"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 810. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years."

SEC. 2. Section 804 of such Act is amended by inserting after "this Act" the following: "(other than section 810)".

HOUSE OF REPRESENTATIVES—*Thursday, September 16, 1971*

The House met at 12 o'clock noon.

Rev. John M. Crosby, St. Mary's Rectory, Riverside, Ill., offered the following prayer:

O God, bless these men assembled here, the work they do, and the goals that they foresee. They came here as the wise men from afar, from the center, the sides, and the corners of our land. May they be dedicated to the people who have chosen them, and to the people for whom they have been chosen. Help them, O God, to play a worthy part in the drama of our world, to reach out beyond the horizons of this building to embrace a troubled land. Save them from the narrowness of the provincial and the blindness of self-interest. Teach them to love as You love, to give as You give. Direct their actions, O Lord, and by your inspiration may they come to completion.

Through Christ our Lord. 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 without amendment a bill of the House of the following title:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

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

S. 2495. An act to amend the District of Columbia Election Act, and for other purposes.

RESIGNATION FROM THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER laid before the House the following resignation from the American Revolution Bicentennial Commission:

WASHINGTON, D.C.,
September 14, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my position as a member of the American Revolution Bicentennial Commission.

With every good wish,

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provision of section 2(b), Public Law 89-491, as amended, the Chair appoints as a member of the American Revolution Bicentennial Commission, the gentleman from Pennsylvania, Mr. WILLIAMS, to fill the existing vacancy thereon.

POSTPONE SOCIAL SECURITY TAX INCREASE

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

Mr. ANDERSON of California. Mr. Speaker, the current discussion on our economy has evoked much debate on how to help business get back on its feet.

But we seem to have forgotten the man who is really hurt by the inflationary spiral. I am talking about the middle and moderate wage earner. How do we help him meet the needs of every day living?

One way would be to postpone the scheduled social security tax increase. In January 1972, the tax base on employees and employers is scheduled to be increased from $7,800 to $9,000 a year. In other words, the employee will be taxed 5.2 percent on his earnings up to $9,000 in 1972.

Thus, while we are talking about speeding up the amount a person may deduct from his personal income taxes, this will be eaten up by an increase in social security taxes.

So, while we give with the one hand, we take with the other. I favor moving up the timetable on personal deductions to allow a taxpayer to deduct $750 in 1972 instead of 1973. But this $50 increase will be taken away by the increase in social security taxes.

Mr. Speaker, to spur our economy, to get more money into circulation and, thus, lower unemployment, we should, first, speed up the scheduled personal income tax deduction and, second, postpone the scheduled social security tax increase.

These actions, I contend, would do more for our economy by helping the middle and moderate wage earner meet the needs of every day living.

AMENDING LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after the second line following line 6, insert:

SEC. 3. (a) The fifth sentence of section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is amended to read as follows: "Each such supplemental authorization resolution shall include a specification of the amount of all supplemental funds sought by that committee for expenditure by all subcommittees thereof under such resolution and the amount so sought for each such subcommittee. Each such supplemental authorization resolution shall amend the annual authorization resolution of such committee for that year unless the committee offered no annual authorization resolution for that year, in which case the committee's supplemental authorization resolution shall not be an amendment to any other resolution and any subsequent supplemental authorization resolution of such committee for the same year shall amend the first such resolution offered by the committee for that year. Each such supplemental resolution reported by such committee shall be accompanied by a report to the Senate specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year."

(b) Section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is further amended by adding at the end thereof the following new sentence: This subsection shall not apply to any resolution requesting funds in addition to the amount specified in such section 134(a) and which are to be expended only for the same purposes for which such amount may be expended."

(c) The amendments made by subsections (a) and (b) of this section are enacted by the Senate as an exercise of its rulemaking power, and such amendments are deemed a part of the Standing Rules of the Senate,

superseding other individual rules of the Senate only to the extent that such amendments are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings.

Page 3, after the second line following line 6, insert:

SEC. 4. (a) The Secretary of the Senate shall, upon the written request of any individual whose compensation is disbursed by the Secretary, pay such compensation by sending a check to a financial organization designated by that individual and drawn in favor of such organization and by specifying the individual to whose account (including an account providing for the purchase of shares) the payment is to be credited. No reimbursement shall be required for the sending of any such check.

(b) If more than one individual making a request under subsection (a) of this section designates the same financial organization, the Secretary may pay such compensation by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those individuals and by specifying the amount to be credited to the account of each of those individuals.

(c) Payment by the United States of a check, drawn in accordance with this section and properly endorsed, shall constitute a full acquittance for the amount due to the individual making any such request.

(d) The Secretary of the Senate is authorized to promulgate rules and regulations to carry out the provisions of this section.

(e) For purposes of this section, "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

Page 3, after the second line following line 6, insert:

SEC. 5. (a) Section 202(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (g)) is amended to read as follows:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made—

"(1) the person appointed pursuant to such a request under subsection (a) may serve in addition to any other professional staff members authorized by such subsection and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy; and

"(2) the person appointed pursuant to such a request under subsection (c) may serve in addition to any other clerical staff members authorized by such subsection and may be paid, until otherwise provided, from the contingent fund of the Senate."

(b) Section 202(j)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j) (1)) is amended by adding at the end thereof the following new sentence: "Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee."

Page 3, after the second line following line 6, insert:

SEC. 6. Clause (2) of the first section of the joint resolution entitled "Joint Resolution relating to the payment of salaries of employees of the Senate", approved April 20, 1960 (2 U.S.C. 60c-1), is amended by inserting immediately after "holiday" the following: "(including any holiday on which the banks of the District of Columbia are closed pursuant to law)".

Page 3, after the second line following line 6, insert:

SEC. 7. (a) Subsection (b) of section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b-1(b)) is amended to read as follows:

"(b) A person shall not serve as a page of the Senate or House of Representatives—

"(1) before he has attained the age of sixteen years; or

"(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of eighteen years."

(b) Subsection (f) of such section is amended to read as follows:

"(f) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to any person who has attained the age of sixteen years shall not be construed to prohibit the continued service of—

"(1) any page of the House of Representatives appointed prior to the date of enactment of this Act; and

"(2) any page of the Senate appointed prior to the date of enactment of the section which enacted into law this clause."

Page 3, after the second line following line 6, insert:

SEC. 8. Section 235 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1175) is amended by adding at the end thereof the following new subsection:

"(c) A committee of the Senate, or a joint committee whose expenses are disbursed by the Secretary of the Senate, shall reimburse the General Accounting Office for the salary of each employee of that office for any period during which that employee is assigned or detailed to such committee or joint committee."

Page 3, line 7, strike out [3.] and insert: 9. (a)

Page 3, line 7, after "by" insert: the first section, section 2, and section 5 of

Page 3, after line 8, insert:

(b) Sections 4 and 6 of this Act shall become effective as of July 1, 1971.

Page 3, after line 8, insert:

(c) Section 8 of this Act shall become effective on March 1, 1972.

Amend the title so as to read: "An Act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes."

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

Mr. SMITH of California. Mr. Speaker, I reserve the right to object, and I shall not object, but inasmuch as this is a slight change in the reorganization bill which all Members considered last year, I would like to take this reservation, so the gentleman from California may explain to the House the nature of the changes.

I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I thank the gentleman from California for yielding.

As the gentleman recalls, the House Rules Committee reported H.R. 4713 to the House in February of this year. It passed the House without amendment by a voice vote on March 2 and was sent to the Senate for consideration by that body.

The bill had only one purpose—to continue the authority of the House committees to expend counterpart funds while traveling abroad. The bill was needed because of language contained in the Legislative Reorganization Act of 1970 which transferred legislative oversight responsibility from the statutes to the House Rules, thus inadvertently removing counterpart funds in the statutory direction to travel abroad for congressional investigations. H.R. 4713 merely restates the authority in statute form.

The other body passed the bill on August 6 with a series of amendments which, of course, have been read by the Clerk. Most of the amendments are strictly internal Senate housekeeping matters with which I am sure we will have no particular concern. However, two of them are especially interesting to the House.

One Senate amendment provides authority for professional staff members of joint committees to be paid out of the contingent funds of the Senate for specialized training—as was authorized in H.R. 17654 for professional staff members of standing committees of both Houses of Congress. Therefore, in accepting the Senate amendments, I am offering a further amendment, by direction of the House Committee on Rules, to H.R. 4713 which provides the same right of training for the professional staff of joint committees whose expenses are to be paid from the contingent funds of the House.

The second amendment of interest to the House is the one where the other body agreed to the House position with respect to the ages of pages; the minimum age is increased from 14 to 16. This should simplify some of the problems with respect to the John W. McCormack Page School and Dormitory.

Mr. SMITH of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MOTION OFFERED BY MR. SISK

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I move to concur in the Senate amendments with an amendment which I offer.

The Clerk read as follows:

Mr. SISK moves to concur in the Senate amendments to H.R. 4713 with the following amendment: In subsection (b) of Senate amendment numbered (3) on page 5 of the Senate engrossed amendments insert "or by the Clerk of the House" immediately after "by the Secretary of the Senate."

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1746) to further promote equal employment opportunities for American workers.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1746.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read the first section of the bill, ending on page 1, line 4, and there was pending the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. DENT. Mr. Chairman, I rise in opposition to the Erlenborn amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

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

Mr. DENT. I am happy to yield to the distinguished Speaker.

Mr. ALBERT. Mr. Chairman, I refer the Members to the very convincing arguments which the gentleman from Pennsylvania made yesterday. I believe that all Members of the House, whether they support the committee or whether they support the Erlenborn amendment, are in favor of equal employment opportunities for all citizens. The time has come to implement that desire.

Mr. Chairman, the economic and social conditions in our Nation in this, the latter half of the 20th century, continue to frustrate the principles of equal rights and equal opportunities envisioned by the founders of this Nation. We are constantly reminded, by statistics from Government agencies, by articles in the Nation's press, and by the increasing burdens upon this country's social welfare programs, that there exist serious economic and social deficiencies in our society. The facts are unassailable. They indicate that minorities and women have borne, and continue to suffer discrimination in employment, education, and other vital aspects of their existence. Discrimination in employment continues as the major aspect of this inequity, and constitutes a systemic denial of essential economic and social progress, stemming from congressional failure to enact effective enforcement provisions to enable the Government to combat these discriminatory employment practices, minorities and women continue to be treated as second-class citizens and are denied the jobs for which they properly qualify. H.R. 1746, the Equal Employment Opportunities Act of 1971, introduces effective and long-overdue enforcement provisions with which to attack the framework of employment discrimination.

The House Committee on Education and Labor, after extensive hearings and careful consideration of the various enforcement schemes available to insure compliance with the national policy of equal employment has determined that the administrative cease and desist powers embodied in H.R. 1746 will best attain equal employment for all citizens. However, the opponents to H.R. 1746 propose to strike down the administrative cease and desist enforcement provisions of H.R. 1746, and substitute therefor a method of direct court enforcement. In my judgment most of the opposition to our expressions of concern about this bill will be allayed by the Dent substitute.

The present EEOC backlog of cases is cited as conclusive that further delays would result if the additional administrative steps proposed by H.R. 1746 were introduced. This argument, however, ignores the major causes for the current backlog. Because of the lack of any effective enforcement provisions in the Commission, recalcitrant employers have had little reason to strive for successful settlements during the conciliation process. They are well aware that the final burden for obtaining compliance rests with the aggrieved individuals who must bring suit against them in the courts. Therefore, after a pro forma attempt at settlement, many employers will simply refuse to conciliate any further. This ineffectiveness of the conciliation process without adequate enforcement is clearly borne out in the Commission's fifth annual report which shows that in fiscal year 1970, there were only 225 successful conciliations out of 17,000 charges filed. In addition, it is well known that EEOC appropriations have repeatedly been far short of the needs of the agency. This has resulted in the Commission's inability to hire the required investigators and conciliators who are essential for prompt processing of complaints.

The opponents also seek to justify their position by arguing that the administrative cease-and-desist process would be inherently unjust as administered by the EEOC, and that protection of the principles of justice requires that these cases be heard only in the Federal courts. In support of their position, they claim that the EEOC, as an advocate of civil rights, cannot be fair in its assessment of title VII cases. They also claim that the procedures under title VII presume a party's guilt before he has been properly heard. Therefore, the agency making the initial finding cannot also adjudicate the final order. In my opinion, neither of these statements is correct.

In the first instance, while it is true that the EEOC has been a strong advocate of civil rights, its lack of enforcement powers has forced it to seek other forms of insuring compliance with the provisions of title VII. Because it could not enforce the rights of aggrieved individuals who had filed complaints before it, the EEOC has resorted to other forms of technical and moral assistance to those individuals. The EEOC's participation as amicus curiae in title VII suits across the Nation has been the only role that it has been able to play in the enforcement process, and it certainly cannot be condemned for its efforts in this area. EEOC statistics also show a great objectivity in its treatment of the charges that it receives. For example, the Commission has dismissed over 50 percent of the charges filed with it, and its findings are frequently much less harsh than findings in similar cases by the courts.

The claim that the EEOC is too biased to properly adjudicate the issues in a title VII case also ignores the procedural safeguards that are provided by law in the administrative process. Hearing examiners, for example, are hired by the Civil Service Commission and not by the EEOC. To qualify, applicants for the position of hearing examiner must pass stringent guidelines and requirements set by the Civil Service Commission. Cases are submitted in rotation to hearing examiners on a predetermined scheduled, and all proceedings are conducted on the record to insure adequate judicial review wherever a party feels that there has been bias. The Administrative Procedure Act, which governs the entire Federal hearing process also has numerous procedural and substantive safeguards to protect rights of all parties.

In essence, the argument supporting court enforcement over the administrative cease and desist enforcement provisions of H.R. 1746 is not justified. The assertions that court enforcement provisions would provide more expenditious relief for an aggrieved party are not supported by existing facts. Title VII suits are not simple civil or criminal actions. Their complexity and frequently obfuscated factual development is well recognized among courts and practitioners alike. To inundate the courts with a massive upsurge of title VII cases requiring expenditure of large segments of a court's time and resources would not serve the ends of justice. It can only serve to further aggravate strained court dockets, and lead to longer delays for all litigants in the Federal Courts. The complexity of issues and the need for expertise in developing title VII litigation requires that the courts be left free to review those situations where it is determined necessary, while leaving the development and ordering of the case to an administrative process better suited to recognizing the problems of this specialized area. The Administrative Procedure Act provides adequate safeguards for all parties to insure an equitable determination of all complaints. The pretext of protecting the individual by sending him to an overworked and unwilling judiciary, cannot be allowed to subvert the pressing need to eliminate employment discrimination.

By denying the EEOC the power to enforce its own findings, the opponents seek to reduce the agency to second-class status. In like manner, they would relegate the enforcement of civil rights to secondary significance and would imply that those individuals whose civil rights have been denied are no better than second-class citizens.

Mr. Chairman, I believe that the committee has the solution which will work. I oppose the Erlenborn amendment. I trust the House will support the position taken by the gentleman who is managing the bill.

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

Mr. DENT. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. First, Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be allowed to proceed for 5 additional minutes.

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

Mr. HALL. Mr. Chairman, reserving the right to object, I ask the distinguished gentleman to defer that request until after we have heard the first 5 minutes. Otherwise I shall be constrained to object.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his request?

Mr. BOGGS. Mr. Chairman, my good friend from Missouri has that authority, and of course I am happy to defer the request and let the gentleman proceed.

Mr. PERKINS. Mr. Chairman, I make the point of order that a quorum is not present. We should have more Members on the floor during this debate.

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. 260]

Abbitt	Fraser	Passman
Abourezk	Frey	Railsback
Anderson, Tenn.	Gallagher	Rooney, Pa.
Baring	Goldwater	Rosenthal
Blatnik	Griffiths	Roybal
Celler	Gubser	Sebelius
Chamberlain	Hansen, Wash.	Shipley
Chisholm	Hastings	Shoup
Clark	Heckler, Mass.	Stafford
Clawson, Del	Jarman	Stokes
Collins, Tex.	Johnson, Pa.	Sullivan
Dellums	Karth	Teague, Calif.
Derwinski	Long, La.	Tiernan
Diggs	McCulloch	Ullman
Dwyer	McEwen	Vander Jagt
Edwards, La.	McKinney	Widnall
Eshleman	Macdonald, Mass.	Wilson, Bob
Evans, Colo.	Mollohan	
Ford, William, D.	Montgomery	
	Murphy, Ill.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, 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. 1746, and finding itself without a quorum, he had directed the roll to be called, when 377 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. The gentleman from Pennsylvania (Mr. DENT) has 4 minutes remaining.

Mr. DENT. Mr. Chairman and Members, I rise in opposition to the Erlenborn substitute amendment. I do so because I believe it is important to explain just what we intend to do on our side this afternoon.

We will let the Erlenborn amendment come to a vote of the House without offering any amendments whatsoever to it. I believe the issue has to be clear cut. I do not believe anyone is naive enough to feel that we are trying to fool anybody. Some of us believe it is so important that we now clarify the issue to the point we know exactly what we stand for and what our vote means.

There can be no plea of ignorance, because in yesterday's actions I introduced into the RECORD, following the Erlenborn substitute, the substitute which I had prepared for the Erlenborn amendment. So each Member of Congress must now in good conscience admit he knows exactly what he is voting for.

He is asked to vote to continue the most undemocratic process ever given to any governmental agency since the writing of the Constitution, when he is asked to give to the Department of Labor, under its contract compliance functions, the right to absolutely set aside contracts duly presented under the rules of contract agreements in the Federal Government.

They walk in and say, "You must do this or your contract is not going to be allowed."

Millions of dollars are spent by airplane companies, by construction companies, by hundreds of companies, on all types of Government contracts. These contracts can now be set aside at the wish and the whim of an official of the OFCC for any of many reasons.

What has been done by the Executive order is to circumvent the Constitution of the United States. The Executive order circumvents the civil rights laws. They could not get this sweetheart deal under the law passed by this Congress, and they could not get it under the Constitution, so they used an Executive order.

They walk in and say, "You have to put 10 of this particular group of workers in this particular job."

I know of one case from personal experience. The company involved employed fewer than 2 percent minority employees, and they were told they had to have a percentage of somewhere around 15 percent. They said:

> We do not have them. We will take all the operators you can present, not under this contract but under our regular operation. We have never turned anybody down.

And the OFCC said:

> We will bring them in to you from Chicago and from Cleveland.

They can do that and have.

A company could spend thousands of dollars preparing a contract, and then be out. The Erlenborn amendment leaves things exactly as they are.

We say in my amendments that it was the intent of Congress that there should be no quotas and that there should be no preferential treatment. In our amendments we specifically prohibit the use of quotas. We prohibit the establishment of preferential treatment and the stepping over a person in line because of race, color, creed, religion, or sex.

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

(By unanimous consent, at the request of Mr. BOGGS, Mr. DENT was allowed to proceed for 5 additional minutes.)

Mr. DENT. I know there is a hangup here on the part of the certain people about cease and desist. We were told yesterday on the floor by my ranking colleague that the FCC is dissatisfied with the cease-and-desist enforcement authority which they have and has requested that the Congress give it court enforcement powers instead. The FCC is holding onto cease and desist. What they want is what we are also giving to the EEOC, that is, the ability to seek preliminary injunctive relief.

Now, when a person is charged with a violation of the EEOC, the charge appears in the paper long before the person charged with the violation ever gets word of it. I have an amendment which specifically prohibits the divulgence of any information during the informal Commission proceedings. An employer now feels that he is condemned in the eyes of the people in the community and in the eyes of his customers, especially in the case of retail stores.

