renounce the "rebel." No one is safe from being reported upon by members of his family. Imprisonment of from one to seven years is meted out to those who knowingly fail to denounce "rebels." (6) There is no parole for political offenders.

If you are not caught in the web of these laws, you can be politically detained under the Statute for the Denouncement and Supression of Rebels. This law stipulates that "those who commit political offenses and need reform shall be sent for reform." Two self-descriptive supplements have been enacted to the fundamental laws already mentioned. They are "Measures for Control of Hooligans during the Enforcement of Martial Law in Formosa" and "Measures for the Reform of Rebels during the Period of Communist Rebellion." If the government cannot imprison you on a specific charge, it can intern you for suspected thoughts or behavior. The first term is three years and it is indefinitely renewable. Political internment can, without trial, amount to life imprisonment.

[1] The material for this section has been obtained from a study of the laws and problems surrounding political offenses in Formosa. The study is by a lawyer with great experience in Taiwan affairs.

The state of siege was instituted before the Nationalist Government was evicted from the mainland and is supposed to last as long as the "period of Communist rebellion" exists on the Chinese mainland—that is, until the forces of Chiang Kai-Shek return to and occupy the mainland. Since the move to Taipei, the "temporary" capital of China, the laws have been enacted by a legislature elected on the mainland over 20 years ago and composed of representatives of all of China. Formosans have less than 2% representation. Yet, in practice, these laws apply only to Formosa. To suggest that the *status quo* should be changed and self-determination given the people of Taiwan is regarded by the Nationalist regime as sedition and dealt with harshly.

These laws, produced by a system in which Formosans have almost no role, are executed by an equally undemocratic court system. Political prisoners are tried in a military court. That court is controlled by the Garrison Command of Formosa, responsible for the general security of the island. And a political prisoner can be held incommunicado for months or years without even being charged. His trial is virtually always secret.

The permanent state of siege, instituted in Taiwan 21 years ago, has eliminated political life in Formosa.

Conservative United Nations sources estimate at least 1500 political prisoners are now being held by the Nationalist Government. Other sources, largely Formosan, place the figure at from 10,000 to 20,000. The March 1968 issue of *The Independent Formosa*, published in Tokyo, Paris and Philadelphia, reported: "It has been estimated that there are approximately two hundred executions and 1,500 arrests of political offenders each year out of a total population of only twelve million." Since the Nationalist Government considers guilt established by association with "rebels" and such association is punishable under the law, the families of these detainees live under a constant threat of arrest.

A few illustrations of the Formosan political climate provided to me by sources I believe to be very reliable follow:

Prisoner A was arrested in 1960 for distributing pamphlets which discussed the possibility of Formosa being ruled some day by Formosans. Given a life sentence. Prisoner is 43 years old. Before arrest he was a photographer by profession. He maintained a middle-class family of wife and five children. Soon after he was put into prison; the prisoner was tortured. Torture included being suspended upside down from a rafter and having gasoline put into his nose drop by drop. He was beaten severely. Torture was intermittent. When after several months he became very weak, he was taken out of the solitary confinement section and put into a common cell with sick prisoners. Some had tuberculosis, and soon A developed tuberculosis. Later A developed a bleeding ulcer. Soon after the prisoner's arrest, his father became very ill and required extensive medical care and hospitalization. The prisoner's wife attempted to pay the medical bills of her father-in-law and went deeply into debt. The family now has a debt equivalent of $1,000 on which it pays 3% a month. The family is very poor. The wife and all five children (now ages 16–23) work. All of them firmly believe that A was right to do what he did.

B was arrested at the same time and for the same offense as A. He was sentenced to 12 years instead of life. The prisoner is 36 years old. Before his arrest he was a camera operator at a Tapei movie house. He is married and has one child, a girl, who is now 12 years old. After B's arrest, his parents and his brothers and sisters severed all relations with B, his wife, and his child for fear of themselves coming under suspicion. B's wife became a prostitute to support herself and her daughter and her aged mother.

C was arrested in 1960 when he was a freshman in law school. He was charged with organizing a group planning to overthrow the government. He was sentenced to 12 years in prison. C is the only member of the family to go to college. The others are illiterate. The family are fishermen, and they make very little money. Since C's arrest, the family has been constantly harassed by the police. The father, mother, two younger sisters, and a younger brother live in a single room and are very poor. Mother is in very bad health and frequently has fainting spells.

D was arrested in 1963 and sentenced to 10 years in prison for allegedly being involved in a plot to overthrow the government. He talked about the unlikeliness of the government ever recovering the mainland. His family only learned about his arrest six months after the arrest when the police came to the home to tell the family not to tell anyone of his arrest. At the time of the arrest, he was a student at a military academy. His mother and father are illiterate and very poor. They live in a one-room mud house in the country. He has five sisters who are in school.

E was arrested in 1960 and charged with having participated in the February 28, 1947, revolt on Taiwan. He was sentenced to 10 years in prison. E's wife and two sons have been taken in by his wife's brother.

F was a factory foreman. He is Taiwanese. Some of the men working for him were Chinese. Three Chinese who worked for him denounced him for listening to broadcasts from the mainland and for having "contempt for mainlanders in Taiwan." He was sentenced to five years in prison.

G is about 38 years old. He is now on trial for having distributed pamphlets which were critical of the government. If convicted, the only punishment can be death. He was arrested in March 1967. In 1968 his family received a letter from him saying that he was on a bus trip and that he was well. He was forced by the police to write that letter. He is held incommunicado. He is imprisoned at Chin Nei in a suburb of Taipei.

H was arrested in 1967 and charged with failing to denounce men who hoped to overthrow the government. H's only connection with the group is that he was hired for $2.50 to make a name stamp which read "Action Group of the Taiwan Independence Center" for the group. He has not been tried, but if he is convicted, he will receive seven years in prison. He has been in prison since 1967 awaiting trial.

Before his arrest, I was a primary school teacher. He was sentenced to seven years in prison for having written a personal letter to a friend in which he discussed the future of Taiwan after the death of Chiang Kai-Shek. I was then on reserve duty for the summer with the Navy.

The Kuomintang Party and education

A dictatoral regime must, if it is to have any future, thoroughly control the educational process of the country. This lesson has been learned by the Kuomintang (KMT) leadership, and they are now implementing that control.[2] In 1951, two years after the flight to Formosa, Chiang Kai-Shek addressed a joint meeting of the Revolutionary Academy and Officers' Training School. He said: ". . . the greatest cause of our failure on the mainland was the failure in education and culture. *Only because we failed in the field of education did we fail in so many other fields as well.*" Chiang went on to explain that the Kuomintang (KMT) Party had formulated, since 1928, resolutions on educational policy, but they had not been implemented throughout China. He said: "They did not actively incorporate our party's *policy into their teaching*. They disregarded party policy on education. They thought that party policy on education had nothing to do with actual education. As a result we have never realized our party's ideals in education."

On August 11, 1952, Chiang Ching-kuo, the head of his father's secret police, delivered a "Top Secret" address to cadets at a training class for party workers in which he related the goals of the KMT party in education:

We must start a large scale youth movement to elevate and strengthen the political education of youths. Every school must have a systematic plan for strengthening political education and elevating the political knowledge of its students. In both youth movements and in political education we must carry out thought indoctrination and win the struggle for the minds of youths and make the youths accept our correct thoughts and abandon all incorrect thoughts. This course will lead to the unification of the political motives and political directions of youths and make them love our party, believe in our party, have hope in our party, support our party and make them voluntarily join our party and aid it in accomplishing its mission.

A year later, Chiang Kai-Shek, in a secret address, related the control of education to the consolidation and enhancement of the powers and position of the leader of the KMT party:

"In brief, if there is no party ideology then there can be no revolution. If there is no fuehrer-type of leader there can be no fatherland and no revolution can be successful. When we examine our painful experience on the mainland we must recognize that our failure on the mainland was due to our failure to believe in the Three Peoples Principles and especially on the loss of confidence in our leader. That was the cause of our tragedy. Now, today, for the sake of our revolution, for the sake of the fatherland and for the sake of our anti-communist and anti-Russian mission we have to restore confidence in the Three Peoples Principles and especially restore confidence in our leaders. We cannot emphasize too much the importance of the central leadership of the revolution. Our slogan will be 'Party Ideology, Leader, Fatherland, Responsibility and Honor.'"

To implement the goal enunciated by Chiang Ching-kuo in 1952, the "Chinese Youth Corps for Anti-Communism and the Salvation of the Fatherland," known as the Youth Corps, was established largely to study KMT literature and the thoughts of President Chiang. All students above 12 wanting high school certificates must "voluntarily" become members. Non-Youth Corps members are not allowed to graduate from high school. In addition to the Youth Corps, the Party Headquarters for Intellectual Youth has a branch in every college in Taiwan. It generally has monthly meetings in small cells of 10 members, and leaders report directly to the party hierarchy.

The Ministry of Education naturally is controlled by the KMT party. The Minister is usually a trusted aide of either the President or his son. In local colleges, the dean of students and the chief military instructor are either directly or indirectly appointed by the KMT. The security officer, required in each school by a 1959 statute, is directly responsible for reporting to the secret police on the activities occurring in the school. He is required to know what happens in each classroom. Consequently, at least one pupil in each class reports to the security officer. In one university these are called "professional students" and they are often veterans of the armed forces. "Student, faculty, and

[2] Material for this section is taken from a confidential paper on the government's influence on education in Formosa today written by a foreigner who has taught there for nearly two years.

staff members who apply for either a passport or a job must be approved by the security officer of their school." Many faculty and student arrests are believed to result from reports by the security officer.

The most odious aspect of the totalitarian educational system in Formosa is that each faculty member in every school must persuade some person other than a member of his immediate family to sign the following statement: "I guarantee that Mr.-------- will abide by the law and government orders. I guarantee that he is not a Communist, or a member of any other subversive element. If he fails to do so, or is any of the above, then I have the obligation to denounce him. If I do not denounce him, then I am willing to receive punishment according to Article V of the Statute for the Denouncement of Rebels." The result of this system is that "if the guarantor even has the slightest suspicion that the thoughts or actions of the guaranteed are not acceptable to the government then he is moved by fear to denounce the guaranteed immediately." A similar system is used for every college student.

Dr. Marilyn Young, of the Center for Chinese Studies at the University of Michigan, wrote in a recent letter that:

Few American students can be unaware of the fact that the system of informal spies which permeates Taiwan has overseas branches throughout the United States. It is a safe assumption that no student from Taiwan, particularly if he is Taiwanese, can comfortably engage in public discussion of political issues unless he has permanently abandoned any intention of returning to the island.

She gave two specific examples. In August 1968, Chen Yu-hsi was tried "and sentenced for apparently having read 'The Thoughts of Mao' . . . in the Oriental Section of the U. of Hawaii's East-West Center Library and for having written articles for a journal deemed left-wing by the Nationalist Government." And in 1966, "Huang Ch'i-ming, a graduate student at the University of Wisconsin, home on a brief filial visit, was arrested and convicted on the charge of having attended meetings in Madison where 'the problem of Formosa' was discussed."

Professor Young draws certain conclusions from these two cases and others and asks hard questions:

Suppose both Huang and Chen were guilty as charged. What does that mean about Chinese centers across the country? It means that we study with and among students who are under direct threat of imprisonment, afraid to discuss subjects of vital mutual concern. It means that we tolerate in our midst a disgusting atmosphere of fear and repression. It means that China centers have double standards for academic freedom—if you are Chinese keep your mouth shut, for we cannot help you if you get into trouble. Should American universities continue to accept students who cannot openly engage in the kind of intellectual exchange we pride ourselves in encouraging? Should we allow a foreign government to infringe upon the right of free speech on our campuses?