I beg you to understand that what we are trying to do is to wipe out the inequities in the law itself. They say that cease and desist is a bad thing. Well, cease and desist itself is not bad. It is what is in the law that can be bad.

Cease and desist is just another manner of enforcement, and a manner of enforcement does not change the character of the law. What we are doing is giving another manner of enforcement here. It is the same one that is enjoyed by virtually every agency in our Government. All we are trying to do is to put into the law an enforcement feature to secure justice to all of the citizens of the United States. That is all we are trying to do here.

Mr. Chairman, I said to you yesterday and I repeat now that no law can make men equal, but there has to be and there must be a law to give all men and women equal treatment. That is all we are asking for. I know it has been said that all of us are born equal, but it stops right there. That is where organized law in a good society picks up; after the birth. It says that from the day a person is born until his death he shall be given equal treatment. That is the strength of our country. That is why the millions of immigrants came to this Nation to build it into what it is, and that is why we fought the Civil War. It was to try to bring back equal treatment. Nothing else.

That is all I am asking for here. I am not asking you to put something in the law to give anybody an advantage. I am trying to get you to put something in the law to take the advantage away from somebody. If I did nothing else in this law but wipe out the contract compliance feature and put it under the jurisdiction of the EEOC where it rightfully belongs and subject to the laws and the criteria established by this Congress of the United States and not to rules enacted by Executive order, then I would have done sufficiently.

I beg of you to reassert the authority of this Congress and take back the powers guaranteed to us under the Constitution.

I beg of those who committed themselves months ago, and some of you years ago, without ever waiting to see what was

in the bill, that you cannot plead ignorance. You know what you are doing. If you vote for the Erlenborn substitute amendment, you vote for quotas, you vote for special preferential treatment, you vote for closing down individuals who have entered into contracts that may not be in the same party, who may not be in the same political group, who may not contribute enough on election day. You make possible something which we have fought against in labor, something which we should have destroyed. You are giving quotas and preferential treatment the blessing of your vote if you vote for the Erlenborn amendment.

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

Mr. Chairman and members of the committee, 7 years ago, in the civil rights bill of 1964, we made a promise to all Americans that regardless of color, creed, national origin, or sex, there would be no discrimination in employment in this country. Polls which were conducted by creditable organizations at that time indicated that the overwhelming majority of the American people favored the enactment of nondiscriminatory legislation in employment.

Americans, with their innate sense of fairness came forth and said that if a man or a woman is trained and qualified, the doors of opportunity should be opened to them, whatever their background and from wherever they come.

Now, Mr. Chairman, that was a magnificent promise. But, unfortunately—like so many other promises it remains unkept.

Since the enactment 7 years ago of this law there have been literally thousands of cases of discrimination filed with the Commission. In a report in yesterday's Wall Street Journal, Mr. Brown, the present Chairman appointed by the President, indicated that in a great majority of these complaints there had been no effective remedy, I think it is clear that despite the law, despite the congressional intent, despite the creation of the Commission, the effect of the law has been more or less nullified.

Mr. Chairman, there is a substantial difference in the gentleman's substitute and the committee bill which I support wholeheartedly, and that is the question of how to attain compliance.

The committee bill says we will use the procedures which have been well established in Federal practice by a half dozen or more existing administrative agencies such as the Securities and Exchange Commission, the NLRB, the FTC, the ICC, and others, to issue cease-and-desist orders for compliance—with all the safeguards set forth in the Administrative Procedures Act spelled out.

On the other hand, the gentleman from Illinois says that we will make an exception in this situation. He says that enforcement will be the property of the Federal courts. And, in the literature that has been circulated by the very able gentleman, for whom I have profound respect, it is argued that there will be better and quicker enforcement under his plan than under the committee plan.

It seems to me that one issue that has been determined here is that the present law is ineffective and not helping the people whom it was intended to help. And so, the only issue remaining is: does the committee approach recommend itself, or does the substitute approach recommend itself?

In the opinion of those who have spent many years in Federal administrative practice, and before Federal agencies, boards, and commissions, it is the practice of giving administrative commissions the power to issue orders and to ask for compliance, devised and perfected over a long period of time, which is superior. These administrative hearings are conducted under complete due process, with a notice requirement, and the right to summon witnesses, subpena witnesses, and so on, and are presided over by a hearing examiner who has been trained in administrative law, and who owes no responsibility to the agency which has employed him. So he comes there in the same judicial, impartial atmosphere or attitude that a Federal judge has. The only difference is that his whole time is devoted to that one agency, and he has the time and the opportunity to move ahead these complaints.

In the Federal courts today we have an enormous backload of cases. We have some jurisdictions—and I have seen figures, I believe, for one of the New York jurisdictions—where there is a delay of about 38 months or 40 months. In any event, the Federal courts are crowded, packed, and jammed with litigation, and the notion that the thousands of cases now pending before the EEOC could receive expeditious consideration from the Federal court is something that I just cannot believe.

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

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

Mr. BOGGS. Mr. Chairman, I commend both sides here for trying to resolve the problem of compliance.

I believe that the great strength in America must continue to be the opportunity of our citizens. We built a great Nation with the men and women who came here from everywhere for the opportunity to live and work in freedom.

Today, minority Americans hold but a small fraction of jobs in almost every category. Look at the unemployment figures, and you will see that 5 or 6 percent is the average around the country, but among minorities it is doubled, and in some cases tripled.

So we have made a promise to many of our Americans, many of whom are not so fortunate as those of us who are gathered here. As I see it, the committee bill is an effort to carry out that promise. It does no good to grant a right if you do not provide a remedy. One of the earliest things I learned in law school was that a right without a remedy is no right at all.

Today we are seeking a remedy for a right that we have already granted.

In my humble judgment, the committee bill more adequately grants that remedy than the proposal contained in the substitute.

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

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I assume that the eloquent remarks made by the gentleman from Louisiana include the support of the three amendments that the gentleman from Pennsylvania indicated he would offer if the substitute did not prevail. I make that assumption—is that an accurate assumption?

The gentleman from Pennsylvania indicated yesterday that he would offer three amendments if the substitute amendment were defeated. So I assume that is the vehicle or the legislation, that we will have before us if the Erlenborn substitute is defeated.

If that is the case, I would assume that the gentleman from Louisiana would support this amendment.

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

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

Mr. BOGGS. I have every intention of supporting those amendments when I get the opportunity and I hope I do get the opportunity and the gentleman from Michigan will make that opportunity available to me.

Mr. GERALD R. FORD. I am glad we clarified that point.

The gentleman from Louisiana during his remarks made this comment—that he wanted to keep the doors of opportunity open to blacks and other minority groups.

One of the amendments to be offered by the gentleman from Pennsylvania does just the opposite. One of the amendments to be offered by the gentleman from Pennsylvania, in effect, makes it much more difficult for blacks tc get a job, particularly in the building and construction industries.

Now the gentleman from Louisiana makes a big point of the unfortunate fact that unemployment today for blacks is higher than it is for whites. I deplore that and I gather that he does too. But, if the gentleman from Louisiana supports this amendment to be offered by the gentleman from Pennsylvania, he is making it much more difficult for blacks to get jobs and will help to perpetuate the higher unemployment record for blacks in the United States.

Now let me add this, if I may. I take the floor as a person who voted in February of 1964 for the Civil Rights Act. I believe that was good legislation and I have no compunction about supporting the substitute as a good implementation of that legislation.

The issue is not discrimination between the Erlenborn substitute amendment and the committee bill—the issue is how do you achieve enforcement in the most equitable way? That is the issue. It is not discrimination.

Those of us who supported the 1964 act—and I was one of those who did support that act—and I cannot remem-

ber how the gentleman from Louisiana voted—I suspect that maybe he voted against it, but I do not know for sure—but I can say that I voted for it. What I want to do is to achieve the best and most equitable way of enforcement. I happen to think that the Erlenborn substitute provides that. We do not have sufficient enforcement provisions under the existing law. That was a deficiency. What we are trying to do now is to get enforcement in a fair, equitable, and judicious way. That is primarily, if not exclusively, why I support the Erlenborn substitute.

Mrs. GREEN of Oregon. Mr. Chairman, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I am glad to yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, the gentleman has made reference to the Civil Rights Act—and I joined him in the majority of my party in voting for that in 1964. This was dedicated to the proposition that equal opportunities and equal rights should be available to all.

But, if the gentleman will allow me, I would like to read from title VII of the Civil Rights Act which was approved by this House in 1964, and this is what the issue is about, today.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

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

(On request of Mrs. GREEN of Oregon, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mrs. GREEN of Oregon. When all of us in this House were presented with the Civil Rights Act in 1964, if any Member of the House had come to the well of the House and had said, "When you vote on the Civil Rights Act, you are voting a quota system," I wonder what would have happened. The imposition of a quota system under the Executive order contradicts title VII of the Civil Rights Act. The imposition of quotas by OFCC destroys labor contracts that have been negotiated on seniority rights. It allows the Office of Contracts Compliance to go into a plant, to go into a school system, to go into a college or university—and they have done this in thousands of cases across the country—and say, "We do not agree with the percentage of minority employees to majority employees and we insist that you hire this number of blacks in proportion to this number of whites—or this number of another minority to this number of whites.

They have done it in Portland, Oreg. They have done it in Washington, D.C., in the schools here in the District; and this is in direct contradiction to the Civil Rights Act that was passed. We do not need to argue whether the Philadelphia plan is a quota system. I feel sure every Member of this House has had complaints about quotas that the Office of Federal Contract Compliance have ordered. The Erlenborn bill does not touch this matter.

One important issue is whether or not we continue to allow the executive branch under the Executive order to continue to establish and to demand quotas and give special or preferential treatment to some and to deny equal employment to others.

The Erlenborn substitute perpetuates the quota system. The Dent amendment would put an end to the contradiction of the Executive order—title VII of the Civil Rights Act. The Erlenborn bill is not an equal employment bill. Under the quota system you give special employment rights; you give special preferential treatment to some, and in the process job rights are denied others. The civil rights bill was passed to end discrimination. It was not passed to substitute one kind of discrimination for another kind.

If we believe in the Civil Rights Act, including title VII, it seems to me that we ought to vote to do away with the quota system, which is harmful to this Nation. It is dividing the country and it is accomplishing nothing.

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

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am very glad to get the observations and comments of my good friend from Oregon. But let me just make one comment, and then I shall yield to the gentleman from Illinois and the gentlewoman from New York.

The Philadelphia plan, which is what we are really talking about, does not have anything to do with quotas. I honestly think that the gentleman from Pennsylvania is drawing a false issue by the kind of language that he is employing in in his proposed amendment. I just do not think that we ought to interfere with this program with this kind of amendment. The Philadelphia plan seeks in all honesty to improve the job opportunities for blacks or other minorities. You can give them all the rights in the world, but if you do not give a person in a minority status a job, all of those rights really do not mean very much, because he cannot feed his children, he cannot feed himself on rights where he does not have a job.

I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. I hope that the contribution of the gentlewoman from Oregon has not confused the committee, because the language she read from title VII of the Civil Rights Act is undisturbed by the committee bill, and undisturbed by the Erlenborn substitute. Neither one is going to repeal the prohibition against quotas that is in title VII of the Civil Rights Act.

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

I yield to the gentlewoman from New York.

Mrs. CHISHOLM. I thank the gentleman. Would the gentleman agree that if the EEOC had the right and opportunity to issue cease and desist orders, then it would have to naturally follow that perhaps we would not have to be speaking this afternoon in terms of preferential quotas?

I think we cannot talk about one without connecting it with the other.

Why have we had to discuss this whole question of preferential treatment for one group as contrasted to other groups? It is precisely because the EEOC has not had the power to be able to issue the cease and desist orders that will make the construction workers and other groups do that which they have to do in order to be able to prevent preferential treatment.

Mr. GERALD R. FORD. Let me respond to the very appropriate question raised by the gentlewoman from New York. In the Erlenborn substitute there is a new device for enforcement. It is a different device from the cease and desist, but it is an effective one, because it requires legal action in a court of law, in the Federal courts.

Does anyone deny that the Federal courts are capable of actually enforcing orders on discrimination? The Federal court system is fully adequate to meet the problems. The only difference is in the court of law where there will be an equitable trial with the rules of evidence prevailing, whereas under the cease and desist proposal of the committee, we would deny people that fairness and equity.

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

(On request of Mr. BOGGS, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

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

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

Mr. BOGGS. Mr. Chairman, my good friend, the gentleman from Michigan, has finally gotten down to the difference between these bills. He points out, and quite correctly so, that the Erlenborn substitute provides for a remedy in the courts as compared to the normal administrative remedy provided for in the committee bill. Why would the gentleman make this profound distinction between human rights and the rights which are set forth for the ICC and the NLRB and the Securities and Exchange Commission and other Federal agencies?

Mr. GERALD R. FORD. Let me respond. Is it not appropriate that the human rights be considered in the Federal courts? Is that not a proper forum for consideration of human rights? That is where we have made the most progress in the safeguarding of human rights—in the Federal courts. I do not want some administrative agency making decisions on basic human rights. I would have a

great deal of faith and trust in the Federal courts.

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

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

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, I made the point yesterday, and I make it again today, that comparing the cease-and-desist authority in this bill with the authority of the NLRB is false. The NLRB enforcing function is separate from the judging function. No such separation of powers is provided in the commitee bill.

As far as whether the cease and desist is working well, here again, I reiterate what I told the Representative from the District of Columbia yesterday. The gentleman used FTC as one of his examples. The Federal Trade Commission does have cease-and-desist authority, but at this very moment it is petitioning Congress to give it authority to go into the Federal district court to seek enforcement in the same manner that the Erlenborn substitute would provide here. It is obvious that the Federal Trade Commission, exercising cease-and-desist authority, has come to the conclusion that it would be better off going into the district court.

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

(On request of Mr. BOGGS, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

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

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

Mr. BOGGS. Mr. Chairman, I am well aware of the fact that the gentleman from Illinois would want to keep the record entirely accurate. To the best of my knowledge, the only administrative agency in the Federal Government where there is a separation as the gentleman pointed out happens to be the NLRB. In the other cases, it is the hearing examiner, selected as I outlined in my main remarks, which prevails. Is that not correct?

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

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

Mr. ERLENBORN. Mr. Chairman, I would point out that all other agencies, with the exception of NLRB, that exercise cease and desist are regulatory agencies. There is a great deal of difference between those that are regulating industries with cease-and-desist orders and those that are resolving disputes between contesting parties.

When there is this resolution of disputes between contesting parties, it has been the judgment of the Congress to separate the function of prosecuting from the function of making the judgment.

The committee bill does not separate these. It would allow the Commission to investigate, prosecute, judge, and fashion the remedy.

In my opinion, we will be much better off if we separate in the tradition fashion the job of prosecuting from that of judgment.

Mr. BOGGS. Mr. Chairman, will the gentleman yield for one further observation?

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

Mr. BOGGS. I thank the gentleman for yielding.

In the Coast Guard, Social Security, and several other agencies the whole procedure is by a hearing examiner, with a right of appeal to the court of appeals, and that is what is spelled out in this bill.

Mr. GERALD R. FORD. Let me make one observation on the point at issue here.

In this kind of situation discretion is very, very important. I happen to believe the system of justice in the courts is a better forum for that, rather than leaving it in the hands of an agency which has the right to investigate, to prosecute, to make a decision and then to enforce it.

I strongly prefer the use of the courts for enforcement, rather than the agency itself.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are not discussing the Philadelphia plan or any quotas in employment. I understand the gentleman from Pennsylvania, the subcommittee chairman (Mr. DENT) will, if he gets the opportunity, offer some amendments to the committee bill that have to do with employment quotas and the Office of Federal Contract Compliance. If he has that opportunity, then we can debate those amendments and vote on them, as we see fit.

But these amendments are not pending before us now. What we are talking about is the Erlenborn substitute. And if the Erlenborn substitute is agreed to, the gentleman from Pennsylvania (Mr. DENT) will not even have the opportunity to offer his amendments.

What then is the difference between the Erlenborn substitute and the committee bill? The committee bill provides a new method of enforcement for equal employment cases. It lets the Commission go ahead, after appropriate hearings and deliberation, issue a cease and desist order.

The Erlenborn substitute does not give the aggrieved party anything he does not already possess under existing law. The gentleman from Illinois (Mr. ERLENBORN) says his substitute will put the case to court. But, that is where it goes now. That is the existing law. The gentleman from Illinois (Mr. ERLENBORN) is not giving that aggrieved party any right he does not already possess.

The only thing in the Erlenborn substitute that is of any advantage whatsoever to the aggrieved party is that under the Erlenborn substitute the Commission may, in its discretion, if it decides it wants to, take the case to court for the aggrieved party.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the clarification of the gentleman from Michigan, because in fact the Erlenborn substitute does grant an enforcement power the Commission now lacks.

Let me take it one step further, to cease and desist. The gentleman has just used the words, "may, in its discretion, if it decides" do something. The same is true either of the Erlenborn substitute or the Hawkins bill.

Mr. O'HARA. The point of the matter is that under the Erlenborn substitute the Commission perhaps will take it to court, and that may be some slight advantage to the aggrieved party over taking it to court himself. Though he is now guaranteed attorney's fees and costs if he wins it might be nicer to have the Commission take the case to court for him.

But, he gives up something to get that advantage. He now can go to court 30 days after he has filed his charge or 30 days after the Commission has completed some action.

He would be required to wait 6 months before he could go to court on his own under the Erlenborn substitute.

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

Mr. O'HARA. I yield to the chairman of the subcommittee.

Mr. DENT. He gives up something that is good. The people aggrieved will have more freedom as a result of it, because only the Attorney General can institute a case in the court of appeals; not the EEOC.

Mr. O'HARA. I thank the gentleman.

I really think there is serious question as to whether or not the aggrieved party is better off under the Erlenborn substitute than he is right now under existing law. It can be argued with a good deal of force that he would be better off with nothing than with the Erlenborn substitute.

Mr. HAWKINS. Will the gentleman yield to me?

Mr. O'HARA. I yield to the gentleman from California.

Mr. HAWKINS. Is it not also true under the Erlenborn substitute the individual will also give up the right to sue under the 1866 act, the Equal Pay Act, and possibly under half a dozen other civil rights acts?

Mr. O'HARA. That is absolutely correct. The Erlenborn substitute would not only take away his right to go promptly to court on his own behalf, it would deprive him of his right to a remedy under other statutes. There are remedies under the NLRB Act and under some of the old civil rights statutes that he would sacrifice under the Erlenborn substitute.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. O'HARA. If, Mr. Chairman, we are dissatisfied, as I am, with the provisions of current law as to enforcement of the equal employment opportunities law then we ought to do something about it, and the way to do something about it is equip the Commission with cease-and-

desist powers as proposed in the committee bill. If we do not want to do that, then let us not do anything at all. Let us not amend an inadequate system of job protection to make it more inadequate as the Erlenborn substitute proposes.

I hope, Mr. Chairman, that the Erlenborn substitute will be defeated and that the committee bill will be agreed to.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the Erlenborn substitute.

Mr. Chairman, first I would like to point out that the committee bill is bipartisan in character. It is not a Democratic bill; it is not a Republican bill, but it is a bipartisan bill.

Second, I think it should be pointed out that a significant number of Members on my side of the aisle, in my judgment, will support the committee bill. Indeed, at least one Member and perhaps two Members of the leadership of the Republican Party in the House will support the committee bill.