The paper on education in Taiwan mentioned above (see page 8) concludes that:

"Many young people in Taiwan have never developed their abilities to engage in independent thought, objective analysis, and critical observation. In the Taiwan educational system there is an atmosphere, even at institutions of higher learning, in which unconventional, unorthodox, or nonconformist thinking or behavior is not only frowned upon but is severely punished. This has resulted in a complete lack of creative intellectual activity on the Taiwan campuses."

Another result of the educational system indicated in this paper is that it has produced generations of citizens who have learned that they can express themselves in public only in strict accord with government policy. Even among young people, there is an inconsistency between what they say in public and what they say in private.

Christian churches on Formosa

No organization escapes the ever watchful eye of the government. The Christian churches on Formosa do not claim more than 10 or 15% of the population. But because President Chiang is a professed Christian, the size of their membership does not accurately reflect the churches' influence. President Chiang has little day-to-day control over the administrative bureaucracy of the country. Yet in one fairly prominent Protestant denomination, it is freely admitted that middle-range party functionaries (who are all mainlanders) have the veto power over the important activities of that church in Taiwan.

The general trend of religious action has been toward ecumenical cooperation. National (U.S.) and worldwide bodies, such as the World Council of Churches, have been concerned with social and political progress. Among other matters, the National Council of Churches in the United States and the World Council of Churches have advocated normalization of relations with the Peoples Republic of China. Naturally this is contrary to the views of those in power in Formosa. Several tactics have been used by a relatively small group of middle-level party and government functionaries to control the denominations in Taiwan. Anything that is ecumenical or connected with the worldwide Christian movement is considered "leftist" and is closely watched.

This small group of functionaries operating within religious organizations uses "terrorist tactics to intimidate others." A Christian leader received a visit from the secret police after his return from an East Asia Christian Conference (the Asian affiliate of the World Council of Churches). The secret police investigated him "on the grounds that the East Asia Christian Conference was subversive, due to its World Council connection . . . even his being a party member has not saved him inconvenience in this matter." Another minister was tipped off that he was to be put in prison; through his connections, he was able to leave the island rather than face indefinite imprisonment.

At the present time, the International Council of Christian Churches, led by an insurgent American Presbyterian minister, Dr. Carl McIntire, has established the Republic of China Council of Christian Churches in Taiwan. Dr. McIntire is connected with many right-wing causes in the U.S. under the guise of anti-communism Christianity. (He recently said that the July 4th Honor America celebration in Washington, D.C., was not sufficiently patriotic to suit him.) He is making alliances with the various party functionaries within Protestant denominations in Formosa. This combination has the ultimate objective of severing all connections between Formosan Protestant denominations and outside organizations.

As Protestant groups withdraw from Taiwan, as one important one already has, the Christians on Formosa will be at the mercy of the extremists who have strong political connections. Chinese pastors indicate that these extremist government functionaries are not representative of the feeling of the majority, but the majority is intimidated into silence.

Conclusion

From the facts uncovered, it seems abundantly clear that we support an unrepresentative and repressive government in Formosa as we have been doing for some time in South Vietnam. Over the long run, however, the stakes in Formosa are much larger. U.S. policy toward Taiwan directly affects our relations with the Peoples Republic of China.

As we have seen, the government of Chiang Kai-shek claims to be the sole legitimate government of China, even though it has actual physical control over only the population on Taiwan. His government doesn't represent China and it doesn't represent Formosa. Chiang's government does not tolerate political discussion which raises the legitimacy of the present system or suggests changes in it. For 20 years the U.S. government has gone along with Chiang Kai-shek, helping to perpetuate the myth that he on Formosa represent the entire nation of China and Formosa.

In one sense, we are faced not with a China problem, because it is quite clear who governs the 750,000,000 people of China and they do not receive our support, either material or moral, for their efforts. But we *are* faced with the problem of the future status of Formosa, for we have long been involved in the present Nationalist government's affairs.

The Nationalist Government of China does not represent the people of Formosa. The Formosans have not been given any voice in determining their future. They have been subjected to government by martial law and to government by a system that includes only a handful of Formosans. (According to the election laws governing the elections held in 1947–1948—it was at these elections that the existing government was, in effect, selected—Formosa's quota of representatives was 19 of 3045 members of the National Assembly, 8 of 773 members of the Legislative *Yuan* and 5 of 223 members of the Control *Yuan*. These three bodies functionally constitute the "Congress," as the term is commonly understood in other political systems. Formosa's representation today in the National "Congress" remains proportionately about the same as it was in 1948.)

Finally, the Nationalist Government does not represent China except in the tortured reasoning of its ideology. It deludes itself that it will return to reconquer and govern China. It is time for all parties to this complex political problem to face the realities of this situation. "Free China" is neither "Free" nor "China."

VIETNAM AND MAINLAND CHINA

(By Senator DANIEL K. INOUYE, Dec. 16, 1970)

After one of the most traumatic political years in recent history (1968), the American people yearned for the tranquility that peace and prosperity would bring back to the country. As part of that hope, President Nixon declared in his Inaugural Address that it would be the policy of the United States Government to turn away from an era of confrontation which prevailed for well over 20 years, and to enter an era of negotiation. The President said, "We cannot expect to make everyone our friend, but we can try to make no one our enemy."

The country desperately needed that era of negotiation which might lead toward peace. We still need it, but it still eludes us.

Both in his Inaugural Address, and in the first State of the World Message delivered 13 months later to Congress, he reemphasized the necessity of passing down the path—long and difficult though it might be—to enter the era of negotiation upon which so much of his policy was, he said, to be based. In this State of the World message released on February 18, 1970, the President said, "The Chinese are a great and vital people who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700,000,000 people." He went on to say rather pragmatically, "It is certainly in our interest, and in the interest of peace and stability in Asia and in the world, that we take what steps we can toward improved, practical relations with Peking. Up until the time he made that statement, President Nixon had taken more action

on the issue of normalizing relations between the United States and the Peoples Republic of China, than had any one of his predecessors.

Ironically he had been one of the leading Republicans in 1950 who had helped create the policy that we have been following for over 20 years. He now felt, however, that it was time to face reality. The representatives of one-fourth of mankind were excluded from the one organization which strives toward universality—namely, the United Nations. China was now a nuclear power with both the delivery systems and the nuclear weapons of mass destruction. No longer could a President wish away 700,000,000 or more people. A new policy was necessary. President Nixon started to enunciate that new policy.

Relations between countries is never a one-way street. One cannot hear if you clap with one hand, nor can one eat with one chopstick. The Administration felt that it was absolutely necessary, since they had taken a number of steps, to expect some sort of reciprocity from the Chinese.

In early 1969, the end of the Cultural Revolution was officially marked by the convening of the Ninth Party Congress of the Communist Party of China. Decisions were taken at that Congress to consolidate the gains that had been made during the Cultural Revolution by the army. In this case, we must understand that the armed forces of China play a political role, as well as a military one. The Chinese Army is considered an excellent training group for civilian posts. Here talented and dedicated young men can learn to run a state farm, commune, or factory. Current Chinese Communist Party leadership is composed of those who had been guerrilla fighters for a quarter of a century before their final attainment of power in 1949. China's leading diplomat and statesman—Chou En-lai—was a general in the Chinese Communist Army. It was through a long military struggle that power was finally won. Military power has been the tool for maintaining control.

Numerically, the United States has a larger army than the Peoples Republic of China, although China's population is four times as great. China has neither the resources, nor a demonstrated inclination to fight wars outside her boundaries or to maintain troops in foreign lands. It is critical in their view that resources not be unnecessarily diverted from the central task of the Chinese government—the development of her internal potential.

We legitimately might wonder why China has not found it necessary to fight against our country and our allies in South Vietnam, Cambodia, and Laos, especially in light of the fact that the Chinese did cross the border into adjacent nations twice during the last 20 years. The United Nations condemned them in February, 1951, as aggressors in Korea and many of the third world nations condemned them for crossing the Indian border and driving down into Assam.

The third charge that is often heard is that the Chinese "raped" Tibet. We should take notice that as late as 1943, our State Department stated: "The Chinese Constitution lists Tibet among the areas constituting the territory of China . . . This government has at no time raised a question regarding (this) claim."

Interestingly enough, almost 20 years ago the Chinese Communists crossed the Yalu into North Korea and fought against the United States and allied forces which carried the banner of the United Nations. As we all recall, General MacArthur had been given orders not to go near the Chinese border. He was, however, in hot pursuit of the fleeing North Korean Army. Although the entire record is not yet in, we know that MacArthur's troops did reach the banks of the Yalu.

The Chinese considered this a direct threat to their own territory. At that time, their heavy industry was concentrated in Manchuria. Reportedly, the Chinese felt it was time to act after repeated warnings went unheeded. North Koreans have told a Western diplomat that the Chinese would not have entered North Korea just to save a communist regime on its border. They are convinced that China felt she was also endangered before she decided to act. This interpretation has important ramifications on the present situation vis-a-vis United States' participation in the war in Indochina. The U.S. must not press her luck too far.

The Sino-Indian War of 1962 was essentially a border clash which escalated into a fairly major engagement between the Chinese and the Indians. Indian Prime Minister Jawaharlal Nehru indicated no quarter should be given to any Chinese intrusion on the border. In fact, the Indian Government was fairly aggressive in asserting its claims to what was an undemarcated and contested border which followed generally the line established by McMahon in the early 20th century. The most accurate story I have been able to piece together was that Indian troop activities on the border triggered an over response by the Chinese which resulted in their drive right down to the plains of the Brahmaputra River. However, the Chinese proved their point and then withdrew to their original positions.

This Chinese incursion into India sent shock waves around the world. While Nehru could never regain the position or prominence he has held as a major leader in the nonaligned world, China's prestige rose immensely. A primary reason for this rise was that China called for no outside assistance unlike India which when under attack, called on the United States and Great Britain to help her resist the attack by a fellow Asian country. This plea for aid smacked of a neocolonialism repugnant to the third world.

Consequently, the two illustrations of China's use of military power outside her own borders—namely the Korean and Indian experiences—are seen by the Chinese as essentially a defensive measure and a border skirmish. In the Sino-Indian border skirmish, troops were withdrawn within a month. In Korea, Chinese troops were withdrawn after the ceasefire in 1953.

This brief account of Chinese Communist involvement in conflicts beyond their own borders is crucial to understanding the Chinese attitude toward the war in Indochina. The attitude of the Vietnamese toward the Chinese in any large scale manner. After all, much of Vietnam was occupied by the Chinese for nearly 1,000 years. There is no "fetal" relationship between the Chinese and the Vietnamese.

The Chinese, on the other hand, have made it clear that maintaining friendly or neutral countries on their border is a matter of high priority. Just as the United States could not tolerate the use of Cuba as a Soviet military base, so China contends that countries on her border cannot be used as military bases by other big power countries. We tend to forget the lengths to which we went to prevent Cuba in 1962 from becoming such a military base. The late President Kennedy undertook an act of war—a naval blockade of Cuba—to prevent further Russian missiles from being shipped there.

Keeping in mind how threatening Russian missiles in Cuba were let's turn the tables and imagine how China must feel under the present circumstances. The United States has troops stationed from Japan to Thailand on the eastern and southern borders of China. Units are stationed in Japan, Korea, Okinawa, Taiwan, the Philippines, Vietnam, Cambodia, Laos, and Thailand. In the last 20 years we have never fully withdrawn from any East or Southeast Asian country to which we have committed troops or air cover. This military force is the very essence of our policy in Asia of containment, isolation, and military encirclement of China. In many ways our military presence around China, would be comparable to a Chinese military presence in Mexico, Cuba, the Bahamas, and parts of Eastern Canada. Naturally, as a great power we would not stand by and let this continue. We would, as we have in the past, invoke a century and a half old Monroe Doctrine to clear away all trespassers. And, indeed if the Chinese controlled Long Island—even if separated by a "Formosa Strait"—and harbored the defeated leader of a recently completed civil war, we would not compromise until what we considered rightfully ours was returned to us.

This is very much the situation in which the Chinese find themselves with American forces stationed in neighboring countries and between the mainland and Taiwan. There are, in fact, some 650,000 American troops in countries bordering China—one fifth of our armed forces!

In 1965, Mr. Richard M. Nixon declared rather categorically that the reason we were in Vietnam was to fight China. Our continuing presence around China does little to contradict this statement. Much of the rhetoric emanating from the Department of State during the Johnson era convinced many that we were fighting in Vietnam so that we would not have to fight in Australia, the Philippines, my own State of Hawaii, or on the shores of California. Secretary of State Dean Rusk conjured the awful terror of the "yellow peril" to justify our presence in Vietnam and the construction of the ABM system to counter the Chinese threat.

As I said in an earlier speech, Vice President Agnew has painted a picture of a "Red Peking tidal wave" engulfing all of Asia and Southeast Asia. If this danger of a communist takeover is so real and imminent, why is it that this fear and concern is not equally shared by Australia, New Zealand, Indonesia, Malaysia, Singapore, Burma, India, and the Philippines? If the danger is so great, why are they not contributing more to this cause? Why do we find it necessary to hire mercenaries? Why must the Thais be paid to fight the communist in Vietnam if their homeland is so clearly in the path of the red tide of Peking? The domino theory becomes suspect. The nations of Southeast Asia have a long history of resisting Chinese overlordship. They, in the past, have made their peace with China.

Our containment of China has been based on the fundamental assumption that we could eventually bring down the Communist government in China after its assumption of power in 1949. We felt we could isolate it sufficiently from the world through our trade embargo, as well as through the pressure exerted on our allies to take similar action. Militarily we felt that a *cordon sanitaire* could be thrown up around China to isolate and contain it from nations in East and Southeast Asia with whom she would ordinarily have relations.

Just as CENTO (the Baghdad Pact) was formed to resist Soviet incursions into the Middle East, SEATO was formed in 1954 in Manila to consolidate America's military allies on China's southern border. This pact was based on the assumption that Communist China would be aggressive.

An interesting exchange took place in 1959 between then President Ayub Khan and Prime Minister Nehru when the Chinese were making incursions along India's extended border with China. Ayub Khan, then a firm ally of the United States, offered Nehru a joint pledge to defend the subcontinent. Mr. Nehru replied, "Joint defense against whom?" At that time, you will recall, India had good relations with China. Since the border war of 1962, however, India has had little to do with her Chinese neighbor. Here is another instance of the validity of Lord Palmerson's famous dicta: "Nations never have permanent friends, nor permanent enemies. Nations have only permanent interests."

Returning to Nixon's conviction that China was our adversary in Vietnam, we found a certain consistency when in an effort to convince Americans of his desire to get us out of Vietnam during the 1968 campaign he told CBS correspondent Mike Wallace that the U.S. must normalize its relations with Communist China. By so doing, the process of withdrawal from Vietnam would be greatly facilitated. Reportedly, President Nixon made contact with the Chinese even before his inauguration to determine whether the Warsaw talks could be reopened. In July, 1969, the President removed most of the restrictions on Americans traveling to China. During the early fall, in an unhearided announcement, it was made known, that the Taiwan Straits Patrol of the U.S. Seventh Fleet has been reduced to one picket ship which patrolled rather infrequently the waters between Taiwan and mainland China. In late October, then Under Secretary of State Elliot Richardson reportedly told a mutual acquaintance they were waiting for a response from the Chinese before taking further unilateral action. Although the Chinese did not respond publicly, we took the next step, liberalizing trade, which we announced on December 19, 1969. As a result of domestic pressure, and in keeping with his over-all policy, President Nixon de-escalated the war in Vietnam with a limited troop withdrawal.

Consequently, it came as not great surprise when an announcement was made that on the first anniversary of President Nixon's inauguration the first Sino-American talk would be held in Warsaw at the Chinese Embassy. The second discussion was held at the American Embassy in Warsaw on February 20, 1970. A third was scheduled for May 20, 1970. However, the tragic invasion of Cambodia interfered and at the last minute it was cancelled by the Chinese.

As was mentioned earlier, after the Ninth Party Congress in 1969, the Chinese started the process which has now led to the returning of Chinese ambassadors to 30 countries. During the Cultural Revolution, all ambassadors except the ambassador to the United Arab Republic were recalled to Peking for reindoctrination. In essence, during the last 18 months the Chinese have been on the diplomatic offensive to win new friends and re-establish relations around the world.

To the Chinese the Cambodian invasion, therefore, represented a complete reversal of American Policy. For 15 months President Nixon had assured them that he wanted better relations with China. Thus, the Chinese must have felt they had only one course open to them—to roundly condemn the action of the American President and join in renewed solidarity with her communist allies in Vietnam, Laos, and now Cambodia. In the long run, the greatest tragedy of the Cambodian invasion was the cancellation of the hopeful negotiations that were proceeding slowly, but surely, in normalizing relations between the U.S. and the Peoples Republic of China. I am afraid that this tragedy will continue to have vast repercussions.

On May 1, 1970, I said on the Senate floor: "I deplore the President's decision to launch an American attack into Cambodia. I regret and disagree with his decision to send materials to the troops of Lon Nol. This decision makes a sham of our policy of Vietnamization—of our policy to disengage and withdraw troops from Vietnam." Many of my colleagues in the Senate and House agreed with my assessment of the situation. Little did we know at the time the ramification this policy would have on the President's effort to normalize relations with China. Yet, in retrospect, we have seen the major proportions of this tragedy.

I had agreed with the President's efforts to normalize relations with the Peoples Republic of China and with his policy of military disengagement from the countries which surround China, yet now in a single stroke, he reversed the trend toward improved relations. Ever since then we seemingly have taken one step after another to exacerbate the situation in Indochina and minimize the possibility of reconciliation with the people and government of mainland China.

Our resumption of bombing in North Vietnam on November 21 sent shock waves throughout the world. Even our traditional European allies were in a state of shock. The actions of a great power must in some ways be within predictable boundaries. When they become unpredictable, the danger of big power confrontation is increased.

After the latest bombing raid in North Vietnam the Ministry of Foreign Affairs of the People's Republic of China, issued on November 24th, 1970, a statement:

"Nixon has glibly talked about respecting the agreements of the two Geneva conferences concerning Indochina and seeking "peace" in Indo-China, but has as a matter of fact been continuously expanding the war. In March this year, just a few days after he called for the restoration of Laotian neutrality, Nixon instigated Thailand accomplice troops to enter Laos and at the same time stepped up the bombing of Laotian territory, intensifying the war of agression against Laos. In April, 1969, Nixon hypocritically claimed to "recognize and respect the sovereignty, independence, neutrality, and territorial integrity of the Kingdom of Cambodia within its present frontiers." But hardly had a year passed before he instigated the Cambodian rightist traitorous clique to launch the reactionary coup d'etat against Head of State Samdech Nordom Sihanouk and brazenly sent U.S. troops to invade Cambodia, expanding the war of aggression to the whole of Indochina."

The statement of the Chinese Foreign Ministry ended by saying:

"It is the bounded internationalist duty of the Chinese people to give all our support and assistance to the peoples of Vietnam, and the other Indo-Chinese countries in their war against U.S. aggression and for national salvation. The 700 million Chinese people armed with Mao Tse-tung's thought, following our great leader Chairman Mao's teaching "The 700 million Chinese people provide a powerful backing for the Vietnamese people; the vast expanse of China's territory is their reliable rear area," are determined to stand forever with the fraternal peoples of Vietnam, and the other Indo-Chinese countries and unite and fight together with them till complete victory."

The tragic proportions of our escalation of the war in Indochina during these last eight months, have had repercussions in Indochina, in our relations with the Chinese Communists, and in our own beloved land. We can only reverse this policy by admitting our tragic errors in judgment and then withdrawing. This is why I supported the amendment to end the war (Amendment #609). This is why I shall continue to support actions of a similar nature. This is why I support a fundamental reordering of our policy toward the Peoples Republic of China. We must avoid a war with more than 700 million Chinese people. Consequently, I recommend a new policy for the United States toward China. It is as follows:

1. As I have indicated in my support of the Amendment to End the War, the U.S. must withdraw all her military forces from Indochina by the end of 1971. Militarily this is possible. The political will must now be generated so that it can be politically possible. Unless we undertake this decisive action, policy makers will repeatedly be tempted to escalate, rather than to de-escalate the war.

Further escalation of this war could lead to a major confrontation and possibly a full scale war with China. This catastrophe must be avoided. The specter of having two nations with a total population of almost one billion people locked in mortal combat, in a holy crusade against each other, portends the advent of the third—and probably, final—world war. By acting rationally and correcting past errors of judgment, we can avoid this holocaust by de-escalating the war and withdrawing from Indochina now.

2. The entire policy of containment, isolation, and military encirclement of China must indeed be re-examined and hopefully reversed by the United States. We have seen the results of this policy in a war in Korea and now in Indochina, both areas on the periphery of China. Close to 100,000 American men have been killed in the pursuit of this policy. Needless to say, millions of Asians have died in our pursuit of this policy.

Consequently, in addition to withdrawal from Vietnam, we should also re-examine our policy of military encirclement of China.

3. In drawing the borders of China, the Government in Peking and the Government in Taipei both include Taiwan within its boundaries. They both maintain that Taiwan and Mainland China are not separate. Chiang Kai-shek still talks of return and the leaders in Peking talk of their "rigntful claim." Both agree on the one China concept.

However, over the past decades we find the concept of two Chinas a reality we have learned to live with. For as long as I can remember there have been two Chinas—the China of Chiang Kai-shek and that of Mao Tse-tung. Dejure we may have but one; de facto, we have two. And it is to the fact of the present that we must address our attention.

As we look at the world today we find that the events of the twentieth century have created divided nations elsewhere. We have an East and a West Germany and an East and West Berlin. We have a North Korea and a South Korea and a similar likely result now in Vietnam. These divisions exist, and we have been a party to their birth. Likewise we may see the development of a separate East and West Pakistan in the coming years. There is apparently no immutable law that peoples once lined together must always remain thus despite our strong commitment to unity within our own borders and throughout our own history.

We should be most reluctant to involve our nation in situations which encourage partition. Our post World War II experience should be a sufficient deterent to such adventures.

The future relationship between these two—between Taiwan and mainland China—is not ours to determine. It is our responsibility, however, to avoid any precipitate action which would encourage open conflict and conflagration.

Today, China and Taiwan have each demonstrated their ability to exist independent of the other. There is a clear and easily recognizable natural boundary which separates them. It is not one which must be maintained by American ground forces nor over which either side can easily infiltrate the other. There is, therefcre, no pressing need for us to try at this time to determine the eventual relationship between these two areas.

The nations of the world are now almost equally divided on the subject of seating the Peoples Republic of China in the United Nations. The number supporting such action has increased markedly. As a major power and a nation with strong and historic interests in the far Pacific, it is time we assume leadership in bringing that nation into the family of nations. It is time that we bring an end to blind adherence to outdated ideological commitments or current fables. We must recognize the real, rather than tout an imaginary status quo.