Next I would like to say as simply as I can that there are merits to the approach of administrative agency proceedings enforceable with cease-and-desist orders.

I do not think that during the debate today there has been total clarity focused upon the real problem.

The real problem is not whether you get enforcement in the courts or whether you get enforcement through the Commission per se.

The real point is that if the Equal Employment Opportunity Commission is given cease-and-desist powers the vast majority of cases will never need go to a hearing in the first place, let alone to any kind of court proceeding. I can speak from some experience in New York where I served as the chairman of the New York State Commission Against Discrimination, now the division of human rights.

The figures in New York's experience clearly emphasize my point. Between 1945 and 1967, 16,129 complaints were received by the New York commission; 98 percent of them—all but 326—were settled before they were ordered for hearing and more than two-thirds of those ordered for hearing were settled before the hearing was completed.

That means that in New York in 22 years only 110 cases out of 16,000 needed further action, and that is largely because the State commission possessed cease-and-desist powers.

Mr. Chairman, the whole concept—and frankly, this should be recognized—of this particular legislation in New York was that of Tom Dewey and Senator Irving Ives, and the concept was that the Commission could deal with complex, sensitive questions, backed up by the law in a way that could not be done in formal court proceedings.

Therefore, the Commission approach is much more sensitive, more equitable, and obviously much faster.

Now, Mr. Chairman, what are the dangers of the court proceedings? The danger, first of all, is that we would load onto the courts of the United States an additional 20,000 cases. Does any Member seriously think that by adding 20,000 additional cases to the court calendars we are going to expedite matters?

Let me state that through the Commission procedures cases are dealt with much more expeditiously. Let me repeat that, much more expeditiously; whereas, in court proceedings it can take months or even years.

For example, a case—Weeks against Southern Bell which was a sex discrimination case—has been in the courts for 5 years and it was just settled in April. I have seen through the Commission procedures cases conciliated in a matter of days. It was relatively rare that it became a matter of months. But, believe me, if you go to the court procedure, you go to a much more difficult procedure, both in time and flexibility.

Finally, let me say this, that the Commission procedure works. It would not be the law of the land in 32 States if it did not work. I have yet to see anyone say that the Commission procedures as followed by the several States does not work and work well.

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

(By unanimous consent, Mr. REID of New York was allowed to proceed for 2 additional minutes.)

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

Mr. REID of New York. Yes, I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. Let me just ask a question or two of the gentleman.

First of all, if the Commission procedure is working in the States, why are so many of the cases that are referred to these local and State commissions unresolved and referred to the EEOC?

Mr. REID of New York. In response to the question of the gentleman from Illinois, first of all, one-third of the States do not have commissions with cease and desist powers. I think the point is this: Where you have a commission with such authority such as the State of New York does it has worked extremely well with no need to go to the Commission.

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, I would point out the fact that the State of Illinois has a fair employment practices commission which has cease-and-desist authority and yet it is among one of the top 10 States in the number of cases that then go to the EEOC even after referral. Does this mean that we will be clogging the Federal courts with 20,000 more cases?

Is the gentleman aware that in the 6 years of its existence only some 50,000 cases have been filed before the EEOC? Is the gentleman aware that this is not a self-enforcing order? That if enforcement of the order under the committee bill is to be obtained it must go to the courts and if this follows the practice of the NLRB, over 50 percent of all the orders issued by the NLRB wind up in the enforcement proceedings in the circuit courts of appeal, where you have only 11 courts, rather than the district court level, where there are 93 courts?

As a matter of fact, my recollection is that in the most recent years 66 percent of the NLRB's cease and desist orders have wound up in the courts for enforcement proceedings. You are not avoiding the courts by using the cease and desist approach.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. REID of New York was allowed to proceed for 2 additional minutes.)

Mr. REID of New York. Mr. Chairman, I have asked for the additional 2 minutes so that I might reply to the comments of my colleague, the gentleman from Illinois (Mr. ERLENBORN).

First, the gentleman from Illinois raised a question of 20,000 cases, and the fact that this might overload and jeopardize the court calendars. That is the figure that has been provided me by the EEOC as to their estimate of the pending cases that are unresolved due to the fact that they do not now have cease and desist powers. I think as a reasonable estimate there are something like 16,000 to 17,000 cases, as the gentleman knows, that are still pending with the Commission, and have not yet been resolved. In fact, they were able to conciliate fewer than half because the Commission does not have cease-and-desist power.

As to the NLRB, it is my understanding that in fiscal year 1970 something like 72 percent of the cases have been settled without need for a formal hearing. In my experience, certainly in New York, if the Commission works effectively, if the individuals know that the Commission has the power of the law in cease and desist, then you can conciliate.

The whole thrust of what I am trying to say is not that the commission procedure works alone, but that it works a great deal better. Why? Because you do not have to go into court in the first place, because the individual knows that there is that power, and is willing to sit down and conciliate, and the matter gets resolved, and resolved promptly.

Finally, let me say that I think it is terribly important that the Republican Party, that was born in the fight to make men free, fight today for that procedure which will most clearly and effectively deal with millions of people who still are denied equal employment opportunities, and who need Federal protection with cease and desist. That is our heritage as a party.

The CHAIRMAN. The time of the gentleman from New York has again expired.

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

Mr. Chairman, I take this time to establish some legislative intent on the committee bill, and on the Erlenborn substitute.

Section 706 of the Hawkins bill says that:

The Commission is empowered, as hereinafter provided, to prevent any person from

engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

Section 703 provides:

It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin;

Much has been said about race, color, religion, and sex, but the question of national origin has very seldom been discussed.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), whether I am correct in understanding that it is the intent of this committee and this Congress that by national origin we mean any person's national origin, and that it is not limited to any particular ethnic group, such as a Spanish surname, or American oriental or American Indian. Discrimination because of national origin applies to any American who feels that he has been discriminated against because of his national origin, regardless what that national origin may be. Am I correct in that understanding?

Mr. DENT. According to the law as it is now written, I would say that "national origin" would be the national origin of the individual regardless of what that national origin is.

Mr. PUCINSKI. The reason I ask this question is to be absolutely certain about this. The Equal Employment Opportunities Commission has tons of directives and guidelines and material and information and inquiries and questions and answers dealing with the problems of discrimination because of race, color, religion, or sex. But when you ask the Commission for guidelines on that aspect of discrimination dealing with national origin, these guidelines are very scarce.

I was wondering if the chairman could answer this question. If we are going to give the Commission broad powers in this bill to prevent discrimination because of national origin—how can we motivate the Commission to show more sensitivity to those Americans who are discriminated against in job opportunities and promotion advancements because of national origin?

Mr. DENT. I do not know anything about the Commission's attitude on that matter.

I would say if they administer the laws according to the congressional intent, you would have no problem at all with the guidelines on that because it is the most simple of all answers so far as I am concerned. National origin only means just that—it means national origin or country of origin.

Mr. PUCINSKI. I would ask the gentleman one more question.

Am I correct in my understanding that it is the intent of this House and this Congress that discrimination because of national origin shall be given the same priorities as any other form of discrimination?

Mr. DENT. That is already a part of the law.

Mr. PUCINSKI. I just want to establish this for the purpose of this record.

Mr. DENT. I have never been informed that they do not give equal treatment in cases pertaining to national origin and I would be a little reticent about any condemnation of the Commission because of that question. I do not know.

Mr. PUCINSKI. I hope that my question does not indicate any condemnation of the Commission. I think the Commission is doing a good job. But I am concerned about the discrimination that exists in this country against various ethnic groups and members of various ethnic groups such as Italian Americans, Polish Americans, the Jews, Germans, Slavic people, and others, who have been discriminated against because of their national origin. Guidelines dealing with this form of discrimination have not been dealt with on the same priority basis as the others are.

I have said on a number of occasions there are indications that priority is given to these other cases involving discrimination because of race, religion, or sex, and all I want to establish is—that it is the intent of Congress that discrimination because of national origin shall get the same treatment and the same consideration and the same equality as to priorities as any other discrimination case.

Mr. DENT. I would read from the report of the committee on page 35 this language:

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

Each of the requirements are exactly on the same status and on the same level and the same priority, in my opinion.

Mr. PUCINSKI. Then it is the opinion of the distinguished gentleman that national origin means any ethnic background and is not limited to any specific background, and this would apply to the Equal Employment Opportunity Commission whether the committee bill or the substitute prevails?

Mr. DENT. Yes. But I do not want to get into an argument about that.

Mr. FAUNTROY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of H.R. 1746 and in opposition to the substitute measure offered by Mr. ERLENBORN. The time has long passed when we could argue over the need for the wide ranging reforms embodied in H.R. 1746, Mr. HAWKINS' conceived and carefully worked out bill. Others will argue ably in support of important features of the bill, but I wish to take just a moment to focus your attention on one provision that I regard to be of great urgency. Section 11 of H.R. 1746 would enact into statutory law the national policies expressed in Presidential executive orders mandating nondiscrimination in Federal employment. In addition, and most significantly, the bill would transfer the responsibility for implenting Federal nondiscrimination requirements in Federal employment from the Civil Service Commission to the Equal Employment Opportunity Commission.

There are few in this Congress who can testify with more experience than I about the pervasive and continuing discrimination by the Federal Government in the employment of blacks, Spanish-surnamed, and women employees. As a pastor and community leader in the District of Columbia during the past 12 years, I have had to respond to thousands of complaints of job discrimination from among the 58,000 Federal employees in the District who are black. My father was employed at the U.S. Patent Office here for 44 years before retiring. He knew the effects of discrimination and we, his children, knew his frustration and despair. He trained two generations of white employees who were then passed up and over the shoulder to higher level and higher paying jobs. From all the evidence I have seen, even today in this supposedly enlightened time, these practices continue daily with little substantive change.

When I came to the Congress 5 months ago, I expected that a significant portion of the casework of my office would be devoted to helping Federal employees resolve job discrimination problems. But I did not foresee the incredible deluge of pent-up grievances that have descended upon my office in the few short months I have been here. These are brought by people with just claims who are deeply angered and frustrated by the unfair treatment they receive at the hands of the Federal Government. My office does its best to help, and in many cases we succeed, but only with a tremendous expenditure of time by my office and the time of the employee. We give willingly, knowing that these people have nowhere else to turn. They have sought help from their agencies, and from the Civil Service Commission—all with little success.

One function of casework in a congressional office is to identify the need for remedial legislation where a pattern of case problems develop. I can think of no greater need than this legislation. The Civil Service Commission, as a result of many factors, is not up to the job. I am convinced that EEOC with its experience in battling job discrimination in the private sector and with its sensitivity to the systematic and institutional roots of job discrimination offers far greater hope to the thousands of employees who every day must suffer the indignity of being discriminated against because of their race, religion, sex, or national origin.

But I have more than my personal experience to sustain my conviction about the urgent need for this legislation. The record is clear. Statistical evidence demonstrates beyond serious question that minorities and women find it difficult to secure Federal jobs, particularly at higher paying, decision-making levels. Blacks, women, Spanish-surnamed employees are unduly concen-

trated in jobs paying the lowest salaries and having the least amount of policymaking responsibility. A report issued by the Civil Service Commission in May, 1970 showed that minorities make up 19.4 percent of the total number of Government employees and 14.4 percent of the general schedule employees. Approximately 80 percent of these general schedule employees are locked at grades 1–8. While comprising slightly over 14 percent of the general schedule work force, minorities account for 27.3 percent of the lowest level GS 1–4 positions. The picture grows even more gloomy when we look at the record of individual cabinet level departments. Only 5.2 percent of Interior's employees are black, 5.8 percent of Agriculture's and 6.2 percent of Transportation's. Even more dramatically, only 2.9 percent of NASA's employees are black, and less than 550 of the Federal Aviation Administration's air traffic controllers out of a total of 20,000 are minority.

These pervasive patterns are reflected in the employment practices at the executive level of Federal employees. In grades GS–14 and 15, minority employees account for only 3.3 percent of employees, and at grades GS 15–18 minorities count for only 1 in 50 of all employees. While Spanish-surnamed employees are 2.9 percent of employees, only six-tenths of 1 percent have managed to make it to executive level positions. Similar patterns also pertain to women employees.

In individual agencies, the presence of blacks in executive level positions earning more than $15,000 and presumably having some decisionmaking authority, grows even more infrequent. In the Department of Interior, less than 1 percent of the blacks in the agency earn more than $15,000. In Treasury, Defense, Agriculture, and Transportation, 2 percent or less of all black employees make more than $15,000. Most remarkably of all, in the Justice Department, which at one time had the major responsibility for securing equal rights for all Americans, only 1.4 percent of black employees reached a salary range of $15,000 or more.

The difficulty of minorities and women in securing Federal employment, their high concentration in low level jobs, their virtual absence from executive level positions, can only be attributed to systematic and institutional failures, failures that the Civil Service Commission has proved unable to root out effectively.

These patterns are not accidental; they are the direct result of the failure of the Civil Service Commission to come to grips with the deep roots of discrimination pervading Federal employment practices. The Commission's failure springs from several sources. The Commission has the ultimate responsibility for establishing Federal personnel policies. At the same time, Executive Order 11748 places primary responsibility for insuring equal employment opportunity in the hands of the Civil Service Commission. It seems anomalous to have the Commission both establish policies for rooting out discrimination and at the same time have the basic responsibility for measuring the effectiveness of those policies against the demands of the law. H.R. 1746 will remedy this inequity and provide for objective review of Federal discrimination policies.

Beyond the Civil Service Commission's conflict of interest in enforcing nondiscrimination standards, the Commission has failed to acknowledge the institutional and systematic origins of discrimination in Federal employment. The Commission persists in searching out supervisors with malicious intent rather than focusing on personnel policies that have the inherent effect of discriminating against black, Spanish-surnamed, and women employees.

To many of us who have closely followed the work of the Commission in the area of equal employment programs, it has seemed that often it is more concerned with fashioning a tidy personnel system than in effecting equal job justice for Federal employees. Present Civil Service standards continue to overemphasize paper qualifications and test results, even when an employee in his work experience of performance has demonstrated a capacity for a better job or advancement. Furthermore, the tests used by the Commission are not directed in any significant way to the specific job requirfements. As the Labor and Education Committee pointed out in its report on H.R. 1746:

> The inevitable consequence of this * * * is that classes of persons who are culturally or educationally disadvantaged are subjected to a heavier burden in seeking employment.

These policies are wrong, but the Commission has utterly failed to see that they are wrong.

The CHAIRMAN. The time of the gentleman from the District of Columbia has expired.

(On request of Mr. FAUNTROY, and by unanimous consent, Mr. FAUNTROY was allowed to proceed for 2 additional minutes.)

Mr. FAUNTROY. Mr. Chairman, the time for change has arrived, and I urge my colleagues to seize the time. The Civil Service Commission has demonstrated that it is incapable of providing fair and equal job opportunities for all government employees. A new and more sensitive expertise is required. I believe that EEOC offers far greater hope to these thousands of employees who today have no real hope for change. I urge your vote against the Erlenborn substitute and in favor of H.R. 1746. The Erlenborn substitute would leave equal employment opportunity programs for Federal employees in the hands of the Civil Service Commission. The status quo would be continued. I maintain that the transfer is desperately needed, and I urge your support for it.

Finally, Mr. Chairman, I want to ask of those who oppose the cease-and-desist powers for the Equal Employment Opportunity Commission this question: What is more precious about the right of investors to be protected by cease-and-desist powers given the Securities and Exchange Commission than the right of blacks, Spanish surnamed, women, and other oppressed minorities people, to be protected by the cease-and-desist powers with which H.R. 1746 would provide the Equal Employment Opportunities Commission? If the Members of this distinguished body will answer that question honestly, they will vote against the Erlenborn substitute and for the bill which is before us, H.R. 1746.

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

Mr. DENT. Will the gentleman yield for a request to set a limitation on time?

Mr. ECKHARDT. Mr. Chairman, will it come out of my time?

The CHAIRMAN. It will come out of the gentleman's time.

Mr. ECKHARDT. But it will not limit my time?

The CHAIRMAN. It will come out of the gentleman's time, but will not limit the gentleman's time.

Mr. DENT. Mr. Chairman, I ask unanimous consent to set a time limit on this amendment and all amendments thereto, that debate end in 35 minutes from now, except for the 5 minutes for the gentleman from Texas.

The CHAIRMAN. The gentleman asks unanimous consent for the time to end when?

Mr. DENT. Thirty-five minutes from now, except for the time of the gentleman from Texas, which would make it a total of 40 minutes from now.

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

Mr. HALL. Mr. Chairman, I would object to the reservation. I would have no objection to the time limitation.

The CHAIRMAN. The Chair will state the gentleman from Texas had previously been recognized by the Chair. Therefore, the limitation of time would not apply to his time.

Mr. HALL. As a parliamentary inquiry, did not the request for time limitation, which came out of the gentleman's time, retain the last 5 minutes?

The CHAIRMAN. No; it did not.

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

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

There was no objection.

Mr. ECKHARDT. Mr. Chairman, there is one thing which, it seems to me, has not been recognized with respect to the effect of the Erlenborn amendment as compared with the original committee bill, and that is the real nature of the cases that come before the Commission, or, on the other hand, under the Erlenborn bill, before the court. These are not the simple kinds of cases in which John Smith seeks employment with Joe Bloke, who is the proprietor of a firm, and Joe Bloke says, "No, John, you are a Negro, and I shall not employ you." A case like that, of course, could easily be tried in the Federal court.

However, the kind of case that arises is one similar to this. Both the union and

the employer may be acting today in good faith and both may want their problems with respect to racial discrimination solved, but the problem is enmeshed in a long history of contract relations.

There is, for instance, a labor pool of employees which is composed of blacks, and historically blacks have been hired into the pool. Historically whites have progressed along the lines of promotion within the various departments within the plant. To simply say that blacks today have the same rights as whites to exercise their contract seniority is meaningless, because their seniority is in the pool. What has to be done is a discreet examination of the contract relationship between the union and the employer to establish how the effects of past discrimination may practically be eradicated. This is as difficult as most unfair labor practices that are before the Board today. It may be necessary to establish a system by which seniority in the pool is folded into the lines of promotion in the departments.

This is difficult. This is similar to a situation in a merger between two companies in which two different lines of seniority must be reconciled. Or we may have a situation such as exists, say, in a telephone company where most of the noncraft employees have been black, and there have been no admission tests for those employees to enter into the employ of the telephone company.

They have worked there for 25 years. They seek at this time to be promoted to craft jobs. Craft jobs have always required a test upon admission at the time of original employment, so a test is imposed upon blacks who seek to move from one level to another in the telephone company.

The question then arises, is the test prior to promotion discriminatory, since it applies, as far as existing employees are concerned only to blacks, and those blacks have been just as truly employees of the company for the many years they have been there as the whites have been?

These questions do not just deal with John Smith asking for employment, and he is black, and he is refused. They deal frequently with hundreds of persons in a single case. That is why we need a Commission's administrative determination first. It is perfectly reasonable to require it.

As a matter of fact, had we imposed upon the courts the complex problems which exist in labor relations—which are no more complex than these—we should never have come to the point we are today in solving these difficult questions.

The matter here is simply a question of whether we are going to set up machinery adequate to solve the problem or whether we are not going to set up that machinery.

The Supreme Court in the steelworker trilogy has said, with respect to many labor problems that they are a matter of the law of the plant, and this matter of equal employment opportunity fits in that law of the plant and is equally complex. The trilogy has said this is not the kind of thing the court will decide, that the court will permit the matter in that instance to be decided by arbitration so that persons with an expertise in this field can solve the difficult questions.