We have far too long perpetuated the myth

that the Chinese Nationalist forces on Taiwan represent the nearly three-fourths of a billion Chinese people. This cannot be the basis of hard foreign policy decisions. It is time that we recognize Peking as the legitimate government of mainland China—its government in fact for the past 21 years.

4. Normal diplomatic, cultural, economic and social relations with the Peoples Republic of China must be reestablished. So often individuals say that China does not want relations with the U.S. Those same individuals said the same thing about China's lack of desire to be in the United Nations. They were wrong. I am certain China does want to assume her rightful place in the United Nations, as indeed she wants to gain recognition as the sole legitimate government of China.

We must realize that in order to restore peace in East Asia, an area of the world which for the last generation has known no peace, we must face reality. That reality is dictated not by a hostile policy toward the largest nation on earth, but by a policy of peace toward that nation. Before 1949, the U.S. and China were the best of friends. We must now adopt a policy of friendship and good relations with one-fourth of humanity. For the sake of peace in Asia, and, indeed peace in the world, we must follow this path.

SUMMARY AND RECOMMENDATIONS

(By Representative PATSY T. MINK, May 3, 1971)

Following the spectacular visit by our American ping pong team to Peking, and now the prospects of a reciprocal visit by the Chinese, we have a great opportunity to finally rid ourselves of the myth that the Peking government does not exist. It will require a complete reappraisal of our policy adamantly maintained for the past twenty years. The reported conflict within the White House between the President and the Vice President typifies the controversy which will undoubtedly ensue and rise in intensity. It is incumbent upon all enlightened members of Congress to support the President in his efforts to really achieve the normalized relations with the People's Republic of China that he has set as his Administration's goal. There will be enough conflict to force a retreat unless we provide him with a wide and aggressive latitude of support. Many of us have hitherto lacked the courage to face this issue, and we must admit that. But the past is past, and we have now the responsibility to forge ahead vigorously to rid ourselves of the policy which has excluded from the councils of international affairs a government which has indeed existed and progressed for the last twenty years.

I would like to dispose of here and now the shibboleth that we must refer to mainland China derisively as Red China. This is one of the things it will be difficult for Americans to get over, yet when you stop to think about it we do not talk about Red Germany when referring to East Germany, or Red Russia, et cetera. President Nixon's statements carefully refer to the mainland government as the People's Republic of China, which is its correct name. Each of us must begin to readjust our thinking and vocabulary as well. What we say becomes part of the dialogue of our country and in turn the dialogue of diplomacy, and we must share in this rapidly changing world to accord the 700 million people of China a rightful place in the community of nations.

It has certainly worked to the detriment of our nation to ignore the existence of a country so large, so important, and with such a rich and fascinating history as China. Our education hardly took account of this immense and populous land, so steeped in cultural accomplishments, technology, invasions, conquests, and revolutions that scholars could spend a lifetime studying and describing just one era.

Early China saw a series of dynasties, one following another involving native Chinese, Huns, Mongols, Buddhists, Manchus, and later, westerners. We recognize such names as the philosopher Confucius, Genghis Khan, Marco Polo, and Kublai Khan from this fabled past. Poetry, painting, philosophy, inventions, arts and literature all attest to the cultural heritage of China.

Yet because of its remoteness, China has always seemed somewhat mysterious and therefore alien to westerners—and because of our propensity for exploitation, China has likewise viewed us with something less than complete cordiality. Our relations have alternated between cooperative and hostile, and there have been various "openings" and closings-off of China.

Canton was the only port open to foreign merchants at the end of the 18th Century, but China's defeat in the Opium War with Britain opened up four others as well, including Shanghai. In the process, Britain nipped off Hong Kong. Another war with Britain "opened" Tientsin to foreign trade, after which the west dictated to China. At the same time, Russia acquired her Far Eastern territories from China and the Japanese took Taiwan. In the Boxer Rebellion of 1900, the Chinese attempted to expel such foreign influence but were unsuccessful.

All of this is to show that China may have some reason to view with a measure of distrust the encroachment of other nations on her borders. It was only through a strong nationalist movement, which later cooperated with communists, that the Chinese regained control of their country. This culminated with the communists splitting apart from the nationalists and then expelling the latter, led by Chiang Kai-shek, in early 1950. As Chiang fled to the island of Taiwan to set up a government in exile, the communists proclaimed the People's Republic of China on October 1, 1949, under the leadership of Mao Tse-tung.

Subsequently, our government launched its cold war policy of containment and isolation in which we gave official sanction and support to the Chiang regime in the hopes that someday it would regain power in Peking. We led efforts to isolate "Red China" from trade with other nations and urged the United Nations into keeping the Chiang regime as the official representative of all of China even though it only represented 14 million Chinese out of a total of 700 million. Thus, we attempted to seal off China much as the Great Wall was once erected to protect it from foreign invaders.

The trouble was that our wall of trade and diplomacy was no more effective than the Chinese wall of stone in preventing the inevitable breaches. It was a most unnatural policy, going against all logic. The predictable consequence was that the United States itself began to be isolated from the family of nations, as our allies increasingly rejected the arbitrary and ill-conceived barriers we had imposed based on the concept of China as a hostile Red menace. The most tangible expression of this adverse sentiment among other nations was in the United Nations, where an annual vote was required to buttress our exclusion of mainland China from international councils. Over the years, we gradually lost ground in the battle for world opinion, and finally last year there was a majority vote in favor of the Albanian resolution to seat the People's Republic of China in place of the Nationalist government.

The only thing which prevented this majority opinion from forcing the recognition of the People's Republic of China despite United States opposition was the parliamentary tactic of requiring a two-third vote. So far, we have been able to cause the issue to be classed as an "important question" requiring approval of a two-thirds majority of those nations present and voting. But our support on the "important question" motion has been slipping, too, and there seems to be general recognition that very soon, maybe even this year, we will not have the votes to prevent the seating of the People's Republic of China. It is noteworthy to point out that a majority vote can eliminate the two-thirds vote requirement.

The text of the Albanian resolution states as follows:

"The General Assembly,

"Recalling the principles of the Charter of the United Nations, Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

"Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations,

"Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only lawful representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

From a hard-line standpoint, the voting trend on this resolution has been disappointing. In 1963 only 41 nations voted for it while 57 were against, a balance of 16 votes in our favor. Our lead fell to ten votes in 1965 and eight in 1969. Finally, in 1970, it was minus two—the United Nations had voted 51 to 49 to give the China seat to the People's Republic. This same majority could now nullify the two-thirds requirement. In November of this year, it is speculated that additional support will be gained for the Albanian resolution. Several nations, such as Canada which recently recognized the People's Republic of China for diplomatic representation, and which have supported us on the two-thirds vote "important question" issue, have indicated that they will switch their votes if the requirement is used to block the wish of a substantial majority. We are thus holding our position by the thinnest of procedural needs.

Clearly, new thinking is in order if we are to avoid a major international rebuff. I feel it is with this in mind that the Administration has undertaken its new course of rapprochement. The ping-pong visitation did not just happen accidently but resulted from a series of diplomatic moves beginning shortly after President Nixon took office. In July, 1969, he removed most of the restrictions on Americans traveling to China. In the same year, he also directed that Americans could make non-commercial purchases of Chinese goods, and permitted subsidiaries of United States firms abroad to engage in commerce between mainland China and third countries.

Another major step was the announcement that on the first anniversary of the President's inauguration the first Sino-American talks would be held in Warsaw, at the Chinese Embassy. The second discussion was held at the American Embassy in Warsaw on February 20, 1970, and a third was scheduled for May 20, 1970. Unfortunately, the third was cancelled by the Chinese to express their disapproval of our invasion of Cambodia.

In his State of the World message released on February 18, 1970, President Nixon said, "The Chinese are a great and vital people, who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700 million people." He went on to say, "It is certainly in our interest, and in the interest of peace and stability in Asia and in the world, that we take what steps we can toward improved, practical relations with Peking."

Mr. Nixon followed up this belief in 1970 by authorizing the selected licensing of goods for export to mainland China, and further diplomatic hints that he would welcome a Peking response to his initiatives. The ping-

pong invitation was a modest but affirmative reply.

Any lingering doubts as to the sincerity of his intent of reconciliation were removed after the invitation, when the President almost immediately responded with a series of further steps to normalize relations: removal of barriers to direct trade in non-strategic goods; expedited visas for visitors from China; removal of restrictions on American fuel for ships or aircraft going to China; and authorization for U.S. vessels or aircraft to carry Chinese cargoes between non-Chinese ports.

We have therefore seen relaxation of our policy toward the People's Republic on several fronts: the opening of talks in Warsaw in 1970, the opening up of trade, the encouragement of travel to and from China. This could have a major impact on developments at the United Nations this fall. If we move forward and I hope we will, we can participate affirmatively in the movement to recognize the People's Republic of China. We can then face constructively the delicate task of accommodating in some manner the interests of both China and Taiwan at this international body.

But as Stephen S. Rosenfeld said in the Washington Post recently in his column captioned "Beyond the Ping Pong", the "nut political issue between the United States and the People's Republic of China has always been whether . . . Washington would recognize Peking's sovereignty over all of China including Taiwan."

The issue before the United Nations is not whether the People's Republic of China should be admitted or not. To frame the issue in this light is to ignore the fact that the China seat already exists. The question only is which is the legitimate government of China, the Nationalist regime based in Taiwan or People's Republic on the mainland.

The Chinese-representation resolution which has been before the UN since 1950 relates only to this question of which China. Once passed by the General Assembly it will mean that the delegates from the Nationalist group will automatically be excluded as the legitimate representatives of the government of China.

To discuss this issue in the framework of admitting China therefore begs ignorance of the real question. To discuss it in the context of "two Chinas" is also to beg the question.

What is even more interesting is that neither government, the one in Taiwan nor the one in Peking has ever accepted the notion of two Chinas. When you stop to consider this of course it should self-evident. Both governments insist that the territory of Taiwan is part of China. Our considerations towards Taiwan must be with this basic understanding. The fact that the lands belonging to the nation of China have been occupied by another political group of Chinese whom we have recognized *de jure* as the legitimate government for all of China for these past twenty years, does not render the lands and territory of such occupied areas as forming per se another nation.

If it is the decision of the United Nations General Assembly that the People's Republic of China should be recognized as the *de jure* government of China, then it follows that the Nationalist government in Taiwan no longer can have this same designation, nor can it have the designation of a new nation unless the People's Republic surrenders its sovereignty and title to these lands.

The Nationalist government on Taiwan will be replaced as the government of China upon the adoption of the Albanian resolution in the UN conveying *de jure* recognition to the People's Republic. But what of the people of Taiwan? After twenty years of existence as a separate State, we cannot ignore the demands of the Taiwanese. Many people advocate independence for Taiwan, or at least self determination.

If the Nationalist government is no longer the government of China because the People's Republic of China is the recognized sole and legitimate government of the Chinese people, then it follows that the Nationalist government has no rightful dominion over the People of Taiwan. Conversely, what about the terriorial claims of the People's Republic of China? Should it supersede the desires of the people who now live there?