The same kinds of problems are involved here, and the committee bill provides the only appropriate machinery for solving them: a commission-type proceeding in which sufficient time and expertise can be applied to these very complex problems.

The CHAIRMAN. Members standing at the time the limitation of debate order was entered will be recognized for 2 minutes each.

The Chair now recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I support H.R. 1746, the Hawkins-Reid bill. The purpose of the Civil Rights Act of 1964 and the establishment of the Equal Employment Opportunities Commission was to end employment discrimination. As a Congresswoman who represents a district in New York which has in it substantial minority groups, I am particularly involved in this issue. I happen to have been a lawyer for many years in the labor law field. I grew up in the NLRB. I can tell you gentlemen who have argued for the Erlenborn amendment, which I oppose, that the reason the cases between labor and management have been able to be resolved is because they have been heard in the same kind of forum which we are now seeking for the Equal Employment Opportunity Commission.

The fact is that we have to be sensitive to our commitment; we have to have a partiality in our commission which understands that it has to fulfill the needs of the blacks and the minorities and the women in this country for equal employment.

I am determined to see that blacks, Puerto Ricans, Chinese, Italians, Jews, Ukrainians, and other minority groups no longer suffer discrimination in employment. Many suffer both because they belong to a minority group and because they are women. They are victims of double discrimination.

The sad fact is that despite the efforts of the Equal Employment Opportunity Commission and despite the Civil Rights Act of 1964, women and minorities can still be characterized as castoffs of the American economy. Both groups suffer consistently from employment discrimination which is blatant, pervasive, and in flagrant violation of Federal law.

One major reason that this discrimination persists is that the Equal Employment Opportunity Commission, charged with ending employment discrimination in accordance with the provision of title VII of the Civil Rights Act of 1964, has been a watchdog without teeth.

The issue confronting the Congress is how we can eliminate the discrimination in employment, and how we can fulfill our commitment to the people under the Civil Rights Act.

Every one of us bears a responsibility, once and for all, to eliminate the cruelty which denies the right to opportunity because of race, sex, national origin to millions of Americans. Let me give you some facts about the rising demand to eliminate discrimination in employment because of sex.

Women now comprise 40 percent of the work force. One out of five women in the work force in 1970 was single and therefore entirely self-supporting. One out of three supports children; and one out of five are widowed, divorced, or separated from their husbands. Clearly, these women do not work to "fill up their time" or make "pin money"—they work to buy food and clothing and shelter for themselves and their families.

Employers continue to discriminate against female workers in recruitment, hiring, placement, and promotion. Women who pass these barriers often confront discrimination in the form of lower wages, or of segregation of women into the lowest paying jobs. The United Electrical Workers Union has estimated that American industry saves $22 billion a year by paying women lower wages than men for essentially the same work.

In 1969 the average American women who worked full time earned only $60 for every $100 earned by the average American working man and black women made 20 percent less than that.

Women who have completed college and at least 1 year of graduate school receive only 67 percent of the salary received by men with equivalent training—a woman with a college degree earned about as much as a man with an eighth grade education averaged in 1968.

But women who are less educated and highly skilled suffer most—in 1966, women salesworkers received 41 percent of the salary received by men in the same occupation.

The nonwhite woman worker who labors under the double discrimination of race and sex faces the severest discrimination. In 1969 white women earned a median income of $5,182 compared with $8,668 for white and nonwhite men. Nonwhite women, however, who are most heavily concentrated in low-wage, lowskill jobs, earned $4,126 only 47 percent of the income of the average male worker, white or black.

The problems of Spanish-surnamed Americans, a racial minority, are no less serious. Although they are the second largest minority group in the United States, the Spanish-surnamed population is often neglected or ignored, even in view of the massive economic and social injustice to which they are subject, and cases involving discrimination against Orientals have been practically invisible under title VII.

The unhappy history of continued employment discrimination against women and minorities, brings us to the question of how we can improve the act, to which we, as Americans, are committed. The Hawkins bill provides such improvement—the Erlenborn bill does not.

The double discrimination suffered by minority group women cannot be eliminated until we begin to deal boldly with their problems as women, as well as their problems as members of a minority.

The important elements in both bills are those dealing with enforcement pow-

ers for the EEOC and the scope of coverage of title VII.

The Hawkins bill gives the EEOC cease-and-desist powers in addition to the right to issue affirmative orders for back pay and reinstatement. This power is crucial; an administrative order can be obtained within several months, while the median time for resolving a case in the U.S. district court is 19 months. Also, the cease-and-desist power is a power which is given to such regulatory agencies as the NLRB, the SEC, the FCC, and 34 State fair employment practices commissions.

In contrast, the Erlenborn bill would give the EEOC only the time-consuming remedy of court enforcement. It seems to be illogical and contrary to the intention of the Civil Rights Act of 1964 for the Attorney General or the district court to assume the function of deciding whether there has been discrimination when the EEOC has unique expertise, by virtue of its experience, in investigating and concluding cases concerned with employment discrimination.

I want to discuss the importance of expanding the scope of the coverage presently afforded under title VII. A major reason why EEOC has not been able to be more effective in eliminating employment discrimination is that large numbers of workers have not been covered.

The Hawkins bill would extend coverage to employers and unions with 8 or more employees or members, whereas now those with fewer than 25 employees or members are exempt from coverage. The Hawkins bill would also extend coverage to teachers by eliminating the "educational institution" exemption under title VII. This may well be the most important provision in terms of its effect on women. Consider the number of women who would gain protection by title VII coverage under this provision: Two out of five college graduates major in education, 86 percent of elementary school teachers are women, and 47 percent of secondary school teachers are women.

In addition, and this is an important addition, the Hawkins bill would extend coverage to State and local government employees, and would extend the Civil Service Commission powers of enforcement regarding employment discrimination to EEOC. Data from the Civil Service Commission itself indicates how badly women need this. CSC data in 1969 showed that 80.4 percent of all women in the Federal Government held jobs in grade levels 1 through 6. For Spanish-surnamed Americans, the percentage in levels 1 through 6 was 65.8. Clearly, the Civil Service Commission is either unwilling, or has been unable, to make equal employment opportunity a reality for either of these groups.

The Erlenborn bill extends no coverage to these groups: employees of small businesses, teachers, and Government workers. Surely these workers are entitled to the same protection afforded all other workers under the coverage of title VII, and the Hawkins bill does no more than give them that to which they are justly entitled.

Although enforcement powers and scope of coverage are the two most important issues before the Congress, several other highly significant matters remain.

The Erlenborn bill would eliminate the right of an employee to bring a class action on the behalf of all other employees similarly situated, a right which now exists under title VII. My fellow colleagues, sex and race discrimination are by the very nature class discriminations. Now a member of a discriminated against class, or several members, can bring suit on behalf of their entire class, and seek an award of back pay, reinstatement, or injunctive relief. The structure and pattern of employment discrimination will remain untouched unless large numbers of workers are affected. An award in favor of one complainant will do little to discourage an employer bent on discriminating against a class of employees, but an award—or even the possibility of an award—on behalf of an entire class can effectively discourage this kind of unlawful discrimination.

The Erlenborn bill provides that charges filed under title VII constitute an exclusive remedy. That means that working people would be denied the remedies Congress has already provided, such as the Equal Pay Act of 1963 and the Civil Rights Act of 1966 and the National Labor Relations Act.

It is a plain fact that as women continue to recognize that they are receiving less pay for the same work that men are doing, more employment discrimination cases are going to be filed.

Similarly, as minorities realize that they cannot continue to live on the kind of pay they are receiving, there will be more cases. The Members of this Congress must recognize, for once and for all, that a permanent obligation of a Representative of Congress is to provide the opportunity to all Americans, equally, to earn a living.

The very heart of a nation and the success of a democracy depends upon giving freedom and equality to all its citizens, and there can be no freedom or equality when people are discriminated against in the very fundamental of life—the way in which they earn their living.

I would disagree with the amendments to the bill which the committee may recommend to limit back pay to no more than 2 years, prevent setting quotas, and require informing the employer within 10 days when charges are filed with the Commission. I am also opposed to the transfer of the functions of the Office of Federal Compliance—OFCC—from the Labor Department to the EEOC.

However, I can accept these amendments to get an overall bill which gives real enforcement powers to the EEOC. I would suggest that those other Members who, though they have spoken for the Erlenborn amendment, consider it important that EEOC's coverage be extended to those who are most discriminated against should be prepared to go half way and support the Hawkins-Reid bill with the Dent amendments.

Those who have been traditionally discriminated against—women and minorities—are entitled to the protection of the law and law enforcement in a country which boasts of equal opportunity for all. Surely the concept of "equal pay for equal work" is an idea whose time has come.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois, Mr. ANDERSON.

Mr. ANDERSON of Illinois. Mr. Chairman, anyone familiar with the enactment of civil rights legislation over the last decade knows the gentleman from Ohio (Mr. McCULLOCH), the ranking Republican member of the House Committee on the Judiciary, has played an absolutely indispensable role in the passage of every important bill of that kind.

Physical limitations have prevented him from being here this afternoon. He personally contacted me this morning and requested that I appear on the floor this afternoon before the committee and inform them that he had prepared a statement which he wished me to read.

I would like at this time to read his statement.

Mr. McCULLOCH. Mr. Chairman, the central issue confronting the Members of this body in choosing between H.R. 1746 and H.R. 9247 is whether the Equal Employment Opportunity Commission should be granted cease-and-desist powers. There is no question in my mind that it should.

The difference between the two approaches is that H.R. 1746 would allow the Commission to issue what is, in effect, a preliminary injuction, whereas H.R. 9247 would allow only a Federal court to issue such an injuction. Both approaches are subject to later judicial scrutiny. But the critical distinction is that H.R. 1746 places the burden of delay on the wrongdoers whereas H.R. 9247 places the burden of delay on the victim. If the Commission with its unsurpassed expertise in this field believes that discrimination exists, why should relief be withheld for months or more until the Federal courts have time to take up the case?

The burden of delay must fall on one side or the other. I prefer to place my trust in the Commission's judgment. H.R. 1746 does that. H.R. 9247, in effect, presumes that the Commission is wrong until the Federal court overrules that presumption. Thus I cannot support H.R. 9247.

When the Commission finds wrongdoing, why should we presume that the wrongdoer is right? Why should we presume that the Commission is wrong?

Suffice it to say this distinguished member of the House Committee on the Judiciary shares with me the concern that I expressed on yesterday that if we are really seeking the most effective and the most expeditious means of enforcement under title 7, we should choose the administrative process or run the considerable risk of overburdening the Federal judiciary of this country. I take my place with pride alongside of the distinguished gentleman from Ohio (Mr. McCULLOCH) in support of the committee bill, H.R. 1746.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the substitute.

Earlier today we heard from the distinguished gentleman from New York (Mr. REID), who indicated that the cease-and-desist powers generally settle more cases—roughly 98 percent of the cases. I would like to suggest that the committee read on page 11 of the committee report where it is stated:

Past experience with administrative hearings and court enforcement indicates that cease-and-desist would be more effective. Experience has shown that one of the main advantages of granting enforcement power to a regulatory agency is that the existence of the sanction encourages settlement of complaints before the enforcement stage is reached.

I might say the existence of this dramatic and drastic and potentially arbitrary power waiting on the sidelines does tend to settle cases, but it may not settle them accurately and appropriately.

I further suggest that the committee read on page 11 where it says:

Moreover, administrative tribunals are less subject to technical rules governing such matters as pleadings and motion practice—which afford opportunities for dilatory tactics—and are less constrained by formal rules of evidence.

I might suggest to the committee that abandonment of formal rules of evidence does not guarantee the equitable disposition of cases. It does not adhere to the noble and time-tested traditions of America, the tradition of the rule of law, the tradition of granting each party his day in court and the fullest protection of all rules, procedural and evidentiary, on the statute books.

I urge support of the Erlenborn substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise in support of the Erlenborn substitute.

(By unanimous consent, Mr. GROSS yielded the remainder of his time to Mr. ERLENBORN).

The CHAIRMAN. The Chair recognizes the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I rise in support of the bill and against the Erlenborn substitute.

I would like to point out that this bill affects women, 52 percent of the population of this country. If there is any group that should not be willing to trust their rights to the Federal courts of the country, it is women. They have never won. The only case that has ever reached the Supreme Court under title VII, the Supreme Court had the colossal nerve to laugh.

If there is any group to which I am not willing to trust my rights it is the Supreme Court of the United States.

Mr. Chairman, I am for the cease-and-desist powers remaining within the Commission, and on behalf of all women, I think that is quite correct.

If we only win one-third of the cases, that is one-third more than we ever won before.

Therefore, Mr. Chairman, I urge everyone here to oppose the Erlenborn substitute and vote for the committee bill as it has been written.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. GERALD R. FORD yielded his time to Mr. STEIGER of Wisconsin.)

Mr. STEIGER of Wisconsin. Mr. Chairman, I think with what has been said recently in the debate we have finally gotten back to the point where it is very clear as to what the issue is. The issue is not the smokescreen of setting quotas and it is not the smokescreen of preferential treatment, but, rather, what kind of enforcement powers should be granted to the EEOC.

The issue is whether or not the administrative approach is preferable or whether the referral of these matters to the courts is preferable.

Mr. Chairman, I think the Chairman of the EEOC who has expressed his views on this matter are worth recalling to the members of this committee. In his testimony he said this:

One must keep in mind that the great growth of administrative agencies as adjudicating bodies took place in the 1930's, because of the established hostility and lack of understanding of the problems of that time by the courts of that time.

Today, in the area of civil rights at least, the opposite has been true. Whereas administrative and other non-judicial approaches have evidenced timidity and lack of resourcefulness on the part of the administrative agencies, the courts from the beginning demonstrated both that they knew the nature of the problem and were willing to take steps necessary to effectively combat employment discrimination.

I think, Mr. Chairman, that that one statement of the Chairman of the Equal Employment Opportunities Commission more than anything else clarifies exactly what we are talking about. What we would get through the adoption of the Erlenborn substitute is the ability to insure not only effective enforcement and to insure fair enforcement, but prompt enforcement of the voluntary enforcement compliance efforts of the EEOC.

If you stay with the committee bill, not only do you have the continuing problem of administrative relief of cease-and-desist which is less substantive and less effective than the court process, but you also have the three other problems; namely, the transfer of the jurisdiction of the Civil Service Commission, the transfer of the pattern and practice jurisdiction of the Justice Department and the transfer of the OFCC. You put them all together with the cease-and-desist authority plus granting jurisdiction over State and local employees and you create problems.

Mr. Chairman, I think the substitute amendment which has been offered by the gentleman from Illinois (Mr. ERLENBORN) and the gentleman from Kentucky (Mr. MAZZOLI) offers to this House the opportunity to fulfill a commitment to grant the power to EEOC that it needs now in its effort to see that all parties are treated equitably and justly.

Mr. Chairman, I trust that the substitute amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, many years ago New York State adopted a law that created a State Commission for Human Rights, and thereafter the city of New York did likewise. It did so initially without a cease-and-desist order.

The enactment of that legislation was virtually meaningless. Later cease and desist was written into the law, then it became a meaningful operation. The statistics were correctly enunciated by the gentleman from New York (Mr. REID) showing very effectively the process of conciliation and cease and desist works.

The gentleman from Wisconsin said it is a question of administrative remedy versus judicial remedy. I suggest that that is not the case because under the committee bill you have the administrative remedy plus the judicial remedy. When a cease-and-desist order is granted the respondent can then appeal to the courts.

Currently I am representing a young lady, and have been for 4 years, who is seeking to be a baseball umpire. We went through the State commission for human rights, and won every step of the way. It was appealed on cease and desist. We are now before the State of New York Court of Appeals waiting a determination. That confirms the fact that you have judicial plus administrative remedies.

In addition to that we have a situation existing now where the Commission grants moneys to the human rights commission in the various States in order to employ more people to deal with complaints.

This route is pursued because they know they are inadequate by virtue of the absence of cease-and-desist orders. By providing more personnel the complaints or complainants are referred to the State agency where they can seek redress, and get the advantage of cease and desist.

Members of the House, this is vital, it is working, and, again I repeat, that is the salient point—it is working. The substitute offered by the gentleman from Illinois (Mr. ERLENBORN), I presume—and I have to presume, because I know the gentleman—that he intends in good faith to provide substantial relief. Others have stated this substitute is naught but a ploy to deny civil rights machinery to all aggrieved people. If so, I suggest that he is asking for surgery when an aspirin would do.

The arguments of those opposed to giving the EEOC cease-and-desist orders seems to center around a fear that employers will be subjected to unjust actions by a governmental agency attempting to form its own civil rights policy that may not be in keeping with the law.

The fact is that cease-and-desist powers are available in some 35 States that

have fair employment practice acts of one sort or another. Additionally, the EEOC through its grant authority has provided funds to State and local commissions that then use their cease-and-desist powers to bring about desirable results. There have been no complaints of the operation of this system.

To be specific, the EEOC granted $1,050,000 to various human rights or human relations commissions during 1971. A total of 41 governmental bodies—23 States, 17 cities, and the District of Columbia—used this money to file unfair employment charges and issue cease-and-desist orders. In New York City, for example, the Commission on Human Rights received over $100,000. The State division of human rights received over $75,000.

The power is there and is being exercised. Why waste government funds in employing people to do something twice. The EEOC could act on its own accord in issuing cease-and-desist orders and be more effective in the process. Moreover, Congress would be in a better position to exercise its oversight function in this regard by keeping direct tabs on the effect of appropriated dollars.

The ability of the EEOC to eliminate job discrimination will be greatly enhanced by the authority contained in the Hawkins measure. Some of the amendments that will be proposed to ease the fears of employers should be considered if they will not have a weakening effect on the bill. I believe a limitation on the liability of an employer to pay back wages or reinstate personnel is legitimate. Also requiring that a 10-day notice to an employer or union before unfair employment charges are filed will not weaken the bill in any way.

This Congress has the obligation to help eliminate the last vestiges of job discrimination in this country. Equal employment opportunity is essential to the fight for racial equality. Unless a man has the opportunity to succeed in life, he will never be able to hope for a better future. I urge approval of the measure substantially as reported from the committee.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I am firmly convinced that the greatest burden this Nation has borne since it was founded is racism, and it is something that was thrust upon us by history. The one encouraging thing we can say is that we have always moved in the direction of destroying it.

From 1808, when we said we will no longer import human beings to sell, we have moved in the direction of fulfilling the promise of those who founded America to all Americans. In 1865, we kept this promise alive with the ratification of the 13th amendment and black men across this country thought this promise might even become a reality with the passage of the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Open Housing Act. Today, we are voting on a bill that is as important as any we will have this year because the House of Representatives is going to decide whether we as a Nation want to move on down that road of freedom and equal opportunity or whether we want to back out on a promise we made nearly 200 years ago.

All the talk about the Erlenborn substitute being the greater remedy to insuring equal opportunity is hogwash. Just look at the people inside and outside this House who support or oppose it—and we all know what the issue is.

I was sorely disappointed when the minority leader was not on the side of the committee, and on the side of the gentleman from Ohio (Mr. MCCULLOCH), because he is so important, and so often he speaks for the administration, as well as for the minority Members of this House. Mr. MCCULLOCH and Mr. CELLER have for the past two decades been giants in the struggle for civil rights and both are strongly opposed to the Erlenborn substitute.