I believe that the solution for this most difficult problem can be found by treating the territory of Taiwan like the territories over which Japan had dominion prior to World War II which after the end of the war were placed under U.N. Trusteeship. Japan had territorial rights over Micronesia under a League of Nations mandate. After World War II, Nationalist China took territorial claim to Taiwan from the Japanese. Following its retreat from mainland, Chiang Kai-shek continued to receive the sanction of the U.N. when he was allowed to retain the China seat in the world organization. If the Albanian resolution is adopted to recognize the People's Republic, that prior U.N. sanction of the Nationalist's government's territorial claim over Taiwan will be rescinded. Then, the responsibility to find an equitable solution to the future status of Taiwan must be the duty and obligation of the U.N. which I believe can best be accomplished under the supervision of the U.N. Trusteeship Council. Obviously, the interest of the People's Republic of China will be well protected by virtue of its membership in the U.N. while the interests of the people who live in Taiwan will be protected by the Trusteeship arrangement. This will provide for an orderly transition and, most importantly, time in which to solve all the delicate questions of Taiwanese self-determination versus Chinese sovereignty, as well as our own treaty arrangements with the Nationalist government.

In late April, Charles W. Bray 3rd, a State Department spokesman, at a special press briefing, offered as one option the possibility that the future status of Taiwan would be settled by direct negotiations between the Nationalist government on Taiwan and the government in Peking. If the Chinese can't settle this matter between themselves, then the international community must assist in vaulting this high hurdle that has for far too long been a major obstacle in normalizing relations between the U.S. and China.

The road to better relations is bitter and difficult, but we have made a promising start. Unless we break away completely from the syndrome of suspicion and mutual antagonism, and chart a new course, we shall continue the disastrous path we have been following for two decades in Asia. I need hardly point out that peaceful accord with China will drastically reduce, if not eliminate, the rationale used in our chain of military encirclements which led to the Korean and Vietnam wars. There will be little need for our military dominance in buffer states around China if we are on good terms with China itself. Such states could be left to settle their internal affairs without our military involvement.

Continuation on the road of hostility, on the other hand, could lead ultimately to a confrontation with China. The policy that I advocate is designed to prevent that confrontation and to start the process of healing between our two great nations.

Summary and conclusion

We commend and support the recent initiatives by President Nixon which have moved us toward the goal that he has set for his administration—normalizing relations with the People's Republic of China.

In the light of this new atmosphere in bi-lateral regulations between the United States and China, we must now take the next logical step—advocated also by the President—to assure the representation of the People's Republic of China in the United Nations. We should recognize what is inevitable—that the China seat in the U.N. will be occupied by representatives of the People's Republic of China.

The status of Taiwan should be initially handled as a matter for the United Nations Trusteeship Council. We look forward to an ultimate resolution of the status of Taiwan to be decided by the peoples on both sides of the Taiwan straits.

For the United States the necessity of expanding cultural, economic and social relations to include diplomatic relations with the People's Republic of China will become increasingly obvious. We should undertake this step as soon as feasible.

Friendship between the United States and China has been a hallmark of U.S. foreign policy during the last 200 years. The hostility of the last 20 years has been a deviation of that long range policy from which we must return. Let historians write that 1971 was the watershed year which marked a return to an era of friendship and cooperation between the United States and China.

The final paper and recommendations by Representative Patsy T. Mink, Chairman of the U.S. China Committee of the Members of Congress for Peace Through Law was concurred in by the following Members:

Senator Mark Hatfield (Oregon).
Senator Harold Hughes (Iowa).
Senator George McGovern (S. Dak.).
Rep. Bella Abzug (NY).
Rep. John Conyers (Mich).
Rep. Robert Drinan (Mass).
Rep. Don Edwards (Calif).
Rep. Paul Findley (Ill).
Rep. Don Fraser (Minn).
Rep. Mike Harrington (Mass).
Rep. Augustus Hawkins (Calif).
Rep. Robert Kastenmeier (Wis).
Rep. Abner Mikva (Ill).
Rep. Bertram Podell (NY).
Rep. Thomas Rees (Calif).
Rep. Henry Reuss (Wis).
Rep. Donald Riegel (Mich).
Rep. Howard Robison (NY).
Rep. Benjamin Rosenthal (NY).
Rep. Edward Roybal (Calif).
Rep. William Ryan (NY).
Rep. James Scheuer (NY).
Rep. Frank Thompson (NJ).
Rep. Charles Whalen (Ohio).

U.S. TRADE NEGOTIATORS MUST SHOW RESULTS

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

Mr. SIKES. Mr. Speaker, Ambassador at Large David Kennedy is in the Far East on a mission critical to the United States, to the U.S. textile industry and to the many suppliers to that industry such as the manmade fibers producers in my district. He is attempting to avoid the need for quota legislation by negotiating reasonable export controls with Taiwan, Korea, and Hong Kong. I have learned and am delighted that the Republic of China has received Ambassador Kennedy with understanding and appreciation for the problems of the U.S. textile industry. We, on the other hand, should all be concerned that preliminary reception of his proposals in Korea has not been reasonable nor cooperative and that if this attitude persists it could bring on a serious chain of events.

A number of us are deeply concerned about unemployment in this country and about industries like textiles which are being sacrificed to imports. We have warned the House many times about the worsening situation. Manmade fiber product imports increased an amazing 54 percent in 1970 over the record high of 1969. Through April of this year, imports of these products are 81 percent over the same period of 1970.

Especially noticeable is the great increase of Korean textile exports to the United States which is the only open market in the world for such products. It is estimated that Korean exports of all manmade fiber goods has jumped from 27 to 212 million square yards equivalent between 1966 and 1970. Korea sends us almost as much manmade fiber apparel as does Japan. Last year, for example, it shipped us 2⅓ million dozen men's dress shirts of manmade fiber; more than from any other country and exceeding in the aggregate those from Japan and Hong Kong.

There seems to be no end to the fantastic year-to-year increases of these imports. The rate at which U.S. textile plants are being shut down due to imports is shocking. Our textile industry and manmade fiber producers have lost 100,000 jobs at a time when the U.S. unemployment figure edges toward an all-time high. What possible reason can we in the Congress accept for lack of an immediate slowing down of the import growth rate?

It is especially difficult for me to understand why Korea should not be cooperative with the United States in this matter. Many of America's sons were killed or wounded in protecting Korea from a Communist takeover. Billions of dollars of the U.S. taxpayers money were expended in this effort. Today, we still help protect Korea from outright invasion from North Korea with men and money. We know, of course, that the Korean plants are Japanese owned but it is the Korean Government with which we must deal. Surely they should welcome Mr. Kennedy's proposal which will not cost Korean jobs but will only slow export growth to a more reasonable rate.

This Congress should immediately serve strong notice to Korea and other countries that the United States will not remain the only open market for their textile exports. Other nations have learned to protect their workmen and their industry.

In fact, all other major countries already control imports of these products. I believe this Congress is in a mood to pass quota legislation like, or tougher than, that passed by the House last year but which missed getting to the Senate floor in the last days of the 91st Congress. I do not think we should delay unless there is a material change for the better in the tenor of negotiations with Korea and elsewhere.

In the present instance I hope others will join me in urging the Korean Government to cooperate fully with Mr. Kennedy reaching promptly an agreement on this vitally important subject.

POOR POLICY TOWARD RHODESIA

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

Mr. SIKES. Mr. Speaker, I must call attention to a pending bill, H.R. 5445, which I feel is much too important to be ignored.

The aim of this bill is simple, but the issue which brought about the necessity of its introduction is complicated and strikes at the heart of whether this Congress or the United Nations is to determine the foreign trade policies of the United States.

H.R. 5445 resolves three basic issues:

First. All free countries of the world are to be considered available sources of supply for critical, strategic materials to the United States.

Second. Russia is to be treated impartially and on the same basis as other nations of the world.

Third. The U.S. supply of a critical ore—namely, chromium—will be restored and we will no longer be so greatly dependent on Russia and our own short reserves for our supply of this material.

The situation with regard to chromium ore resulted when the people of Rhodesia declared their independence from Great Britain in 1965. At the time, the British had imposed certain restrictions under which independence would be granted. These restrictions were not compatable with the then existing Rhodesian Constitution, and thus were unacceptable to the Rhodesian people.

At the urging of Britain, the United Nations adopted certain trade sanctions in an effort to force Rhodesia back into the colonial nest of Britain.

Amazingly, the President of the United States went along with this United Nations resolution and in an Executive order dated in 1968, agreed to the mandatory United Nations embargo against Rhodesia.

The fact is, Mr. Speaker, that the U.S. Constitution clearly spells out in article 1, section 8 that—

> The Congress shall have the power to . . . regulate Commerce with Foreign Nations.

While there remains serious question on the legality of the President's Executive order, that is not the issue before us today.

The issue here is H.R. 5445, which will, in effect, rescind the Executive order dealing with Rhodesia and will stabilize our supply of an ore which is in short supply.

Since the U.S. decision to refuse to trade with Rhodesia, we have relied primarily on the Soviet Union to supply us with chromium ore. The price has soared from $31 a ton to $72 a ton.

This price increase is reflected in increased consumer costs for products containing stainless steel, the chief user of chromium ore.

Further, much of our defense effort relies on chromium, a metal essential to missiles, aircraft, ships, and a host of other defense needs.

Thus we find ourselves struggling to defend ourselves against communism while relying almost exclusively on the Communists to supply us with one of our most urgent requirements in metals.

Significantly, the Russians now are purchasing great quantities of chromium ore from Rhodesia. It is very possible the same ore is being transshipped to the United States at a handsome profit to Russia.

I respectfully urge favorable action on H.R. 5445 and/or other bills under consideration which will give the United States the right to buy critical materials from any free country.

We should not restrict our trade policies in order to help Britain resolve a problem with a former colony. Rhodesia is no threat to world peace and has, in fact, been one of the most active nations in resisting Communist influence.

We should not further penalize the people of Rhodesia in their desire to be free, hamstring ourselves in assuring an adequate supply of chromium ore, and pay inflationary prices in order to purchase this ore from a country which has vowed to destroy us solely to satisfy the British.

Rhodesia is Britain's problem, if, indeed, a problem actually exists. It is not incumbent on the United States to knuckle under the United Nations pressure to keep Great Britain's chestnuts from roasting in the fires of a people determined to be free. Our policy toward Rhodesia is a very poor policy.

CREDIT UNION HOUSING COMPLEX OPENS IN MICHIGAN

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

Mr. PATMAN. Mr. Speaker, on many occasions I have addressed this body on the outstanding work performed by the nearly 24,000 credit unions throughout the country. I have usually remarked that next to the church, credit unions do the most good for people.

Typical of the outstanding work being done by credit unions is a housing development in Oakland County, Mich., that is being put together by the Michigan Credit Union League through its subsidiary, the League Housing Foundation.

The models for the development were recently opened and occupancy of the first units is expected before the end of the summer. Ultimately, the development, Avon Hills, will contain 2,000 dwelling units of which there will be 1,250 townhouses, 330 garden apartments, and 497 single family units. The housing units will be for families whose income ranges from $6,000 to $16,000.

The houses in the development will cost from $19,034 to $27,880, or roughly $3,000 less than comparable housing in the general market. Monthly payments including carpeting, gas heat, two-car paved parking, lawn care, snow removal, insurance, water, reserves for appliance replacement and membership fees in a pool and community club will run from

approximately $189 for the one-bedroom unit to $254 for the three-bedroom townhouses. There will even be lower rates for those at the lower income scale.

Mr. Speaker, had it not been for the Michigan Credit Union League and the 2 million credit union members in that State, the Avon Hills development might never have come into existence. But the league and its members, as credit union people all over the country have done, have sought to help people better themselves and this was the guiding light behind Avon Hills.

I am enclosing in my remarks a copy of an address made by Mr. Sidney Blitz, vice president of the League Housing Foundation, made during a press conference announcing the opening of the development. It describes the project completely, and I hope it will serve as a guideline for other credit unions to follow the lead of the Michigan Credit Union League.

The address follows:

REMARKS BY SIDNEY BLITZ

Our Avon Hills development is located approximately 35 miles north of downtown Detroit in Avon Township, Oakland County, Michigan and just one mile south of the City of Rochester.

The residential area contains 406 acres of rolling hills and wooded areas and thru the use of ecologically oriented planning we were able to preserve many fine hard wood trees as a park area. We have also provided for pedestrian pathways and trails leading to the park and large areas of green space. An elementary school is planned for right on the grounds, as well as two community centers including swim clubs and tennis courts.

Avon Hills when completed will contain 2,000 dwelling units. There will be 1,250 townhouses, 330 garden apartments and 497 single family units. The first year's production will consist of 403 townhouse units to be financed through A Michigan State Housing Development Revenue Bond Issue with a projected interest rate of 7%.

Avon Hills will be marketed as a cooperative and through a mixture of State and Federal financing devices we will be able to accommodate families whose incomes range from $6,000 to $16,000.

A moderate income family will have an average down payment of $1,600 for a two bedroom townhouse unit and monthly carrying charge payments of $222. Included in the payments are principal, interest, taxes, maintenance, lawn care, snow removal, insurance, water, heating and reserves for appliance replacement.

A family at the low end of the moderate scale whose income is between $6,000 and $6,800 would have a down payment of $453 and monthly carrying charge of $129.00. The Avon Hills residential site was purchased by the Michigan Credit Union League and later transferred to the League Housing Foundation. Money utilized to purchase the land and to provide interim development and construction costs was provided by member credit unions who have the corporate power to invest 5% of their members savings in programs to sponsor cooperative housing for their members. This money is loaned to the League Housing Foundation at interest rates similar to that which would have been earned by investing in Central Credit Union of Michigan which is the Credit Union equivalent to the Federal Home Loan Bank. The current interest rate is 5¼% to 5½%.

Typically, interim construction on development loan money costs a builder anywhere from 14 to 20% per year. And it is in this area through the use of low cost temporary financing that Michigan Credit Unions contribute a substantial savings without reduction in the quality of the housing.

A second area of savings is in marking up the land primarily to cover costs. Today, the fair market value of the raw land on which the first 403 units will be situated is more than $806,000. It is being transferred to the cooperative at a projected cost of $403,000. This is another area of cost containment without sacrificing housing quality.

In addition there are substantial savings in large scale housing development and through the use of mass marketing techniques. Ready access to credit union development loans and to the nearly 2,000,000 Michigan Credit Union members make both these approaches possible at lower cost than would otherwise be the case. We were very fortunate in Avon Township to be able to work with a very capable and enlightened Planning Commission and Trustee Board. They sensed our concern to bring a well planned quality housing development into their community and did all in their power to provide the necessary zoning approval and are assisting in solving our other development problems such as sewer and water. The Oakland County Road Commission and Department of Public Works were also very helpful and the same could be said of the Rochester School Board.

Another key development was our good fortune to form an alliance for housing development with Levitt and Sons, Inc. and Levitt Building Systems, Inc. both ITT affiliates. We were able to draw upon Levitt and Sons' vast experience in planning, engineering, marketing, land development and construction encountered by completing over 100,000 dwelling units in North America and we are very confident that we will receive delivery of the finest quality controlled precision housing components which will be produced by Levitt Building Systems at their factory in Battle Creek. The ITT—Levitt Organization is so sure of the quality of their housing product that they are providing the cooperative with a 5-year warranty on defective materials and workmanship. This is 4 years longer than other Michigan Builders are providing.

Governor William G. Milliken and William Rosenberg, Executive Director of the Michigan State Housing Development Authority, have devoted much time and effort in the development of programs to solve Michigan's housing crises. This project could not have happened without the assistance provided by the State of Michigan making available its very special mortgage financing devices.

FIRST STUDENT CREDIT UNION COMPLETES THIRD YEAR; NEW CREDIT UNION ON THE WAY

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

Mr. PATMAN. Mr. Speaker, the Fort Knox First Student Credit Union, the first credit union in this country to be operated solely by students, recently completed its third year in operation. During that period, the credit union has grown to over $26,000 in assets and it now serves some 280 student members.

The credit union has made loans to its student members for such things as graduation, proms, minibikes, vacations, and presents; and it had a good loan record. It has not had a single default in its loan repayments even though the students may borrow up to $30 for 6 months on their own signature and can borrow up to $5,000 for 18 months on a secured basis.

It is also interesting to point out that these loans are made solely to the students so that there is no requirement that the parents cosign or otherwise make themselves liable for repayment. The credit union has trusted its student members and this trust has paid off. When I first suggested the idea of student credit unions a little over 3 years ago, Mr. Robert Shaffner, who is the manager of the Fort Knox Federal Credit Union, quickly picked up the idea; and, in a matter of months, he had convinced the school board, the parents, and the students to put a student credit union into operation there. He had also convinced his own credit union to oversee the operations of the students and to provide a helping hand whenever possible. For instance, the treasurer of the student credit union is employed during the summer months by the parent credit union not only to work full time on the student credit union but also to become more familiar with credit union operations.

This is not the first time that Mr. Shaffner has responded to a suggestion that I have made. About 5 years ago, the Banking and Currency Committee held an investigation into the financing problems of the serviceman, particularly when he is forced to borrow from high rate loan and finance companies. These loan companies contended that the high rates were necessary because the lower ranking servicemen were poor risks. It was my contention that since the lower ranking servicemen were forced to pay such high interest rates that added burden automatically increased the likelihood that they would be unable to repay the loan. I suggested that lowering the interest rate would give the young serviceman more of a opportunity to repay the loan.

Mr. Shaffner quickly inaugurated a program at his credit union of making low-cost unsecured loans to servicemen from raw recruit on up. The results of Mr. Shaffner's program have been outstanding. Very few of these loans have ever gone into default since the serviceman realized he was being given a break and wanted to make certain that he did not let the credit union down for taking a chance on him.

The student credit union concept at Fort Knox has now been picked up by the Natick Teachers Federal Credit Union in Natick, Mass. Although this credit union is still in the organizational stage, it has shown that it has great potential; and during its first organizational session, more than $250 was collected in shares.

Included in my remarks is a letter to the parents of the students at the Natick High School from the treasurer-manager of the teachers credit union, outlining the program. I am placing it in my remarks in the hopes that other credit unions or teachers groups around the country will use it to begin a credit union in their school.

NATICK TEACHERS FEDERAL
CREDIT UNION,
Natick, Mass., May 4, 1971.

DEAR PARENT: A new and very exciting program is being offered at Natick High School—"new" because it is only the second of its

kind in the country, and "exciting" because we believe that we have found a way to teach economics and consumer education in such a way that the students will be able to relate very closely to the principles taught in the classroom with what actually occurs daily in the economic life of the community.

Many of us have learned, through the harsh school of experience, the tremendous benefits and the extremely hazardous pitfalls that are inherent in credit buying. But how many of us have made a truly effective effort to teach our children the mechanics of proper money management? Are we, in effect, allowing our personal experiences to go to waste? Are we allowing our children, who will reach maturity in a credit age, to relearn our experiences the hard way?

The Honorable Wright Patman, Chairman of the House of Representatives Banking and Currency Committee, shares our concern. Congressman Patman approached the Fort Knox (Kentucky) Federal Credit Union with the proposal that a "Student Credit Union" be formed in the Fort Knox High School, with the Fort Knox Federal serving as the "parent" credit union. Fort Knox accepted the challenge, and that pilot program is now in its third successful year of operation.

The Natick Teachers Federal Credit Union has agreed that we, too, have an obligation to the young people of Natick. The concept of a Student Credit Union for Natick High has received the wholehearted support of the faculty members who teach the economics and consumer education courses, the administration, and the School Committee.

The Student Credit Union of Natick High School will be structured identically to the parent organization, the Natick Teachers Federal Credit Union. The proposed credit union will function as a branch of the parent credit union, and will be subject to the same Federal regulations, examinations, and insurance benefits as the parent organization. The students will organize their credit union to include its own board of directors, credit and supervisory committees, and staff, as elected and appointed from the student body. The Student Credit Union will accept savings deposits, pay a savings dividend, and make low-cost small loans (with parental permission only) to be repaid in regular installments. Students will be encouraged to save for future needs.

The creation of a savings "nest egg" is a must in today's society. Emphasis will be placed on the "save-now, buy-later" concept, versus the one which we all know so well.

Because the Student Credit Union will be a branch of the Natick Teachers Federal Credit Union, each student's account will be fully insured up to $20,000 by an agency of the Federal Government, life insurance coverage will be immediately afforded each member (a unique service which most credit unions offer their members), and those students responsible for the handling of cash will be covered under the same blanket bond which protects the staff of the parent credit union. The parent credit union will, of course, guarantee the same dividend it pays its regular members, which is currently 5½ per cent, paid quarterly.

One of the objectives of this program will be to educate young people, not only with respect to procedure and cost, but also in the very important area of moral responsibility. Because young people must learn to transact business of their own, there will be no parental liability when a student borrows on a signature basis. However, parents must give their consent in order for a student member to borrow. Even though parents must give their approval in order for a student member to borrow, parents will not be contacted in the event a student defaults on his obligation. It is conceivable, too, that the student credit committee would approve some larger loans, which must be co-signed by parents, for such items as college tuition, a used car, athletic equipment, etc. Of course, in the case of a co-signed loan, responsibility is shared by both the maker and the co-signer.

As you can see, there are many opportunities for learning inherent in this program. All students will be able to learn that it is always less expensive to buy for cash rather than on credit. Those students who will be elected and appointed to official positions will be putting into practice the skills which are required by any sound business—managerial, clerical, decision-making investment, advertising, tact and discretion in dealing with others, promotion, financial analysis, etc.

It is our hope to notify the students in detail about this program and to arrange an organizational meeting next week. We know that we are tackling a big job. But we also know that the facility coordinator who has agreed to be advisor to the students is eager and well qualified. Our Board of Directors feel that any effort or costs expended on our part will be more than compensated for by this very unique opportunity which we are offering the students of Natick High School.

Sincerely yours,

MARION L. POTHIER,
Treasurer-Manager.

SUPPLYING THE PENTAGON PAPERS TO THE COMMITTEE ON GOVERNMENT OPERATIONS

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

Mr. MOORHEAD. Mr. Speaker, a letter has been circulated among members of the Government Operations Committee, addressed to Secretary of Defense Laird. Permit me to read the text of that letter:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., June 28, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: We, the undersigned Members of the House Committee on Government Operations, pursuant to our statutory authority under Title V, Section 2954 of the U.S. Code (entitled "Information furnished Committees of Congress on request"), and in the exercise of our jurisdictional authority under statutes, rules, and precedents of the House of Representatives, hereby request that you furnish and submit to this Committee a full and complete set of all volumes making up the so-called "History of the Decision-making Process in Vietnam." This is the same data referred to by the President on June 23, 1971, in his announced decision to provide copies of these volumes to the Speaker of the House and the President of the Senate. We also request, under the same statutory authority cited above, a full and complete copy of the "Command and Control Study of the Gulf of Tonkin Incident."

Copies of these two separate series of documents are requested to be delivered to Room 2157, Rayburn House Office Building by 5:00 p.m., Wednesday, June 30, 1971.

In view of the reported security classifications assigned to the above captioned documents, the Committee will assure the fullest measures to guarantee their integrity while in custody of the Committee. Only staff members of the Government Operations and Foreign Affairs Committee having TOP SECRET security clearances shall be permitted to study such documents in addition to Members of the House as provided under House Rule XI, Clause 27(c). When not in use, said documents will be stored in locked, GSA-approved security file cabinets.