I was disappointed when Mr. FORD and the President did not support a continuation of the voting rights bill in the last Congress and by their opposition to integrating suburbs and schools. Thorughout his administration, the President has acted repeatedly to frustrate the desires of blacks to vote, to enjoy equal housing opportunities, to avoid the job discrimination which has prevented them from taking their proper places in the American job market. As one of the major spokesmen for the administration, the minority leader has frequently backed the President in perpetuating these injustices.

It was disheartening to learn that the minority leader does not support cease-and-desist power for the Commission because more important than the issue itself or the party advocating it, this enforcement power is a symbol that we in the House of Representatives are still firmly opposed to racism and that we want to end it using the most vigorous mechanism we can.

We tried in 1964 to get cease-and-desist power for the Commission when it was first established. We knew it would have to come someday. I am sorry we had to wait so long. Since 1964 we have fought to allow the black man to take his place beside his white brother in our schools, in our neighborhoods and I believe it is long overdue that he take his proper place in the labor market.

I truly regret that the minority leader is not supporting the committee, but I hope the Erlenborn amendment is defeated overwhelmingly because I hope that the voice is loud and clear that we are still dedicated to eliminating racism in this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID) for 2 minutes.

Mr. REID of New York. Mr. Chairman, on the point of how rapidly cases proceed, let me just say that litigation on title VII cases has been held up for years in courts.

For example, the case of Washington against T.G. & Y Stores has been before the Federal District Court for the Western District of Louisiana on motions to dismiss for 13 months, but the case has not yet reached trial. Even more outrageous is the fact that charges were originally brought in this case 3 years ago.

Second, let me point out that Chief Justice Burger has opposed legislative introduction of large numbers of cases into the Federal judicial system without first providing for the reorganization of that system.

In an address before the American Bar Association last year, Chief Justice Burger said:

> The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in the terms of case load.

The Commission itself estimates that the new case load could be 20,000 additional cases.

I would submit that that would not result in expediting the administration of justice, but it could mean a lack of timely and effective enforcement.

The House passed this bill in 1966. The Senate passed it in 1970. I hope today that we make equal employment opportunity a reality now and defeat the Erlenborn amendment and then go on to approve the committee bill which is the kind of legislation that should have really been passed 20 years ago and which is legislation that is vitally necessary to our country.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN) for 4 minutes.

Mr. ERLENBORN. Mr. Chairman, I am not going to take the time of the Committee now to again reiterate what is in my substitute or what is in the committee bill. I think we have had a thorough discussion of that during the last 2 days.

We also have had an issue raised, new this week, by the introduction of a new element by the gentleman from Pennsylvania (Mr. DENT) by some three amendments that he proposes to offer if he has an opportunity to offer them to the committee bill.

Two of those amendments are amendments that I offered in the subcommittee and in the full committee. They were rejected by the committee. I would still support them if it comes to that, but I hope it does not. I hope my substitute amendment is adopted.

The third point is another issue that has been somewhat debated and that is the question of removing from the OFCC jurisdiction the right to set effective goals, an affirmative action plan.

The circuit court of appeals has affirmed the Philadelphia plan.

There is an obligation requiring bidders on Federal or federally assisted construction projects to submit an affirmative action plan for the employment of minorities excluded from referral systems in six trades.

The courts upheld this, and held specifically that it does not violate title VII of the 1964 Civil Rights Act.

But what is the thrust of the gentle-

man's amendment? It can be one of two things. It either means nothing or it destroys the affirmative action authority that the OFCC now exercises.

I submit from the explanation of the gentleman from Pennsylvania (Mr. DENT) that he believes it does the latter—it destroys this authority.

How the proponents of civil rights can support this sort of amendment and can take the floor and say that this is a fine thing—I do not understand, because the one great opportunity for greater minority employment in the construction crafts has been through the OFCC affirmative action plan.

Yesterday I referred to an editorial published in the Wall Street Journal and read a part of it. A good deal of the debate we have had concerning the effectiveness of enforcement proceedings, cease and desist vis-a-vis court enforcement, has been as to the speed and effectiveness of the opposing enforcement procedures. This editorial in the Wall Street Journal addresses itself to that point:

> But speed is only one measure of effectiveness; final results are a better gauge. But by that measure, too, the scholarly critics doubt that complex problems of bias, deeply rooted in many aspects of the society, lend themselves to resolution through cease and desist orders. For one thing such orders issued by the labor board have the relatively limited function of getting parties to negotiate. At the EEOC, they would presumably have to carry a greater problem-solving load. Furthermore, some experts worry that a substantially strengthened EEOC would invite subversion from special-interest groups.

Concluding, the editorial states—

> No doubt, the new powers Congress confers upon the EEOC will profoundly affect the future course of the civil-rights movement. While most civil-rights advocates prefer cease and desist, it's by no means clear that this approach would ultimately prove more effective than merely authorizing the EEOC to ask courts to enforce its anti-discrimination rulings. As Mr. Blumrosen writes: "One court decision is worth 10 written conciliation agreements and one hundred annual reports of administrative agencies."

Mr. Chairman, I urge support of the Erlenborn-Mazzoli substitute, which would give the Commission the right to go into court, resulting in fairness to both parties, and expeditious, judicial and fair relief. I hope the Erlenborn-Mazzoli substitute is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I was quite upset when the minority leader some time earlier mentioned the Philadelphia plan as the main support apparently of blacks and others to get jobs in America.

In the first year of the operation of this plan do you know how many blacks got jobs? Less than 100. Do you know how many women have gotten jobs in the history of the Philadelphia plan? Not a single one. Yet the gentleman has the nerve to put that forth as a civil rights record to go to the American people.

The gentleman from Illinois (Mr. ERLENBORN) says that we are attempting to destroy affirmative action plans by transferring the authority of the Office of Federal Contract Compliance. The amendment of the gentleman from Pennsylvania (Mr. DENT) does not do this, and he knows that it does not do this. Furthermore, he knows that to transfer it to title VII of the Civil Rights Act would, for the first time, bring labor under the operation of the law, which is now exempt under the OFCC. It cannot be reached. They are trying to reach labor by having the companies do it. But labor itself is not touched. If that does not strengthen the law, I do not know what does it. These misstatements have gone on for 2 days.

What the Erlenborn substitute does is to nullify the Civil Rights Act of 1866, which later became the 14th amendment, as far as employment discrimination is concerned. It nullifies the Equal Pay Act. It wipes out the Office of Federal Contract Compliance where title VII now applies. And it wipes out other Civil Rights Acts as well.

The implication is given that somehow this bill is supported by some civil right individuals. What ones was never brought out in the committee. It is a phantom Civil Rights Act. The origin is clouded in mystery. The Chairman of the OEC would not take credit for it, the Attorney General's Office would not take credit for it, and apparently the administration has not yet taken credit for it. Its support is underground. They are operating as guerrillas to try to line up support in this House.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I yield to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, the future of this bill is equally a phantom. This bill is going to evaporate if its real mission is accomplished, which is the defeat of H.R. 1746. This bill was not dragged in until it was thought there was a possibility of passage of a strong civil rights bill. The proponents have not yet indicated how this bill in some way accommodates to the administration position, or how the position of the minority leader in the House squared with the minority leader in the other House who is supporting our bill—that is not explained. There has been no explanation as to why they do not wish to follow the leadership of the ranking Republican on the Judiciary Committee, who is supporting our bill.

Apparently there has not yet been an understanding of Chief Justice Burger's warning that to pass such legislation will result in at least 20,000 to 25,000 more cases in courts which are already overcrowded.

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

Mr. HAWKINS. I yield to the chairman of the subcommittee, the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would like to ask the gentleman if in his opinion after the experience we have had, and with his sources of knowledge and the acquaintances the gentleman has with the many civil rights groups in the United States, and after hearings on this legislation all over the country in the last 3 years before our committee, would the gentleman say that a vote for the Erlenborn amendment would be considered a vote favorable to a good civil rights bill or a bill that has the support of civil rights groups?

Mr. HAWKINS. There is no issue which is clearer. The only person they have ever quoted who is anywhere near to being a civil rights activist or a civil rights spokesman is the Chairman of the Equal Employment Opportunity Commission, and he is an appointee of the administration. Not only that, but also in spite of that, he supports not just this bill, but he wants a self-enforceable cease-and-desist order bill, so he wants to go much beyond the position we maintain. That is the only person they have ever quoted.

They do not have the support of a single civil rights organization or a single women's rights organization on their side. Yet they have the audacity to give the impression that somehow they are doing something with and for minorities. I suppose before making that statement they have not consulted with the minorities.

I think this is one of the most dangerous and far-reaching types of sabotage of a civil rights bill. I think there should be give and take on both sides, but certainly there should be some giving on the other side and not only just on our side. On the asking for minorities and women to continue to be patient while we drag out the implementation of the Civil Rights Act.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to oppose the Erlenborn amendment. First of all, I worked for 7 years on a bill to provide equal pay for equal work. On page 4 of the Erlenborn bill, on line 14 it reads:

> A charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization.

In a memorandum from Mr. ERLENBORN's office, dated June 17, 1971, on pages 1 and 2:

> 2. *Exclusive Remedy.* Section 3(b) of the bill adds a provision that charges filed under title VII shall be the exclusive federal remedy for persons claiming to be aggrieved by discriminatory practices of covered respondents. . . . One effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others.

The Equal Pay for Equal Work Act is one of those "amongst others."

Mr. ERLENBORN stated yesterday, in supporting his substitute:

> So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices.

From these statement, I cannot but conclude that a woman no longer has

the protection of the Equal Pay for Equal Work Act. This is another reason why I believe that the Erlenborn substitute is misnamed. It is not an equal employment bill if it wipes out in one fell swoop the provisions for some justice for the majority of the people in this country and for one-third of the labor force: The women, black and white, red and brown, who have historically been doing identical work to that of men and have been paid less. In 1963 this Congress finally passed the equal pay for equal work bill. Is the minority leader, is Mr. ERLENBORN, and are other Members of this House willing to pass a bill today which denies equal employment rights in the form of equal pay to some 36 million American women?

Mr. Chairman, let me turn to the argument over the power that might be exercised under the cease-and-desist provision. My State of Oregon has had cease-and-desist powers as have some other 30 States in the Union. It is not under the cease-and-desist power that unfair practices occur in Portland and in other parts of my State. The inequities, the injustice comes about because of the almost absolute power which the Office of Contract Compliance exercises. Yesterday I referred to three cases of which I had personal knowledge. One of those was a ship conversion plant in Portland. In Oregon we have a 5 or 6 percent black population. This ship conversion plant had on their payrolls 15 percent minority employees. Long before OFCC was established this plant had gone out to actively recruit members of the minority races. The Contract Compliance Office in San Francisco said a 15-percent quota was not sufficient and that they must hire 15 percent in every job category. They demanded that 15 percent of all welders be members of the minority race; that 15 percent of all of the electricians be of a minority race; that 15 percent of all carpenters be of a minority race; that 15 percent of the clerical employees be of a minority race.

The Office of Contract Compliance further threatened to hold this company in noncompliance and ineligible for Federal contracts unless they complied with their demands. The management of the plant explained that there were not a sufficient number of qualified welders among the minority groups to meet that 15 percent quota. The answer was, we have a surplus in Chicago, we will bring them to Oregon.

The management of the plant decided that any appeal was hopeless and that it was almost impossible to successfully appeal an order from the Contract Compliance Office.

Under the cease-and-desist orders there is an automatic right to appeal the case. It seems to me that this is a much fairer way than a continuation of the awesome power exercised by the Office of Federal Contract Compliance which the Erlenborn substitute would now transfer to the EEOC.

In summary, Mr. Chairman, I oppose the Erlenborn substitute because it perpetuates the quota system established under the Executive order and in conflict with title VII of the Civil Rights Act. I oppose the Erlenborn amendment because in giving special rights to some it denies equal rights and job opportunities to others. I oppose the Erlenborn amendment because it has clearly been misnamed. It is not an equal employment bill when it wipes out the Equal Pay for Equal Work Act which was finally placed on the statute books after years of work by almost every women's group in the country.

Mr. ASHBROOK. Mr. Chairman, I supported the Erlenborn substitute but will vote against this bill. Having followed title VII very closely since its inception and the EEOC since its establishment it is obvious that the real purpose of granting additional powers for the EEOC is to give it more authority than it deserves or should properly have.

The EEOC will work for quotas, despite congressional intent, and use its blackjack authority to force these on employers. Cease-and-desist powers, however, discussed in the rhetorical context, will be the method for compliance. Just as bureaucrats now order localities or businesses to "submit plans" they will hold the threat of issuing cease-and-desist orders over the heads of business to bring about compliance.

An editorial from the Indianapolis News on September 7, 1971, states the issue very well. I read it into the RECORD at this point:

One of the first restrictions a totalitarian government imposes is to forbid freedom of movement, an authorization tactic some top members of the Equal Employment Opportunity Commission also want to adopt.

A trio of EEOC attorneys, including an executive director of the American Civil Liberties Union, has recommended to the chairman that entrepreneurs must first prove to EEOC's satisfaction, or face court action, that any proposed relocation of a business is solely for improvement of its economic or competitive position. What the attorneys really intend is to prevent businesses from closing down unprofitable facilities in inner cities—a prohibition which eventually would injure employe and employer. No businessman can tell beforehand what effect relocation is going to have on employment.

The attorneys claim that any contemplated move to a site "that threatens to deprive minority workers of employment opportunities constitutes a prima facie violation of Title VII" of the Civil Rights Act of 1964. In a memorandum to William H. Brown III, chairman of EEOC, the attorneys said: "Section 703(a) states that it is unlawful for an employer 'to deprive or tend to deprive any individual of employment opportunities . . .' " The catch is—and it blows their entire "legal" argument—the section says much more, to wit:

"Section 703(a). It shall be an unlawful employment practice for an employer—(1) to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

"(2) to limit, segregate, or classify his employes in any way which would deprive any individual of employment opportunities or otherwise adversely affect his status as an employe, because of such individual's race, color, religion, sex, or national origin."

What EEOC trio has done is to trim down part two of Section 703 to "prove" its legal authority to restrict freedom of movement. Taken as a whole, Title VII, Section 703(a), parts one and two, says nothing about where a businessman can or cannot operate. It simply requires him to hire, fire and compensate an individual solely on his skills and performance—which, out of economic self-interest, a smart employer would do anyway.

The EEOC attorneys are attempting what Congress clearly has not authorized and therefore has prohibited. Only the President, however, can prevent the EEOC, an executive agency, from severely damaging the free enterprise system.

Mr. Chairman, this agency does not deserve any additional powers. I oppose giving it any additional authority.

Mr. BADILLO. Mr. Chairman, we are today considering a measure which will grant the Federal Government much needed enforcement powers to end discriminatory employment practices and to improve, and, hopefully, reinforce Federal efforts to prevent bias in employment. Although I intend to fully support the Equal Employment Opportunities Enforcement Act of 1971—H.R. 1746—I believe the time is long overdue for the Federal Government to put its own house in order in terms of ending its own discriminatory employment practices.

Although the Government must have the authority to bring an end to the bias and prejudice which currently exists in many areas of personnel policies in the private sector, it must also abide by the same principles and achieve the same goals and quotas which are established for private industry and labor. I am especially concerned over the very poor record of the Federal Government in the employment of Spanish-speaking Americans.

The U.S. Government is the Nation's largest employer with some 2,601,639 men and women serving in civilian capacities. However, Spanish-speaking persons represent only 2.85 percent of all Federal employees—less than half of our proportion of the general population. It is interesting to note that two departments which administer social and economic welfare programs of special importance to much of the Spanish-speaking community—HUD and HEW—have a particularly small percentage of Spanish-speaking employees—1.3 and 1.2 percent, respectively.

In addition to the very low representation of Spanish-speaking Americans in the Federal civil service, it is also most important to realize that those who are fortunate enough to be employed by Uncle Sam are heavily concentrated in the lower grade levels. The U.S. Commission on Civil Rights advises me that there are only 17 Spanish-speaking persons who hold supergrade positions—GS-16 to GS-18—in the entire Federal Establishment.

Last November, the President announced a 16-point program designed to create greater employment opportunities for the Spanish speaking in the Federal Government. Although this program has been in existence for some 10 months and has taken some small steps to implement the President's 16 points, it is clear that much remains to be done. Two de-

partments, for example—DOD and the U.S. Postal Service—together employ 81.09 percent of all Spanish-speaking persons in the Federal Establishment. The great majority of Spanish-speaking citizens continue to be concentrated in pay categories below $9,000 per annum and very few—too few—are in positions of responsibility or decisionmaking. Consider, for example, the fact that only seven Spanish-speaking persons are in the supergrade category in the Department of State and none heads any of our country's foreign missions in any Spanish-speaking nation, even though the Nixon administration has professed an intense interest in our Latin American neighbors to the south.

Mr. Chairman, it is clear that the time is long past to end the hypocrisy of equal employment opportunities practiced by the Federal Government since the first Equal Opportunity Executive order was promulgated in 1955. It is time for the U.S. Government to follow the principle of employment of Spanish-speaking Americans commensurate with their percentage of the total population. Tokenism is clearly unacceptable to the Spanish-speaking community. An immediate and concerted effort must be undertaken to fully implement the 16 points announced by Mr. Nixon last year and to expand them where necessary to achieve some meaningful results. I speak not only of increasing employment opportunities for Spanish-speaking Americans but also in ending certain requirements or features of personnel policies which discriminate against Spanish-speaking persons. For example, physical height requirements have often presented unnecessary barriers to the employment of Spanish-speaking persons in many agencies. Most of the written examinations are conducted in English, even though the results of a test may not necessarily reflect the applicant's ability to perform a particular job.

The failure of the Federal Government to afford full and equal employment opportunities for Spanish-speaking persons transcends Republic or Democratic administrations and the low degree of employment has remained at the same basic level for over a decade. The efforts of the U.S. Civil Service Commission to recruit Spanish-speaking persons must be significantly accelerated and the continued low representation of Spanish-speaking persons in the Federal service clearly indicates that considerably stronger efforts must be made. While I realize that we are now in the midst of a freeze in Federal employment, this situation will certainly not persist and when the Federal job market again becomes open, expanded opportunities must be made available for Spanish-speaking Americans—not only in terms of being hired but also in achieving promotions and in being selected for supergrade and important managerial positions.

In order that our colleagues may have a clearer picture of the current situation, I submit herewith, for inclusion in the RECORD, two charts on Spanish-speaking employment prepared by the U.S. Civil Rights Commission and the U.S. Civil Service Commission and the President's 16-point program.

Mr. Chairman, Spanish-speaking Americans have been treated as second-class citizens far too long and we demand fair and just treatment by the Federal Government. Equal employment opportunities has been a hollow, meaningless promise to us and we intend to exert all necessary efforts to achieve full equality with other citizens. We are not making extraordinary demands but simply ask that the Federal employment of Spanish-speaking persons shall be proportionate to our percentage of the total population of the United States and that we be afforded the opportunity to serve at all levels of Government service, including management and supervisory positions.

Federal personnel policies and practices must serve as models for the private sector and true equal employment will not occur in this country until it exists in the Federal service.

The material follows:

1970 minority group study: all agency summary—full-time employment as of May 31, 1970

RANKING OF THE 12 DEPARTMENTS

(Percent of staff Spanish surnamed)

Department	Percent
Commerce	0.7
Transportation	1.1
Health, Education, and Welfare	1.2
Housing and Urban Development	1.3
Treasury	1.6
Labor	1.7
Agriculture	1.8
Interior	2.0
Justice	2.3
State	2.3
Post Office	2.5
Defense	4.0

Source: Minority group employment in the Federal Government May 31, 1970.