With best regards,

Sincerely,

OGDEN REID, WILLIAM S. MOORHEAD, HENRY S. REUSS, JOHN CONYERS, PAUL N. MCCLOSKEY, JR., JOHN E. MOSS, BILL ALEXANDER.

The letter is signed by the following members of the Government Operations Committee: Messrs. REID, CONYERS, REUSS, MCCLOSKEY, ALEXANDER, MOSS, and myself. Other members of the committee have also asked to sign and will be added. Section 2954 of title 5 of the United States Code requires any Executive agency to submit "any information requested of it in relation to any matter within the jurisdiction" of the House and Senate Government Operations Committees if the request for such information is submitted by any seven members of the House Government Operations Committee. For the past several years, we have seen leading administration spokesmen beat the drums for "law and order." All citizens have been entreated to respect the law and to abide by the laws of the land. Special attention has been paid by the President, the Vice President, and the Attorney General to those citizens whose hair might be slightly longer than the norm.

I submit that if public officials expect Americans to respond to their pleadings to abide by and work through the law, they must set the example. Today, the Secretary of Defense has that opportunity and sacred obligation. His oath of office requires it. I hope that he will counsel with the Attorney General—and perhaps even with the President—and that he will agree to abide by the law of the land—the law spelled out in title 5 of the United States Code in section 2954 and provide the 47 volumes of the so-called Pentagon papers and the Tonkin Gulf study to our Government Operations Committee, where our subcommittee members and staff who are cleared for top secret security, as well as those on other subcommittees may have full access to analyze these documents that are clearly within both the foreign operations and Government information jurisdictional mandates.

CONFERENCE REPORT ON H.R. 7016—OFFICE OF EDUCATION AND RELATED AGENCIES

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–309)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) "making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recom-

mend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 22, 24, 25, 26 and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 15, 17, 35, 37, 38, 39 and 40, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,565,000,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$146,393,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,993,278,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$612,620,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $20,040,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$115,750,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,625,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$61,300,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$569,027,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ", and part A of title VI"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,341,784,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,074,571,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$12,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$43,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$175,300,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$46,568,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,640,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,109,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,500,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$113,538,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,200,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 14 and 36.

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J. CALEB BOGGS,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—OFFICE OF EDUCATION

Amendment No. 1: Provides that $1,565,000,000 of the amount appropriated for "Elementary and secondary education" shall be for financial assistance for the education of children from low-income families under Title I of the Elementary and Secondary Education Act, instead of $1,500,000,000 as proposed by the House and $1,650,000,000 as proposed by the Senate.

Amendment No. 2: Provides that $90,000,000 of the amount appropriated for "Elementary and secondary education" shall be for school library resources, textbooks, and other instructional materials under Title II of the Elementary and Secondary Education Act, instead of $85,000,000 as proposed by the House and $95,000,000 as proposed by the Senate.

Amendment No. 3: Provides that $146,393,000 of the amount appropriated for "Elementary and secondary education" shall be for supplementary educational centers and services and guidance, counseling, and testing under Title III of the Elementary and Secondary Education Act, instead of $143,393,000 as proposed by the House and $155,000,000 as proposed by the Senate.

Amendment No. 4: Provides that $50,000,000 of the amount appropriated for "Elementary and secondary education" shall be for equipment and minor remodeling under Title III-A of the National Defense Education Act, instead of $20,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 5: Provides that $60,060,000 of the amount appropriated for "Elementary and secondary education" shall be for the Follow Through program, as proposed by the Senate.

Amendment No. 6: Appropriates $1,993,-

278,000 for "Elementary and secondary education", instead of $1,822,218,000 as proposed by the House, and $2,146,885,000 as proposed by the Senate. This total reflects the agreements reached on amendments 1 through 5 and also includes $35,000,000 for bilingual education programs under Title VII of the Elementary and Secondary Education Act, instead of $27,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 7: Appropriates $612,620,000 for "School assistance in federally affected areas" instead of $607,580,000 as proposed by the House and $677,620,000 as proposed by the Senate.

Amendment No. 8: Deletes appropriation of $60,000,000 for making payments to school districts on account of children residing in low-rent public housing proposed by the Senate.

Amendment No. 9: Provides that $20,040,000 of the amount appropriated for "School assistance in federally affected areas" shall be for construction of school facilities under Public Law 815, instead of $15,000,000 as proposed by the House, and $25,040,000 as proposed by the Senate.

Amendment No. 10: Appropriates $115,750,000 for "Education for the handicapped", instead of $115,000,000 as proposed by the House and $116,500,000 as proposed by the Senate.

Amendment No. 11: Provides that $25,625,000 of the amount appropriated for "Vocational and adult education" shall be for consumer and homemaking education, instead of $21,250,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 12: Provides that $61,300,000 of the amount appropriated for "Vocational and adult education" shall be for adult education, instead of $55,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 13: Appropriates $569,027,000 for "Vocational and adult education", instead of $558,042,000 as proposed by the House and $602,412,000 as proposed by the Senate. This total includes $2,690,000 for State advisory councils instead of $2,380,000 as proposed by the House and $3,000,000 as proposed by the Senate. The managers are agreed that the present formula for State by State allocation of funds for advisory councils should be continued in fiscal year 1972.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971.

Amendments Nos. 15, 16, 17, 18, 19, 20, 21, and 23: Appropriate $1,341,784,000 for "Higher education" instead of $1,215,451,000 as proposed by the House and $1,529,704,000 as proposed by the Senate. The increase of $126,333,000 over the amount in the House bill is composed of the following items: $10,000,000 for educational opportunity grants for the academic year 1971–72; $40,000,000 for college fork-study grants for the academic year 1971–72; $2,500,000 for the upward bound program; $13,000,000 for strengthening developing institutions; $43,000,000 for grants for construction of higher education facilities; $4,960,000 for aid to land-grant colleges; $12,500,000 for instructional equipment; and $373,000 for increased pay costs.

Amendment No. 22: Deletes language proposed by the Senate providing $5,000,000 for State administration and planning of higher education facilities construction programs.

Amendments Nos. 24 and 25: Delete language proposed by the Senate providing that amounts reallotted for grants for instructional equipment shall remain available until June 30, 1973.

Amendment No. 26: Deletes appropriation of $4,000,000 for "Initial funding of programs" proposed by the Senate.

Amendments Nos. 27, 28, 29, 30, and 31: Appropriate $85,109,000 for "Libraries and educational communications" instead of $72,109,000 as proposed by the House and $100,109,000 as proposed by the Senate; provide $49,209,000 for public library services instead of $40,709,000 as proposed by the House and $57,709,000 as proposed by the Senate; provide $9,500,000 for public library construction instead of $8,000,000 as proposed by the House and $11,000,000 as proposed by the Senate; provide $11,000,000 for college library resources instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate; provide $2,000,000 for librarian training as proposed by the House instead of $4,000,000 as proposed by the Senate; and provide $13,000,000 for educational broadcasting facilities instead of $11,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 32: Appropriates $113,538,000 for "Research and development" instead of $105,000,000 as proposed by the House and $122,038,000 as proposed by the Senate. The increase of $8,538,000 over the appropriation proposed by the House is divided as follows: $38,000 for mandatory pay costs; $5,000,000 for drug abuse education which will make the total available for this purpose $13,000,000 compared with $8,000,000 included in the House bill and $15,000,000 included in the Senate bill; $1,500,000 for environmental education which will bring the total available for this purpose to $3,500,000 instead of $2,000,000 included in the House bill and $5,000,000 included in the Senate bill; and $2,000,000 for demonstration programs to evaluate the talents and aptitudes of students in elementary and secondary schools and to guide them to pursue the kind of education or training for which they are best suited, which is a new program proposed to be funded by the Senate and for which the Senate included $7,000,000.

Amendment No. 33: Appropriates $3,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the House instead of $4,000,000 as proposed by the Senate.

Amendment No. 34: Appropriates $51,200,000 for "Salaries and expenses" instead of $47,700,000 as proposed by the House and $51,645,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

National Technical Institute for the Deaf

Amendment No. 35: Appropriates $7,619,000 for "National Technical Institute for the Deaf" as proposed by the Senate instead of $4,119,000 as proposed by the House.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $3,500,000 of the appropriation for "National Technical Institute for the Deaf" for construction and provides that the construction funds remain available until expended.

Model secondary school for the deaf

Amendment No. 37: Appropriates $17,482,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $17,460,000 as proposed by the House.

Gallaudet College

Amendments Nos. 38 and 39: Appropriate $13,286,000 for "Gallaudet College" as proposed by the Senate instead of $11,525,000 as proposed by the House and provide that $5,194,000 shall be for construction as proposed by the Senate instead of $4,394,000 as proposed by the House.

Howard University

Amendment No. 40: Appropriates $47,277,000 for "Howard University" as proposed by the Senate instead of $45,543,000 as proposed by the House.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the final year 1971 amount, the 1972 budget estimate, with the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1971	$4,583,206,500
Budget estimates of new (obligational) authority, fiscal year 1972 (including $84,843,000 not considered by the House)	5,153,186,000
House bill, fiscal year 1972	4,800,088,000
Senate bill, fiscal year 1972	5,615,918,000
Conference agreement	5,146,311,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+563,104,500
Budget estimates of new (obligational) authority (as amended), fiscal year 1972:	
Actual	−6,875,000
Adjusted*	+393,125,000
House bill, fiscal year 1972	+346,223,000
Senate bill, fiscal year 1972	−469,607,000

*Adjusted to exclude $400,000,000 requested for purchase of student loan notes, subject to authorizing legislation not yet enacted.

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NORRIS COTTON,
J. CALEB BOGGS,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEVINE (at the request of Mr. GERALD R. FORD), for June 26 through July 3, on account of official business as U.S. representative to Korean inaugural.

Mr. WAMPLER (at the request of Mr. GERALD R. FORD), for June 29 through July 11, on account of official business.

Mr. HAGAN (at the request of Mr. SISK), for today and the rest of week, on account of official business.

Mr. DENT (at the request of Mr. O'NEILL), for June 28 and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legisla-

tive program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, today, for 15 minutes.

Mr. PATMAN, for June 29, for 30 minutes, to revise and extend his remarks and to include extraneous matter.

Mr. PATMAN, for June 30, for 30 minutes, to revise and extend his remarks and to include extraneous matter.

Mr. PUCINSKI, today, for 30 minutes.

(The following Members (at the request of Mr. WARE), to revise and extend their remarks, and to include extraneous matter:)

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. HOGAN, today, for 15 minutes.

(The following Members (at the request of Mr. BEGICH), to revise and extend their remarks, and to include extraneous matter:)

Mr. ROONEY of Pennsylvania, today, for 10 minutes.

Mr. RARICK, today, for 10 minutes.

Mr. MCFALL, today, for 5 minutes.

Mr. MATSUNAGA, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WARE) and to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. WYATT.
Mr. GUBSER.
Mr. DERWINSKI in two instances.
Mr. FORSYTHE.
Mr. SCHNEEBELI.
Mr. WYMAN in three instances.
Mr. ROBISON of New York.
Mr. HALL.
Mr. PEYSER.
Mr. PETTIS in two instances.
Mr. HOSMER in two instances.
Mr. ANDERSON of Illinois.
Mr. MCCLORY in two instances.
Mr. GOLDWATER in three instances.
Mr. NELSEN.
Mr. HARSHA.
Mr. GUDE.
Mr. MCCLURE.
Mr. KEMP in three instances.
Mr. DICKINSON.
Mr. DUNCAN.
Mr. MILLER of Ohio.