Prepared by U.S. Civil Service Commission.

NUMBER AND PERCENT SPANISH SURNAMED [1]

Grade	Average wage [2]	Number	Percent
GS-1	$4,758	108	5.5
GS-2	5,386	624	2.6
GS-3	6,076	3,649	3.3
GS-4	6,823	4,877	2.8
GS-5	7,631	3,987	2.6
GS-6	8,501	1,493	1.9
GS-7	9,440	2,296	2.0
GS-8	10,441	410	1.5
GS-9	11,517	2,706	1.8
GS-10	12,669	190	1.0
GS-11	13,878	1,767	1.2
GS-12	16,543	1,081	.9
GS-13	19,537	619	.7
GS-14	22,897	315	.7
GS-15	26,675	163	.6
GS-16	30,943	9	.2
GS-17	35,801	7	.6
GS-18	37,624	1	.2

[1] These represent total Federal employees.
[2] The average salary for a grade is usually at step 4.

CIVIL SERVICE COMMISSION REPORT, MINORITY GROUP STUDY, FULL-TIME EMPLOYMENT AS OF MAY 31, 1970

PERCENT OF WORK FORCE THAT IS SPANISH SURNAMED—TOTAL ALL PAY SYSTEMS

	Department of Commerce		Department of Transportation		Department of Health, Education, and Welfare		Department of Housing Urban Development		Department of Treasury		Department of Labor		Department of Agriculture		Department of Interior		Department of Justice		Department of State		Department of Defense		Department of Post Office	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
GENERAL SCHEDULE																								
1 through 4	28	0.6	59	1.5	403	1.7	64	2.9	505	2.2	29	2.2	381	3.1	322	3.2	278	3.4	28	3.3	5,796	3.8		
5 through 8	43	.7	173	1.8	404	1.3	55	1.6	379	1.6	33	1.2	451	1.6	302	2.2	379	3.2	55	2.3	4,868	2.7		
9 through 11	51	.9	215	1.1	188	1.0	34	.9	289	1.5	38	2.6	196	.8	187	1.2	85	1.2	28	2.6	2,865	1.8		
12 through 13	33	.7	131	.8	93	.9	22	.7	129	.9	48	1.6	51	.4	65	.7	37	.6	10	2.6	771	.8		
14 through 15	6	.2	15	.3	37	.7	9	.7	10	.3	18	1.3	4	.1	12	.4	7	.4	6	.7	53	.2		
16 through 18	0	0	2	.7	2	.7	0	0	0	0	2	2.0	0	0	1	.5	2	.7	1	2.5	1	.1		
POSTAL FIELD SERVICE																								
1 through 5																							16,039	2.7
6 through 9																							1,600	1.8
10 through 12																							133	0.8
13 through 16																							33	0.7
17 through 19																							3	0.6
20 through 21																							0	0.0
Total, Postal Field Service																							17,808	2.5

Source: Minority Group Employment in the Federal Government; May 31, 1970. Prepared by U.S. Civil Service Commission. U.S. Government Printing Office. Washington, D.C.

SIXTEEN-POINT PROGRAM

The President today announced the initiation by the Civil Service Commission of a sixteen-point program to assist Spanish-speaking American citizens who are interested in joining Federal civilian service.

This program is a follow-up to the statement the President made in his July 30 press conference in Los Angeles welcoming interested and qualified Spanish-speaking persons who have an interest in Federal employment.

The sixteen steps which Civil Service Commission Chairman Robert E. Hampton will begin immediately to undertake are as follows:

1. Appoint a full-time official in the Civil Service Commission who will provide advice and assistance on matters relating to Spanish-surnamed population to assure full application of the EEO program in all Federal agencies to this group.

2. Begin an intensified drive to recruit Spanish-surnamed persons, particularly for identified public contact positions, in areas of heavy Spanish-speaking population, including the Southwestern states and in Chicago, Detroit, and New York, and certain other major metropolitan areas.

3. Use specialized recruitment teams, to include Spanish-speaking persons, for college recruitment, particularly at colleges with heavy Spanish-speaking enrollments.

4. Begin work immediately with OEO, DHEW, HUD, Labor to find ways to enhance opportunities at all levels for Spanish-surnamed Americans in programs dealing with the Spanish-speaking population as well as in other programs and in key occupations.

5. Step up recruitment for Cooperative Education Program at colleges with significant numbers of Spanish-speaking students to permit entry from FSEE registers without necessity of written examination.

6. Emphasize to Federal agencies availability of selective placement on bilingual basis so Spanish-speaking persons may be reached for appointment to positions dealing with the Spanish-surnamed population.

7. Hold an EEO conference of Federal managers and equal opportunity officials in the Southwest designed to assure equal opportunity for Spanish-speaking persons in employment and upward mobility in Federal agencies.

8. Develop plants for Federal agencies under CSC area office leadership to work with high schools in Spanish-speaking areas to make known job opportunities in the Federal Government and to counsel and to encourage students to stay in school.

9. Hire for summer employment in Federal agencies school and college teachers from schools serving Spanish-speaking students to give them understanding of the Federal Government which they can relate to students.

10. Make special effort to inform Spanish-surnamed veterans of availability of non-competitive appointments for Vietnam Area Veterans including GS-5 level.

11. Require Federal agencies to review their EEO action plans and minority employment figures and make any necessary revisions to assure the full applicability of the plans to Spanish-surnamed population.

12. Review with agencies staffing of EEO program to make sure that there is understanding in the program of the special problems of the Spanish-speaking.

13. Provide additional training programs on EEO and personnel management for Federal managers in areas of Spanish-speaking population.

14. With the Department of Labor, explore the feasibility of establishing an Intergovernmental Training Facility for upward mobility and skills training for Federal, State and local careers in the Southwest, probably in San Antonio.

15. Collect necessary data and broaden analysis of minority statistics to bring out special information relating to employment and upward mobility of Spanish-surnamed persons in the Federal Government.

16. Require EEO reports from agencies to reflect special information on Spanish-surnamed persons and include in the CSC agenda for EEO evaluation questions directed at particular problems relating to employment and upward mobility of Spanish-surnamed persons.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in support of H.R. 1746 because, as I see it, the issue is simply one of Congress keeping its word. In the Civil Rights Act of 1964, we promised that job opportunities would be open to all Americans, without discrimination on account of race, religion, gender, or national origin. But we neglected at that time to see to it that there were adequate provisions in the law for carrying out this commitment. The evidence adduced at the committee hearings makes it plain that unfairness persists in the job market, complicating our grievous unemployment problem. We have learned from experience in this country that promises not kept are better not made—that a law not enforced, because no machinery is provided for its enforcement, arouses a cynical contempt for laws generally. If we want respect for the law in these troubled times, the laws must command respect by being drafted in such a way that compliance follows. Otherwise the law is reduced to a scrap of paper.

Mr. Chairman, there is nothing unique about H.R. 1746. It fits in with our pattern of administrative law. By giving cease-and-desist powers to the Equal Employment Opportunity Commission, we are merely arming that agency with the type of authority familiar to all those who have followed the practices and procedures of the National Labor Relations Board, the Federal Trade Commission, and simliar governmental entities. The cease-and-desist power has been used effectively by those agencies, and I fail to see why the Equal Employment Opportunity Commission should be an exception to the general rule.

During my tenure as president of the city council in Cleveland, Ohio, I had a hand in strengthening fair employment legislation that had been enacted earlier in that municipality. My support of H.R. 1746 is consistent, then, with the philosophy I subscribe to in matters of this sort. I urge my colleagues to join with me by voting for passage of H.R. 1746.

Mr. FRASER. Mr. Chairman, one of the facts which those of us who are concerned about governmental organization must face, is the gap between the mandate given by Congress to Federal agencies and the tools provided to fill that mandate.

The Equal Employment Opportunity Commission is an excellent example of Government's half-hearted commitment to equal opportunity. In 1964 we passed the Civil Rights Act which prohibited discriminatory employment practices based on race, color, religion, sex, or national origin. In 1971 we have still to grant the tools necessary to enforce that mandate. The Equal Employment Opportunity Enforcement Act of 1971, which we are considering today, would give the commission the necessary structure and power to make equal employment opportunity a reality.

The President has talked to us about making Americans proud of their work; that all work should be considered honorable, a proud contribution to the Nation. But how honorable can it be when minority groups and women hold the lowest paying jobs, are the first to be laid off during cutbacks, have few benefits and in many areas are systematically discriminated against moving into jobs involving greater skills and training? What commitment does the Government give to make all work honorable, when it will not even protect the rights of large segments of our labor force whom we know are discriminated against?

As we have seen too many times, the capacity to hold hearings, produce studies, and hold informal negotiating meetings is no substitute for real enforcement power. These are preliminary techniques. Without real enforcement power under law, companies or individual employers will continue discriminatory practices until it is no longer profitable and convenient to maintain such practices. Often the source of discriminatory patterns is inertia rather than deliberate intent. But that does not lessen the injustice and economic damage done to the recipients.

Despite the real progress made in fighting employment discrimination since 1964, the fragmentation of effort by Federal agencies has resulted in a diffuse and often uncoordinated effort to enforce the provisions of title VII of the 1964 act.

Responsibility for Federal efforts to fight employment discrimination has rested with the Office of Contract Compliance in the Department of Labor; in the Civil Service Commission—for the employees of the Federal Government; with the Attorney General in the Justice Department—initiation of pattern and practice suits; and with the investigatory and conciliation efforts of the EEOC. The number of charges filed with the Commission has been increasing yearly since its inception and in over 63 percent of the cases investigated they found discrimination. But in over half these cases were not resolved through "voluntary means."

The EEOC enforcement bill that we are considering today combines the structural and legal changes that are needed to make equal opportunity for all American citizens—regardless of race, sex, national origin, color, or religion—a reality. The consolidation of all Federal enforcement machinery and the granting of judicially enforceable cease-and-desist powers are a fundamental necessity in bridging the gap between the mandate given by Congress to the EEOC and the ability to fulfill it.

While I appreciate the points of view of Representative ERLENBORN and of the minority of the committee who supported his substitute, I feel that it is simply not feasible to expect the EEOC to undertake individual court cases on behalf of individuals. Both in terms of imposing a great burden on the judicial system because of the enormous caseloads which would result, and the protracted litigation resulting from suits in

civil rights cases, I believe that the Erlenborn substitute simply does not meet the needs of individual citizens. The Equal Employment Opportunity Commission is a regulatory agency in much the same fashion as Federal Trade Commission and the Securities Exchange Commission, and it should have the same powers to protect minorities and women as those agencies are empowered to protect consumers and investors.

Although administrative transfers are always resisted because Federal agencies too often seek to keep all possible powers and programs under their control, it is an eminently sensible concept to concentrate all enforcement responsibilities in a single agency. At the very least, it would reduce overlap and would encourage coordination of the program. At best, it would result in uniformity and concerted effort in development of the law, goals, policies, and procedures for ending employment discrimination in the United States.

The Erlenborn substitute does not deal with any of these structural changes nor would it extend coverage of title VII to the groups of employees who are not presently covered by the act. This includes employees of State and local governments, personnel of educational institutions, and employees in establishments employing eight or more, but fewer than 25, individuals. In addition, the substitute would limit the amount of back pay which could be awarded in cases of discrimination and would prohibit class action suits. This is clearly a backward step and could only serve to aid industries and unions rather than the working man and woman.

It is difficult to reconcile the rhetoric of opportunities for the working man and woman in America with the reality of labor statistics: women who work full time earn about 58 percent as much as men. A woman with a college diploma can expect to earn the equivalent of a man with a high school education. Minority males earn 67 percent as much as white males. In addition, unemployment among these groups is much higher than the national average because many are considered "marginal workers" and not counted among the unemployed. Many workers such as Spanish-American agricultural workers who are supposed to be receiving the minimum wage are not, and they have no recourse. The percentage of women in top Government jobs—1.5 percent—shows that the Federal Government itself contains systematic discrimination. Low wages, frequent layoffs, limited job benefits, inaccessibility to learning new job skills—these are all discriminatory practices suffered by minority groups within the United States.

Pride in work cannot come until there is equal opportunity in work. There is a clear obligation on the part of Government to provide the means to make the words of title VII of the 1964 Civil Rights Act a reality. Therefore, I will vote against the Erlenborn substitute and for the Equal Employment Opportunity Enforcement Act of 1971, H.R. 1746, as reported out of committee.

Mr. PODELL. Mr. Chairman, when Congress created the Equal Employment Opportunity Commission in 1964, it intended to provide a solution to one of our Nation's most acute social problems, baseless discrimination against members of minority groups. That discrimination has resulted in underemployment and lack of reasonable advancement opportunities for those minority members who have been fortunate enough to gain employment.

During the 88th Congress, it was made clear that in order to stamp out the insidious evil of employment discrimination, a strong pronouncement of national policy favoring equal employment opportunity in private industry was necessary. There were clearly differing opinions, however, on how to achieve these results. No less than a dozen comprehensive bills were introduced and more than 530 hours of debate took place. Finally, after much lengthy consideration, the present title VII to the Civil Rights Act was enacted.

The impact of such legislation has been substantial. The EEOC's first annual report noted that the Commission had received 8,854 complaints, rather than the projected 2,000 cases, which it characterized as a "dramatic response to the new law which reflected the confidence of civil rights organizations and minority persons in this new avenue to relief from discrimination."

The Commission's fourth annual report, published in 1970, similarly renders a report of the progress the EEOC has already made, expressing satisfaction with the number of conciliations achieved, the affirmative acts programs inspired, the legal precedents which have been developed, the data that had been accumulated, the State action that had been prompted, and the new methods which had been implemented of public confrontation and visitation of individual plants. whole industries, and geographic areas. Further, the report indicates the EEOC was now handling an incoming annual volume of over 17,000 cases.

Despite such achievements, however, the Commission continues to suffer from a most serious handicap. There is a patent need to amend the enforcement scheme contained in title VII. The Commission is now relatively powerless to change discriminatory employment practices of respondents. After a failure of conciliation efforts, the allegedly aggrieved person is simply left to make his way alone in the unfamiliar and formidable milieu of the courts in order to obtain redress. The Commission only participated as intervenor or amicus curiae in 96 title VII cases in fiscal 1969. This is clearly not a realistic enforcement procedure.

This House has before it a bill sponsored by Representative HAWKINS—H.R. 1746—which seeks to correct this deficiency in the act. H.R. 1746 gives the EEOC power to order employers to cease and desist from their discriminatory practices. Since 1966, Congress has proposed giving cease-and-desist power to the EEOC. For one reason or another these efforts have been stymied. This vital issue is before us again today, and I sincerely hope that this enforcement power will be finally granted to the Equal Employment Opportunity Commission.

An examination of statistics with respect to the progress of equal employment opportunities conclusively shows that the current voluntary approach has failed to eliminate employment discrimination. The time has come to end employment discrimination once and for all and to make available for every individual the opportunity for the self-respect that goes hand in hand with a job commensurate with a citizen's ability.

True justice demands an affirmative vote for this essential legislation.

Mr. FRENZEL. Mr. Chairman, prior to the floor debate on H.R. 1746, I had been prepared to vote for the Erlenborn substitute amendment. There are many reasons for doing so. The Erlenborn amendment would give the EEOC the ability to take its cases to court. This is a strong power which is especially potent as a threat in working out compliance agreements. It may even be a better weapon than the cease-and-desist powers sought by the sponsors of H.R. 1746.

Also, the track record of the EEOC has not been such as to inspire my confidence to place strong powers in it. The blame for noncompliance and a heavy blacklog cannot all be placed on the EEOC. Nevertheless, at least in my State, when our human rights department was given the ability to work through the APA—and later given stronger powers than mere cease-and-desist authority—these powers were granted only after the Department has achieved a first-class compliance record and gained the confidence of both complainants and defendants. On the record, I do not have that kind of confidence in the EEOC.

I do not believe the powers granted to regulatory commissions are analogous to the powers H.R. 1746 seeks to give to EEOC. I am not sure that the NLRB analogy is quite comparable.

For these reasons I lean toward the Erlenborn amendment. Indeed, I would feel comfortable voting for it. It would be surely a safer, and perhaps an even more effective, path toward equal opportunity in employment. But, in these times, it is not always appropriate to seek comfort and safety. I believe we ought to seek instead the quickest path to equal employment opportunity. Equality has been delayed too long already. In granting cease-and-desist powers to EEOC, there is some risk, of course. But, I believe that the Administrative Procedure Act contains safeguards sufficient so that the risk lies primarily with the EEOC, a Commission theoretically at least responsive if not accountable to the President. In addition, the Dent amendments lessen the risk of arbitrary actions by the EEOC. The notice amendment particularly tends to "defang" some objections to the administrative process.

Smaller employers may find they prefer the hearing procedures under APA rather than the expensive, unfamiliar, and time-consuming process of going to court. Surely the court system is still available to backstop the APA.

Therefore, I intend to vote for the committee bill. If the Erlenborn amendment prevails, I do not believe that the cause of human rights will be set back. Nor do I believe that, if H.R. 1746 prevails, businesses will be subjected to harass-

ment without due process. In choosing the committee alternative, I am simply looking for the quickest and best way to bring equality of employment opportunity to this country.

Mrs. MINK. Mr. Chairman, I rise today to express my strong support for H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1971. This legislation would greatly improve and expand the Federal Government's efforts to eradicate discriminatory hiring and promotion practices. It would revitalize the commitment to equal employment opportunity which Congress initiated in 1964 with the passage of the Civil Rights Act.

Discrimination, regardless of its basis, mocks the principles of equality which have animated and guided this Nation since its very inception. But discrimination is much more than a philosophical incongruity; it is an abhorrent fact of American life and a debilitating and often intolerable burden on those who must struggle against it. Despite our cherished principles, minority groups and women are still denied equal employment opportunities in our society.

Although still unsolved, the plight of minority groups in this country is at least recognized as shameful and unjust. Equally serious, however, is the discrimination inflicted against working women who must additionally contend with the widespread belief that their cause is neither serious nor justified. The view that employment discrimination against women is perfectly natural and only reflects the inherent differences between the sexes continues to the detriment of the entire Nation. However, as the Education and Labor Committee report on this bill unequivocably states:

> Discrimination against women is no less serious than other forms of prohibited employment practices and is to be accorded the same degree of social concern given to any type of unlawful discrimination.

Because existing legislation has failed to eliminate discriminatory employment practices, we must again concern ourselves with this issue to insure that all Americans, regardless of their race, religion, sex, or national origin, share equal access to employment opportunities. H.R. 1746 would vest the major responsibility for ending illegal job discrimination with the Equal Employment Opportunity Commission and would increase its powers and broaden its jurisdiction accordingly. Established by title VII of the 1964 Civil Rights Act, the EEOC has made a notable effort to reduce employment discrimination but has been severely hampered by its hitherto limited enforcement powers. Lacking this authority, the Commission has not been able to produce an acceptable degree of compliance from violators, and barring passage of this bill, there is no reason to expect any improvement in the future.

H.R. 1746 would give the EEOC the authority to issue judicially enforceable cease and desist orders and would transfer to it the Justice Department's authority to prosecute "pattern or practice" suits. This consolidation of authority would enable the Commission to quickly remedy individual grievances while simultaneously moving to eliminate the larger patterns and practices which they reveal. By giving the EEOC effective enforcement powers, we will greatly improve not only its ability to respond to violations but to prevent them as well. If it is known that the Commission can and will act against violators, its attempts to secure voluntary compliance will undoubtedly be more successful.

The purpose of this legislation is to end employment discrimination, and this goal cannot be served by dispersing the agencies charged with achieving it. The Government's responsibility and commitment to those denied equal rights is too great to be sacrificed to administrative inefficiency and confusion. Past experience has shown that only a concerted and coordinated effort has any chance of reducing the incidence of job discrimination. In recognition of this fact, H.R. 1746 would transfer the Office of Contract Compliance from the Department of Labor to the EEOC, thereby assuring a systematic and directed approach to the problem.

The Office of Contract Compliance was created to oversee the employment policies of Government contractors to insure that their hiring and promotion practices were in compliance with Federal standards. Government contractors are among the largest and most influential in the Nation and the policies and practices which they adopt have a significant impact on the rest of the business community. Through the governmentwide contract compliance program, the OFCC seeks to prevent any indirect Federal subsidization of employment discrimination and to guarantee that the Government's tremendous purchasing power operates as a force for social improvement. The OFCC's efforts to end job discrimination by Government contractors would be an integral part of the EEOC's larger effort to achieve equal employment opportunity throughout American society, and no purpose is served by their continued separation.

In addition to improving the enforcement and administration of Federal laws prohibiting job discrimination, this bill would broaden the EEOC's jurisdiction to include previously exempted Federal, State, and local government employees and certain employees connected with educational institutions. One year following its date of enactment it would also extend coverage to all employers and labor unions with eight or more employees or members, thus including millions of persons unprotected because of the present restriction requiring 25 or more employees or members.

There is no reason why persons working in the public sector should not enjoy the same protection and rights as those in the private. Government employment practices should serve as a model for the rest of the Nation and must be the first area freed of prejudice and restriction. The Federal Government in particular must effect internal employment reform to emphasize its firm and unrelenting commitment to equal employment opportunity. Leadership by example is a prerequisite for the success of all our other efforts.

The Civil Service Commission is the agency presently responsible for implementing and enforcing equal employment policies within the Federal Government. However, its record has been less than successful because it not only lacks the necessary expertise but suffers from a built-in conflict of interest whenever it is called upon to investigate hiring or promotion complaints. It is unreasonable to expect any improvement as long as the Commission continues to sit in judgment of its own policies and practices, many of which continue to promote systematic discrimination. I have repeatedly seen the difficulties this poses for a Federal employee or applicant seeking relief from unfair and unwarranted judgments.

For years, I have fought to gain equal rights for women employees of the Federal Government, particularly those employed by the overseas dependents schools system. On the basis of this experience, I know that we must empower the EEOC to protect all Federal employees from arbitrary regulations and summary verdicts.

By transferring the Civil Service Commission's Service civil rights enforcement function to the EEOC, we would provide an independent and impartial review for all persons whose employment rights have been violated because of their race, religion, or sex. This move would not prevent the Civil Service Commission from continuing its own internal equal employment programs but would provide for their modification should they prove insufficient.

There is no reason for omitting Government employees from the protection offered by the EEOC, and, similarly, there is no justification for excluding teachers and other employees of educational institutions when, as the committee report clearly documents:

> Discrimination against minorities and women in the field of education is as pervasive as discrimination in any other area of employment.

It is especially important that employment in our educational institutions be open to all on an equal basis, for they have an unparalleled opportunity to free the future from present discriminatory attitudes and practices. The example which our educational system sets has an incalculable impact on the attitudes and beliefs of the youth of this country, and we cannot permit discrimination to infect and damage yet another generation.

Mr. Chairman, all of the provisions of this bill are essential if we are going to make any headway against job discrimination in this country. Taken together, they promise that equal opportunity will one day be secure for all our citizens. I urge all of my colleagues to join me in supporting this bill without amendment.

Mr. STOKES. Mr. Chairman, the lines have long been drawn in the battle over giving the Equal Employment Opportunity Commission cease-and-desist powers. Since 1965, various measures have been offered in both Houses to strengthen title VII enforcement. The Members of both Chambers have heard the arguments for too long. We are at an impasse,

and the time for positive action is yesterday.

Although no one today is so unsophisticated as to rise up in favor of discrimination and racism, the fact is that only the words have changed. The attitudes are there. The methods are there. And the hypocrisy is there.

This, then, is the problem we face in the controversy between the Hawkins bill, H.R. 1746, and the administration bill, H.R. 9247. Both sides claim to want strict enforcement of title VII. Both claim to abhor inequities in employment. But when one looks not-so-far beneath the surface of the arguments, the intent of those who would oppose cease-and-desist power for the EEOC is quite plain.

What we must do is project ourselves into the future for a moment. Given the amount of money we intend to use in funding title VII enforcement efforts, where would the small amount we are likely to get do the most good? There are no guarantees that additional moneys appropriated for the courts would be spent in expediting discrimination cases. If we appropriate funds for EEOC's enforcement efforts, on the other hand, we can hold the Commission accountable for its performance.

We all claim to be searching for the most efficient and effective means of eliminating discrimination in employment. Given this claim, I think that our only alternative is to strengthen the Equal Employment Opportunity Commission itself. And the only way to do that—I mean to really give it the strength it needs—is to give it the option to issue cease-and-desist orders where prompt decisive action is required.

The proponents of the administration measure argue that court delays are insignificant because of the availability of temporary restraining orders. What they neglect to mention is that such orders are rarely useful and seldom granted in employment discrimination cases. No court will say, "Stop discriminating until we have investigated the merits of your case." It will not temporarily reinstate the worker or temporarily award him backpay. It will only maintain the status quo which, we all agree, must be changed, not perpetuated.

We should forget about temporary relief and create a system which will provide a prompt—and final—decision. The courts have failed in this respect in the past. Administrative enforcement is the solution of the future.

In addition to expediting decisions, administrative enforcement would yield two additional advantages. The first is that decisions would conform to a national standard. National criteria cannot be established within the context of the courts which, as we all know, differ from State to State, region to region.

The second advantage of the administrative process is that complaints would be heard by experts. In its report, the committee pointed out that while certain types of discrimination are not readily apparently to the layman, they are real and illegal. The Commission hearing officers would have a trained eye for such devices as placement tests which are geared to the white middle-class applicant.

I have explained why I favor cease and desist over court enforcement. But my absolute opposition to H.R. 9247 is based upon even more serious considerations.

In subtle but substantial ways, the administration bill would gravely weaken even existing remedies. The bill would limit the coverage of title VII, minimize damage awards against discriminating employers and unions, and hamstring private individuals' efforts to enforce title VII by private litigation. It ignores the more than 10 million State and local government employees; it limits back pay collectable to 2 years; and it eliminates private class action law suits, presently the single most effective remedy. Its passage would be a great leap backward in our struggle for equal employment opportunity.

I urge my colleagues to join me today in recognizing—and ferreting out—the hypocrisy which has, so far, kept our civil rights laws rotting in the books. If we are sincere about our commitment to equality in employment, we will pass the Hawkins bill by a resounding margin.

Mr. BROOMFIELD. Mr. Chairman, it has been clear for some time that the Equal Employment Opportunities Commission lacks effective power to enforce our laws against job discrimination. William H. Brown, Chairman of the Commission, reports that it was "able to achieve either a partially or totally successful conciliation" in only about 18 percent of the 40,000 employment discrimination charges received during the first 4 years of its existence, a dismal record, Mr. Chairman, by any standard. Needless to say, I support the general proposition that its powers be expanded.

I cannot support, however, the bill reported by the Committee on Education and Labor, for in treating the ineffectiveness of the EEOC the committee has given it authority far beyond its needs—authority which can only serve to compromise the principles of due process and separation of powers. That the legislation carries this to an even further extreme, extending the jurisdiction of the Commission to cover contract enforcement, pattern and practice suits, and State and local governments, seems to me final evidence of the committee's irresponsibility in dealing with this crucial matter. Even now, Mr. Chairman, the EEOC is faced with a 1½ to 2-year backlog of cases: to expand its jurisdiction would manifoldly increase its present inefficiency, slowing even further the disposal of discrimination cases.

The key article of the committee bill would permit the Commission to issue cease-and-desist orders when it has determined after investigations and hearings that an employer has engaged in discriminatory practices. This is, of course, in marked contrast to its present power merely to conciliate employer-employee differences. That power is, I admit, useless. But the fact that it is useless does not warrant its replacement by a provision which would make the EEOC an all-powerful quasi-judicial administrative agency. By giving it the responsibilities of investigator, prosecutor and judge the committee is seriously undermining the doctrine of separation of powers: it would be similar to letting policemen arrest, try, and punish citizens on the street at the point of a gun.

No less important, Mr. Chairman, the committee bill would create a system in which the burden of proof, contrary to any notion of due process, would rest upon the defendant and not the plaintiff. On receipt of a charge, the Commission would be required to find reasonable cause before issuing a formal complaint. The mere issuance of the formal complaint, then, would be a presumption of the defendant's guilt, and he would be faced with the anomaly of proving his own innocence.

These two arguments seem to me reason enough to reject the committee's bill and accept the substitute offered by my distinguished colleague from Illinois (Mr. ERLENBORN). His legislation would authorize the Commission to initiate suits in Federal district courts against recalcitrant employers greatly increasing its powers without endangering the right of Americans to due process of law and without compromising the separation of powers principle. If the employer refused to correct injustices, the Commission would act as prosecutor and enforcer, but never as judge and jury.

This makes greater sense when we realize that even in the committee bill the courts serve as the employer's last resort. Mr. ERLENBORN has proven conclusively that initial resort to district courts is a much speedier way of disposing cases than the long and arduous processes of agency investigations and hearings. If only in the interest of efficiency, the committee bill should be rejected.

We must realize, Mr. Chairman, that effectiveness normally goes hand in hand with efficiency. The bill before us today would only intensify the failures of the Equal Employment Opportunities Commission, while seriously undermining the principles of due process and separation of powers. Accordingly, I urge that it be defeated.

Mr. LEGGETT. Mr. Chairman, considerable strides have been made in equal employment since the 1964 Civil Rights Act. Firms and corporations which only a few years ago rigidly restricted their executive suites to white Anglo-Saxon protestants are now sending representatives to the campuses in determined and sincere efforts to recruit black graduates for management positions. Similarly, unions which were once bastions of discrimination have one by one begun to open their ranks to promising young men regardless of race.

But we have a long way to go. For every corporation or union sincerely determined to open its ranks, we can find one only interested in tokenism. Unfortunately, the same is true of a number of Government agencies.

Giving teeth to the Equal Employment Opportunity Commission will not solve all our problems, but it will help. We have before us today two bills. One, the original Hawkins bill, is highly desir-

able. The other, the Erlenborn substitute, is considerably weaker, and in my opinion it is not enough for 1971.

Some may feel the Hawkins bill goes too far, and thereby creates inequities. The gentleman from California plans to offer three amendments, which I will support, which will answer most of these objections. These amendments would impose a 2-year limit on backpay liability, would rule out quotas from the Federal contract compliance program, and would require the defendant to be notified within 10 days of the filing of a complaint.

So we will have to decide between the Hawkins bill and the Erlenborn substitute.

The Hawkins bill would give the Commission the power to directly issue cease and desist orders. The Erlenborn substitute would force it to go through the already overloaded courts.

The Hawkins bill would empower the Commission to handle its own litigation. The substitute would have the Attorney General represent the EEOC in appeals. In this year of our Lord 1971 I believe the substitute's potential for abuse does not require explanation.

The bill permits class action; the substitute does not.

In short, the substitute leaves those who have suffered employment discrimination to the mercies of the Attorney General. It forces them to suffer the delays of our overloaded courts, and it adds to the overloading even more by preventing class decisions.

I urge my colleagues to cast their votes for true liberty and justice for all, by voting for the original bill and against the substitute.

Mr. ROBISON of New York. Mr. Chairman, I am supporting—and intend to vote for—the committee bill, H.R. 1746. I recognize that there are favorable things which can be said about both the committee bill and the proposed substitute, H.R. 9247; and I recognize, too, that several outstanding business leaders in the Nation and in my congressional district have expressed the opinion that the committee bill places an unfair burden on segments of the business community. But, on balance, I feel the committee bill gives us the best chance to further equal employment opportunities for all American workers, and does so in a manner consistent with the themes of justice and fairness which are so rightfully important to my friends in the business community.

There is little debate today about the necessity for some action. Everyone appears to agree that more can—and should—be done at the Federal level to insure all citizens equal access to available job markets. Proponents of the committee bill and the substitute bill both agree that the Equal Employment Opportunities Commission needs a form of enforcement power. The only question is what kind of enforcement power is the fairest and most effective to all involved.

The substitute bill would permit EEOC attorneys to sue in Federal district courts in cases where the EEOC has found reasonable cause to believe a violation has occurred. In the abstract, this seems reasonable enough. But litigation in the Federal courts can be a lengthy, and expensive process—to everyone concerned. The average length of time for a Federal court action, for example, is 19 months. By flooding the district courts with all Federal job discrimination cases, this backlog can only increase. Meanwhile, those allegedly discriminated against are still frozen from a possible job opportunity. In this type of case, I doubt the effectiveness of such enforcement; and I think business leaders should also realize that defending actions in this way is going to be an expensive proposition indeed.

The committee bill, on the other hand, proposes to give EEOC authorization to issue complaints, hold hearings, and where an unlawful employment practice is found, issue appropriate orders subject, of course, to judicial review. This "cease and desist" method of enforcement is the same type of mechanism given to virtually every other Federal regulatory agency and is the same adopted by 32 of the 37 States which have agencies to enforce equal employment opportunity laws—including New York.

Of course, if a full hearing is demanded, a final decision might still take several months to be reached—although not nearly as long as the average Federal court action—but since the agency would have "cease and desist" authority, it should be able to settle complaints much more expeditiously without going to hearing. This has been the experience of the NLRB, for example, where 95 percent of its cases do not go to hearing. This is as much a protective device for the businessman as it is for the complainant since it cuts off the threat of scurrilous complaints dragging them into extensive and expensive litigation.

There appears to be little grievance about the operation of the State agencies already in existence which have powers roughly equivalent to those proposed in the committee bill. At least, I have never had a business complain to me about the operation in New York. I suspect this is the case because due process for all parties is built into the mechanism used by the State agencies, just as it is built into Federal regulatory efforts by means of the Administrative Procedure Act. This act would apply to the powers given to the EEOC, just as it applies to actions taken by the other Federal regulatory agencies.

Under the APA, fair notice is required to all parties, just as all parties have the right to present their cases before both the hearing examiner and the Commission, to rebut adverse evidence, and to cross-examine witnesses. The hearing examiners are isolated from the rest of the Agency, and are prohibited from taking advice from the Agency's personnel—to preserve objectivity. The hearing examiners are recruited not by the agency, but by the Civil Service Commission through a process of competitive examinations; and therefore, they should be as independent and fair as any part of the Federal judiciary. Finally, the ultimate safeguard of the rights of the parties is the right of review in a U.S. court of appeals.

I believe that guaranteeing all Americans—irrespective of race, color or creed—an equal chance for employment is surely as primary a Federal priority as those functions presently carried out by such agencies as the Federal Trade Commission, the Securities and Exchange Commission, the Interstate Commerce Commission, the Federal Communications Commission, and so forth. What better way to support the President's call for a rejuvenated "work ethic" in this country than to unequivocally demand equal access to all Americans for available job opportunities?

This is no radical notion, but the most basic of rights we are discussing. This is no bipartisan measure, but a concept which should be supported by Members of both parties who are concerned with effective enforcement of fair employment practices. As a Republican, I feel no small obligation to my party's history of supporting the causes of equal opportunity and personal dignity. As an American, I would consider it the greatest of hypocrisies to give lip service to equality if we are not prepared to enforce such equality in the most effective manner possible.

Mr. SHOUP. Mr. Chairman, I take strong exception to H.R. 1746 as it has been reported out of committee and urge my fellow Members to vote against the bill.

Equal opportunity for job placement is a crucial issue, one of the most important social matters at this point in our Nation's history. Yet, H.R. 1746 goes beyond the proper limits of governmental control by granting powers to a commission that are powers only properly granted to courts of law.

To decide whether one party is right and the other party wrong is the very essence of jurisprudence. The court system is designed to insure that fairness is the byword of that decisionmaking. A commission is not. Many Federal boards and commissions regulate various things, from electricity to use of the public airways. But human beings are not kilovolts or radio waves. They are people, with distinctly different characteristics. In governing kilovolts and radio waves, we deal with specifics. Certain amounts can be ascertained as the right amount for each does its job to the same degree. Yet human beings are not so constructed. In deciding distinctly human issues, there is a great deal of gray between the opposite ends of the spectrum. A computer can be programed to decide right from wrong. But there are shades of gray that are a permanent part of the human condition. The American courts are designed to balance all those side issues and resolve any controversy with an equitable solution.

Mr. Chairman, it is sheer folly to prostitute the court's role in rendering equal justice for all, in favor of granting judicial powers to a commission that cannot avoid bias and political pressure. Unless claims of discrimination are kept in the judicial system's area of responsibility, we are negating any further efforts to combat discrimination in this country, because we cannot guarantee fairness. The courts alone are designed to accomplish the task of making fair, unbiased decisions.

We must, as the law making body of this great land, ask ourselves crucial questions in weighing the merits of H.R. 1746 and other antidiscriminatory legislation.

First. Are we, by virtue of legislating a quasijudicial function onto a commission, accomplishing something far different than the original intent of equal opportunity legislation? Are we now moving toward forcing American employers to be biased toward minority applicants because they are members of a minority? Have we inadvertently created a monstrosity that is coercing employers to hire a black, or Chicano, or woman, or anyone else because they are black, or Mexican-American, or female, with only secondary consideration for the qualifications of the applicant for the actual job to be performed?

Second. Are we, in our self-righteous zeal to benefit the minorities, stepping on the rest of America? Are we thus creating through H.R. 1746 and its provisions for judicial action by the Commission, not more equality before employers, but discrimination by them in their hiring? Is such prejudicial hiring for, any different than the prejudice against we so puritanically condemn? Are we thus forcing employers to practice illegal discrimination because of race?

Third. Is the day far off when we will see a white man bring forward a complaint that another man was hired instead of himself, not because the other man was better qualified but because the business needed to keep their quota of persons of the other man's color?

Many feel in this country that equal employment opportunity is dependent on what color you are, just like it was years ago, only now the color has been reversed. That, gentlemen is racial discrimination, just as much now as 20 years ago, and legislation like H.R. 1746 does not do away with it, it promotes it. We are allowing equal opportunity to be enforced only for one segment of the population, while ignoring, or at least not applying with as great a zeal, the same right to all other segments of the society.

Racial harmony, being a very sensitive and crucial issue, must be achieved to the letter of the word, equal. The only way we can insure non-partisan, constitutionally sound efforts toward such harmony is through this Nation's courts, not by usurping the responsibilities of the courts by granting commissions far-reaching powers with wide-ranging possibilities.

In closing, I ask each of you to look deep inside yourselves and ask: "Is prejudice for, somehow different than prejudice against?"

Or, does one create the other, with prejudice by any other name, prejudice still the same?

Mr. RARICK. Mr. Chairman, the people of my district believe in the opportunity for every individual to fulfill his God-given talents and abilities, but they also feel it is not the proper role for Congress to mislead people into believing Government can insure this right through a legalized program of discrimination. This is true even if by "equal employment opportunity," the Government intended that the individual best qualified would get the job, regardless of race, religion, or national origin.