(The following Members (at the request of Mr. BEGICH) and to include extraneous matter:)

Mr. FISHER in four instances.
Mr. HAMILTON in eight instances.
Mr. FAUNTROY in five instances.
Mr. MOORHEAD in two instances.
Mr. DINGELL in two instances.
Mr. MURPHY of New York.
Mr. JACOBS.
Mr. MCFALL in six instances.
Mr. FRASER in six instances.
Mr. RODINO.
Mr. WALDIE in five instances.
Mr. DANIELSON in two instances.
Mr. REES in two instances.
Mr. RARICK in three instances.
Mr. BADILLO in three instances.
Mr. BURTON in two instances.
Mr. BINGHAM in five instances.
Mr. VANIK in two instances.
Mr. ASPIN in two instances.
Mr. HAGAN in three instances.
Mr. EDWARDS of California in three instances.
Mrs. GRIFFITHS.
Mr. MITCHELL.
Mr. O'NEILL.
Mr. ECKHARDT.
Mrs. SULLIVAN in two instances.
Mr. WHITE.
Mr. O'HARA in four instances.
Mr. HANNA.
Mr. BLATNIK in three instances.
Mr. DORN.
Mr. MILLS of Arkansas.
Mr. TIERNAN.
Mr. GONZALEZ in three instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 25, 1971, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the seven-day period beginning the second Monday in November of 1971.

And on June 28, 1971, he did present bills of the House of the following titles:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

ADJOURNMENT

Mr. BEGICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 29, 1971, 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:

896. A letter from the Secretary of Defense, transmitting the 47-volume study entitled: "United States Vietnam Relations, 1945–1967"; to the Committee on Armed Services.

897. A letter from the Secretary of Defense, transmitting a copy of a study entitled: "Command and Control Study of the Tonkin Gulf Incident, 4–5 August 1964"; to the Committee on Armed Services.

898. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Department of the Army and the Department of Agriculture to exchange jurisdiction of civil works and national forest lands, pursuant to 16 U.S.C. 505 a and b; to the Committee on Agriculture.

899. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrat for the quarter ended March 31, 1971, pursuant to section 820 of Public Law 91–668; to the Committee on Appropriations.

900. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 71–16, authorizing the furnishing of defense articles and services to a foreign country, pursuant to sections 503 and 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

901. A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting the Annual Report of the Interdepartmental Committee for Atmospheric Sciences for fiscal year 1972, prepared by the Federal Council for Science and Technology; to the Committee on Interstate and Foreign Commerce.

902. A letter from the Chairman, Federal Trade Commission, transmitting copies of complaints proposed to be entered by the Commission against six cigarette manufacturers on or after July 1, 1971, pursuant to section 7(a) of the Public Health Cigarette Smoking Act of 1969 (Public Law 91–222); to the Committee on Interstate and Foreign Commerce.

903. A letter from the president, Communications Satellite Corp., transmitting the 1970 Annual Report of COMSAT, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

904. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 2, 1971, submitting a report, together with accompanying papers and illustrations, on New Albany, Ind., requested by a resolution of the Committee on Public Works, House of Representatives, adopted September 3, 1964; to the Committee on Public Works.

905. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 14, 1971, submitting a report, together with accompanying papers and illustrations, on Drum Inlet, N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 29, 1955. No authorization by Congress is recommended as the desired improvement has been approved by the Chief of Engineers for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

906. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 21, 1971, submitting a report, together with accompanying papers, on Ohio River at Brookport, Ill., authorized by section 7

of the River and Harbor Act approved July 24, 1946; to the Committee on Public Works.

907. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

908. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting an analysis and a comparative text of the draft of proposed legislation transmitted June 22, 1971 (Executive Communication No. 888) to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a site authorization from the Atomic Energy Commission and to provide for a public hearing to be held in proceedings for site authorizations, and for other purposes; to the Joint Committee on Atomic Energy.

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. FLOOD: Committee of conference. Conference report on H.R. 7016 (Rept. No. 92-309). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on S. 31 (Rept. No. 92-310). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 9437. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to waive the exclusionary provisions of section 212(a)(19) with respect to certain additional alien relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

H.R. 9438. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 9439. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. CLEVELAND (by request):

H.R. 9440. A bill to amend title 38 of the United States Code to increase the income limitations relating to the payment of dependency and indemnity compensation to parents; to the Committee on Veterans' Affairs.

By Mr. CÓRDOVA:

H.R. 9441. A bill to provide for the construction of a new Veterans' Administration hospital in southern or southwestern Puerto Rico; to the Committee on Veterans' Affairs.

By Mr. DULSKI (for himself and Mr. HENDERSON):

H.R. 9442. A bill to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD:

H.R. 9443. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 9444. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 9445. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

H.R. 9446. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; and to provide that full benefits thereunder, when based upon the attainment of retirement age, will be payable to men at age 60 and to women at 55; to the Committee on Ways and Means.

By Mr. HALEY (for himself and Mr. CHAPPELL):

H.R. 9447. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. HELSTOSKI (by request):

H.R. 9448. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. KOCH:

H.R. 9449. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 9450. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

H.R. 9451. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which cetain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 9452. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. MILLS of Maryland:

H.R. 9453. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 9454. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself, Mr. FLOOD, Mr. DENT, Mr. DANIELS of New Jersey, Mr. HAWKINS, Mrs. MINK, Mr. CLAY, Mr. GAYDOS, Mr. WILLIAM D. FORD, Mr. BIAGGI, Mr. MAZZOLI, Mr. PUCINSKI, and Mr. BRADEMAS):

H.R. 9455. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. SEBELIUS:

H.R. 9456. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TALCOTT:

H.R. 9457. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 9458. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 9459. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WYATT (for himself, Mr. DUNCAN, Mr. HALPERN, Mr. MORSE, Mr. STAFFORD, Mr. HOSMER, Mr. ANDERSON, of Illinois, Mr. BUCHANAN, Mr. WYDLER, Mr. HASTINGS, Mr. WIDNALL, Mr. QUIE, and Mr. WILLIAMS):

H.R. 9460. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 9461. A bill to amend title II of the Interstate Commerce Act with respect to the issuance of brokerage licenses to certain persons authorizing them to arrange for the transportation by motor vehicle of groups of passengers and their baggage; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 9462. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS of Arkansas:

H.R. 9463. A bill to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes; to the Committee on Ways and Means.

H.R. 9464. A bill to provide for cessation of the excise taxes which are covered into the Airport and Airway Trust Fund whenever there is a substantial failure to use amounts in such fund for airport development at the rate provided by the Congress; to the Committee on Ways and Means.

H.R. 9465. A bill to provide that the imposition of taxes the proceeds of which are ap-

propriated to the Highway Trust Fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 9466. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9467. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 9468. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. THOMSON of Wisconsin:

H.R. 9469. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

H.R. 9470. A bill to amend section 4 of the Clayton Act (15 U.S.C. 15), and for other purposes; to the Committee on the Judiciary.

H.R. 9471. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.J. Res. 749. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 750. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. HOWARD:

H.J. Res. 751. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week"; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.J. Res. 752. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. SEBELIUS:

H.J. Res. 753. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. VANDER JAGT:

H.J. Res. 754. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. VIGORITO:

H.J. Res. 755. Joint resolution commending the Civil Air Patrol; to the Committee on the Judiciary.

By Mr. ROUSH (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRADEMAS, Mr. BURTON, Mr. CORMAN, Mr. DANIELSON, Mr. DRINAN, Mr. EILBERG, Mr. FOLEY, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HORTON, Mr. LINK, Mr. MELCHER, Mr. MITCHELL, Mr. PIKE, Mr. REES, Mr. SARBANES, and Mr. SMITH of Iowa):

H. Res. 511. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING (for himself, Mr. ASPIN, Mr. BERGLAND, Mr. CARNEY, Mr. DELLUMS, Mrs. GRASSO, Mr. GUDE, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. MCCORMACK, Mr. MIKVA, Mr. PEPPER, Mr. PODELL, Mr. ST GERMAIN, Mr. RODINO, Mr. RYAN, Mr. COTTER, and Mr. BURKE of Massachusetts):

H. Res. 512. Resolution relative to releasing the National Nutrition Survey; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS of New Jersey:

H. Res. 513. Resolution to provide for free Federal telecommunications system service to patients in veterans hospitals; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

222. By the SPEAKER: Memorial of the Legislature of the State of California, relative to mortgage assistance; to the Committee on Banking and Currency.

223. Also, memorial of the House of Representatives of the State of Ohio, relative to the Emergency Employment Act; to the Committee on Education and Labor.

224. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the method of choosing State delegates to the White House Conference on Aging; to the Committee on Education and Labor.

225. Also, memorial of the Legislature of the State of Florida, relative to the establishment of a National Cancer Authority; to the Committee on Interstate and Foreign Commerce.

226. Also, memorial of the Legislature of the State of Maryland, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

227. Also, memorial of the Legislature of the State of Maryland, relative to sharing Federal tax revenues with the States; to the Committee on Ways and Means.

228. Also, memorial of the Legislature of the State of South Carolina, relative to the importation of textile articles; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 9472. A bill for the relief of Andreas A. Antypas, his wife Barbel Antypas, and their son Alexis Antypas; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 9473. A bill for the relief of Mrs. Rosanna Thomas; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 9474. A bill to provide for the conveyance by the United States of a certain parcel of land in Jefferson County, Ala., to the Mount Olive Civic Association, Inc., for civic and recreational use by the community of Mount Olive; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

90. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the declassification of the study on U.S. involvement in Vietnam; to the Committee on Armed Services.

91. Also, petition of the board of directors of the District of Columbia Young Republican Club, relative to a raid conducted by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service; to the Committee on the Judiciary.

92. Also, petition of Miss Marie L. Stack, administrative staff, Blackman's Development Center, Washington, D.C., relative to the creation of a select committee of the House; to the Committee on Rules.

EXTENSIONS OF REMARKS

THE ZION "GOLDEN AGE" FOUNDATION

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1971

Mr. REES. Mr. Speaker, I would like to call the attention of my colleagues to the Zion "Golden Age" Foundation, a senior citizens project concerned with health needs and living care for the aged. The foundation's goal is to establish and maintain homes for retired American Jews in the principal cities of Israel.

In this country, there are a great number of American Jews living in homes for the aged who are lonely and without relatives and friends to cheer them up in times of adversity. For those who would prefer to spend their later years in Israel, but feel unable to adapt to a new language and a new environment, the Zion "Golden Age" Foundation has developed a three-fold program which is outlined below. I commend the efforts of this nonprofit organization in helping our senior citizens:

THE PROGRAM OF THE ZION "GOLDEN AGE" FOUNDATION

(1) To establish and maintain in the principal cities of Israel, such as Jerusalem and Tel Aviv, homes for retired American Jews, so conceived and executed as to enable them to live their retirement in a complex which takes into account their long-established ways of living and comforts, and provides a place where they can live within their financial means.

These homes are to be established on a non-profit basis and will be economically successful because they cater to middle class residents and comprise not less than 100 rooms, divided into 60% single rooms and 40% for couples. Also, this arrangement will make it possible for the residents to pay for their full board and lodging within their retirement income (Social Security and other plans), without the necessity to make inroads into their savings and capital.

The location of these homes must be in town so as to enable the residents, many of whom are unwilling or unlikely to drive in Israel, to travel easily to other parts of town and to places of entertainment; after all, these persons have spent all their lives in large cities, and if such homes were located outside the town, it would bring about a sense of isolation, which is the very feature of life such persons seek to avoid and which would be strange to those accustomed to city living.