But, unfortunately, this is not the case. Time and experience have proven that what this Government means by "equal employment opportunity" is not the great American ideal that the individual best qualified gets the job, but rather that an employer is coerced into hiring a certain percentage of minority groups to maintain judicially constructed racial proportions. It is no longer the question of getting the job done—pragmatism, that great American social philosophy is dead. Government does not concern itself with getting the job done, producing a competitive product, or making a profit; Government under EEOC only worries if there is a proper racial balance of employees assigned and on the job.

Under the EEOC rulings, race becomes the rule and guide, not opportunity. Violation of equal employment regulations is presumed if racial quotas are not met. The EEOC runs the employment, not the employer or businessman. The practical result is that the employer is forced to racial hiring practices guided by judicially constructed percentages to stay out of trouble and avoid expensive legal actions.

What has occurred and destroyed the State public school systems of this great Nation now threatens to destroy the laboring system that has built America. Just as Federal courts have moved into communities and demanded an unworkable liberal application of proper "racial proportions" in the public schools, this EEOC, an agency of the Government, has moved into city after city and instituted plans that require certain minority percentages in labor and employment on Government jobs. The end is not in sight as the Federal Government moves from city to city destroying the makeup of the laboring force by removing all qualifications for employment and insisting on unworkable racial proportions, regardless of experience, training, or productivity.

We have even seen recently in this city, our Nation's Capital, the idea advanced that the requirement of a high school diploma and civil service test be dropped in consideration for employment as a district fireman. The employment criteria was not going to be dropped because of inability to get qualified men, but simply to let unqualified minority applicants be guaranteed employment.

These practices, however, are not the extent or the limit of the governmental attempt to provide the minority groups with compensatory advantages rather than "equal employment."

One of the glaring examples of actual favoritism practiced by this Government occurs in the Small Business Administration's practice of letting a Government contract without the benefit of competitive bidding. Known as "Project M," this operation has appeared several times recently in the course of inquiries I made in behalf of my constituents concerning SBA matters. Two letters that I received on May 27 of this year indicate the extent of favoritism engaged in the operation. I would like to call the attention of my colleagues to the relevant passages.

From a letter I received from the regional administrator of the GSA in response to an inquiry I made concerning the construction of a building one of my constituents was interested in bidding on:

> We do not plan to handle the construction of this building through normal advertising and bidding procedures. We are negotiating with the firm of Griffin and Butler of New Orleans, Louisiana, as a minority entrepreneur under Section 8(a) of the Small Business Act. Under this program, qualified minority or disadvantaged contractors are assisted in entering the Government contracting field through direct negotiation with the General Services Administration with assistance from the Small Business Administration.

From a letter I received from the Administrator of SBA in response to an inquiry I made concerning the practice of letting contracts to minority firms without advantage of competitive bidding:

> Under Section 8(a) of the Small Business Act, the Small Business Administration is empowered to enter into contracts with other Federal agencies and to then subcontract the performance of the work to others. Within SBA, the Office of Business Development is endeavoring by use of this tool to assist in the establishment and strengthening of manufacturing, construction, and service-related firms owned and operated by "disadvantaged" persons. Section 8(a) contracts are being used to assist these disadvantaged firms to achieve in a few years a truly competitive position in both the commercial and Government marketplaces.

This SBA practice of awarding contracts to minority firms without benefit of competitive bidding disturbed the construction industry of Louisiana and they asked the Comptroller General's office to institute an immediate review of this decision with representatives from the national construction organizations present and allowed to testify. Unfortunately, their request was not granted, perhaps because the Comptroller General's office knew that such a hearing would publicize once and for all the prejudical practices engaged in by the SBA in the name of "equal opportunity."

However, perhaps the last straw in this move by the Government to give the minority groups every advantage occurred recently here in Washington when the Department of Transportation offered "technical assistance to minority contractors, such as from accountants and business advisers, that will allow the firms to develop and submit the proper bids."

I would like to call the attention of my colleagues to certain relevant passages from a newspaper article detailing this announcement and remind them that what has occurred here in Washington can and will occur elsewhere unless this Congress acts to defeat the bill under consideration.

From the news report, I read:

[From the Washington Evening Star, Sept. 6, 1971]

MINORITY FIRMS TO GET AID IN METRO BIDDING

(By Fred Barnes)

Officials of the Washington area subway agency have been told that the Transportation Department will finance a special project to assist minority group firms in bidding on Metro construction contracts.

The project will offer technical assistance

to minority contractors, such as from accountants and business advisers, that will allow the firms to develop and submit the proper bids.

If the project produces the desired result—the award of more Metro contracts to black companies—it could go a long way toward easing the controversy over the subway agency's contracting practices.

Metro general manager, Jackson Graham said Transportation officials are promising "some positive response to our recommendation for a federally-funded technical assistance program by mid-October."

He told the Metro board of directors last week that Transportation officials "are aware of the board's desire to stimulate interest among minority firms on a nationwide basis and indications are that this will be taken into account in connection with the technical assistance program."

Since the project "is geared to addressing the basic problems facing minority contractors," Graham said, it "will take some time to produce solid results, but there is every reason to believe it can provide the kind of enduring assistance that will contribute heavily in the long run to the cause of minority entrepreneurship."

Metro's request that the project be established came after the Rev. Jerry A. Moore Jr., a D.C. City councilman and vice chairman of the Metro board, charged that the agency was "openly hostile" to black contractors. Moore claimed that Metro's contracting procedures are such that black firms are ofen shut out of the bidding.

GRAHAM'S REPLY

Graham and other Metro officials responded that many small black contractors were not well versed enough in the bidding procedures to join the competition for subway contracts.

Out of the first $300 million in contracts and subcontracts for Metro construction, only about $1 million has gone to minority outfits. This amount, Moore said, "is not encouraging in a project of this size."

The Transportation-financed project would teach minority contractors "management expertise," whether they were seeking to bid on Metro contracts or other government agency contracts.

One important area in which the firms could get aid is estimating their costs for a particular construction job. Some firms, Metro officials feel, have been unable to bid because they haven't been able to gauge accurately what their expenses would be.

The government grant for the project—probably about $200,000 to $250,000 for a year—will go to one of several private groups, such as the predominantly black Washington Area Contractors Association, which say they would like to run it.

Metro itself cannot run the project because that would create a conflict-of-interest. The agency would be aiding some firms in submitting bids and then would have to turn around and make an official recommendation concerning these same bids.

OBJECT TO PROPOSAL

Metro staff officials and suburban members of the Metro board have supported the project idea from the beginning, but they are opposed to Moore's proposal that some contracts be set aside for bidding solely by minority firms.

This type of bidding would be carried out under a program run by the Small Business Administration. Metro general counsel John R. Kennedy, however, says the subway agency cannot legally join the program, though attorneys for SBA, the Commerce Department and the Transportation Department disagree.

The only logical conclusion is that our Government will soon be asking us to guarantee that these minority firms who get the bid because of free Government assistance will be able to complete the job. The Government has become an underwriter of the contract bond for a bid that it submitted so that some minority contractor could get the job. I ask that a news report on this practice follow my remarks. This is hardly equal opportunity in the American tradition.

I repeat, Mr. Chairman, the people of my district believe that any man has the opportunity to fulfill his God-given talents, but through his own efforts, not because this Government has passed laws giving him total and complete advantages in getting the job opportunity and is even willing to do his work so that he can hold his position.

I intend to cast my people's vote against H.R. 1746, the bill that would further promote preferential treatment for certain minority American workers—a legalized pattern or program of discrimination.

It was individual opportunity that made this country great, not guaranteed privileges and officious political intermeddling. I include the following:

[From the Washington Evening Star, Sept. 15, 1971]

BLACK-OWNED FIRM GETS $311,254 SUBWAY JOB

The Washington area subway agency, embroiled in a dispute over whether enough Metro contracts go to minority group firms, has awarded a $311,254 construction contract to a black-owned Washington company.

It is the largest contract yet given to a minority firm by Metro, and it happened only after an eleventh hour promise by the Small Business Administration to provide 90 percent of the bonding for the construction job.

The contract went yesterday to C&C Construction Co., 1921 Pennsylvania Ave. NW, to build a riding stable in Rock Creek Park that will replace one razed for subway construction.

The company submitted the low bid on the contract months ago, but the award was held up for several weeks because its bonding wasn't in line with Metro specifications.

Metro officials and representatives of the firm attempted to work out a suitable arrangement, but the matter remained unresolved as the deadline neared yesterday.

Then SBA agreed to provide some of the bonding. A local insurance firm already had agreed to provide 10 percent if SBA would pick up the other 90 percent.

If SBA had not acted by last midnight, a new round of bidding would have begun on the stable contract, with the prospect that the black-owned firm might have been unable to submit the low bid again.

The dispute over Metro contracting practices stems from the fact that out of the agency's first $300 million in contracts, only $1 million went to minority firms.

The Rev. Jerry A. Moore Jr., vice chairman of the Metro board of directors, has charged that the agency's contracting procedures are such that small minority firms are often shut out of bidding.

Moore has proposed that some Metro contracts be set aside for bidding solely by minority firms, but Metro staff officials and suburban board members oppose this. Moore also is seeking to have Metro contracts forced to give a certain percentage of their subcontracts to minority outfits.

Both of these proposals are scheduled to be voted on by the Metro board when it meets Thursday, and the prospects appear slim that Moore has won enough votes for them to be approved.

Mr. FISHER. Mr. Chairman, I shall vote for the Erlenborn substitute, and then, if it is approved—or whether it is or not—I shall vote against the pending measure on final passage.

It is my considered judgment that the pending legislation is unnecessary, unfair, inappropriate, and unacceptable to American employers who would be affected. I am equally convinced that the measure is opposed by the overwhelming majority of the American work force.

The pending bill would expand and extend bureaucratic control over industry and other private employment with total disregard for the property rights of those who would be subject to the arbitrary power which would be given to the Equal Employment Opportunity Commission.

The measure gives to this agency vast authority, backed by full judicial and police enforcement powers of the Government. Thus, a Government agency in Washington would be empowered to dictate to an employer whom he can hire, whom he can fire, and whom he can promote—with no right of trial by jury allowed.

Arbitrary exercise of this power could make or break a small business enterprise, and play havoc with the right to employment and career opportunities of many individual workers.

It would deny due process, where valuable personal and property rights are directly involved.

In a grasp for more bureaucratic power, the bill extends EEOC's jurisdiction over State and local government employees, and indeed invades the courthouses with authority to dictate who the deputies, clerks, and other workers may be or who they may not be. It even invades the schools and employment practices involved there.

This ambitious proposal for more power to be lodged in an unelected Washington agency would give that arm of the Federal Government authority to act as complainant, investigator, prosecutor, judge, and jury—all racked up in one package.

As one man pointed out, this measure would create the amazing spectacle of a governmental agency filing a claim with itself against whomsoever it chooses—and then going through a grotesque ceremony of investigating and reporting to itself that such claim should be pressed—then proceeding as prosecutor to present the case to itself in a "hearing" before itself—solemnly asking itself to render a decision which it desires rendered, and finally delivering the judgment and decree which it has besought of itself.

Mr. Chairman, this agency—EEOC—has already established a reputation for engaging in discrimination itself. An examination of some of its decisions will confirm that fact. Its damage has been somewhat mitigated, however, because its enforcement powers are largely confined to conciliation and agreeable settlements. If not abused, that authority could serve a useful purpose in some instances, although the system lends itself to harassment and time-consuming interference with normal business activities.

Now, in this legislation, it is for the first time proposed that EEOC be given authority to issue cease-and-desist or-

ders, which should be exercised by a court of competent jurisdiction. That is the way it is done at present—through judicial processes.

The present EEOC is a product of the Great Society. It has already expanded far beyond any original plans. And the cost of it has added significantly to deficit financing. Enactment of this bill, with all the vast expansion that is envisioned, would add greatly to the number of personnel and the added involvement in private enterprise.

Mr. Chairman, this is typical of how a Government agency, once on the books, grows and grows and grows. No wonder the Federal Government is getting so big. No wonder American people complain so much about actions affecting them, over which they have no control—and over which their elected representatives have little if any control.

There is an old truism which goes like this:

> Vice is a monster of such frightful mein,
> As to be hated needs but to be seen;
> But seen too oft—familiar with its face,
> We first despise, then pity, then embrace.

I am afraid that is what is happening here. Step by step, power and control over individuals is expanded. The matter of discrimination in employment, when it occurs, should be handled by a process of conciliation. The average businessman is reasonable and sensible. In a highly competitive field, in his employment practices, he is obliged to choose people who can get along, attract business for him, and produce better than some other applicant for the job. That system puts a premium on merit and productivity. He should not be put in a straight jacket in exercising his judgment in deciding on an employee's worth to fill his particular needs. Every businessman in America is complaining about too much Government control over decisions which he is much better able to make.

I have already said I am supporting the pending substitute offered by the gentleman from Illinois (Mr. ERLENBORN). It would water down and make much less offensive the provisions of H.R. 1746. I do hope it will be approved.

Mr. HANNA. Mr. Chairman, I wish to jog the memories of my distinguished colleagues in the House and ask them to recall with me the message of the Honorable Warren Burger, Chief Justice of the U.S. Supreme Court. In his address to the American Bar Association in St. Louis in July of 1970, the Chief Justice emphasized the critical proportions of the case overload in the Federal district courts. I am sure that many of my colleagues here share with me the concern expressed by the Chief Justice over the atrophy of our justice-delivery system.

The Chief Justice reminded us then that the backlog of cases grows despite the addition of new judgeships by the Congress. He attributed the delays to three factors. I think it wise that we recall these factors today:

> How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?
>
> When we look back, we can see three key factors that are important to our discussion:
>
> *First,* the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.
>
> *Second,* all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the incomes in the volume of cases.
>
> *Third,* entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

The third point is particularly apt today. We have before us an attempt to move the thrust of equal employment regulation from the administrative agency to the already overburdened Federal district courts. Such action taken by the Congress in the past has contributed significantly to the problem so well known to us all today.

I urge the Members of the House to assess carefully the potential damage to our justice-delivery system and to the cause of equal employment opportunity if H.R. 1746 is not passed in the form in which it was reported by the very able members of the Committee on Education and Labor.

Mr. SHOUP. Mr. Chairman, I take strong exception to H.R. 1746 as it has been reported out of committee and urge my fellow members to vote against the bill.

Equal opportunity for job placement is a crucial issue, one of the most important social matters at this point in our Nation's history. Yet, H.R. 1746 goes beyond the proper limits of governmental control by granting powers to a commission that are powers only properly granted to courts of law.

To decide whether one party is right and the other party wrong is the very essence of jurisprudence. The court system is designed to insure that fairness is the byword of that decisionmaking. A commission is not. Many Federal boards and commissions regulate various things, from electricity to use of the public airways. But human beings are not kilovolts or radio waves. They are people with distinctly different characteristics. In governing kilovolts and radio waves, we deal with specifics. Certain amounts can be ascertained as the right amounts, for each does its job to the same degree. Yet human beings are not so constructed. In deciding distinctly human issues, there is a great deal of gray between the opposite ends of the spectrum. A computer can be programed to decide right from wrong. But there are shades of gray that are a permanent part of the human condition. The American courts are designed to balance all those side issues and resolve any controversy with an equitable solution.

Gentlemen, it is sheer folly to prostitute the court's role in rendering equal justice for all, in favor of granting judicial powers to a commission that cannot avoid bias and political pressure. Unless claims of discrimination are kept in the judicial system's area of responsibility, we are negating any further efforts to combat discrimination in this country, because we cannot guarantee fairness. The courts alone are designed to accomplish the task of making fair, unbiased decisions.

We must, as the lawmaking body of this great land, ask ourselves crucial questions in weighing the merits of H.R. 1746 and other antidiscriminatory legislation.

First. Are we, by virtue of legislating a quasi-judicial function onto a commission, accomplishing something far different than the original intent of equal opportunity legislation? Are we now moving toward forcing American employers to be biased toward minority applicants because they are members of a minority? Have we inadvertently created a monstrosity that is coercing employers to hire a black or Chicano or woman or anyone else because they are black or Mexican American, or female, with only secondary consideration for the qualifications of the applicant for the actual job to be performed?

Second. Are we, in our self-righteous zeal to benefit the minorities, stepping on the rest of America? Are we thus creating through H.R. 1746 and its provisions for judicial action by the commission, not more equality before employers, but discrimination by them in their hiring? Is such prejudicial hiring for, any different than the prejudice against we so puritanically condemn? Are we thus forcing employers to practice illegal discrimination because of race?

Third. Is the day far off when we will see a white man bring forward a complaint that another man was hired instead of himself, not because the other man was better qualified but because the business needed to keep their quota of persons of the other man's color?

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Racial harmony, being a very sensitive and critical issue, must be achieved to the letter of the word, equal. The only way we can insure nonpartisan, constitutionally sound efforts toward such harmony is through this Nation's courts, not by usurping the responsibilities of the courts by granting commissions far-reaching powers with wide ranging possibilities.

In closing, I ask each of you to look deep inside yourselves and ask: "Is prejudice for, somehow different that prejudice against?"

Or, does one create the other, with prejudice by any other name, prejudice still the same?

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered.

PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Mr. Chairman, a vote in the affirmative will be a vote for the Erlenborn amendment in the nature of a substitute; and a vote against it, a no vote, will be a vote that will preserve the opportunity for further amendments. Is that correct?

The CHAIRMAN. The Chair will state the proposition. The question occurs on the Erlenborn amendment, the amendment in the nature of a substitute. A vote of "aye" will be a vote in favor of the substitute. A vote of "no" will be a vote against the substitute as offered by the gentleman from Illinois (Mr. ERLENBORN).

The Chairman appointed as tellers Messrs. ERLENBORN, DENT, HAWKINS, and STEIGER of Wisconsin.

The Committee divided.

The CHAIRMAN. Twelve minutes have expired. Are there any Members in the Chamber who have not voted and wish to vote?

PARLIAMENTARY INQUIRIES

Mr. FULTON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. Mr. Chairman, does not the rule explicitly state that the 12 minutes is the minimum? So, there is no 12-minute expiration. Any Member may vote so long as he is in the Chamber before the final report is made; is that not correct?

The CHAIRMAN. The Chair has so ruled.

Is there any Member in the Chamber who has not voted but who wishes to vote?

Mr. FULTON of Pennsylvania. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. It is definite, then, that there is no maximum time limitation on a recorded teller vote?

The CHAIRMAN. Not until the vote is so announced.

The Committee divided, and the tellers reported that there were—ayes 200, noes 195, not voting 39, as follows:

[Roll No. 261]

[Recorded Teller Vote]

AYES—200

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Gibbons
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Henderson
Hillis
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClure
McCollister
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—195

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Stanton, J. William
Stanton, James V.
Steed
Steele
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—39

Abbitt
Alexander
Anderson, Tenn.
Brown, Ohio
Clark
Clawson, Del
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Fascell
Frey
Goldwater
Gubser
Hansen, Wash.
Hastings
Jarman
Johnson, Pa.
Karth
Long, La.
McCulloch
McEwen
McKinney
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Seiberling
Shoup
Stafford
Staggers
Stokes
Sullivan
Vander Jagt
Widnall

So the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, 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. 1746) to further promote equal employment opportunities for American workers, pursuant to House Resolution 542, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 197, not voting 34, as follows:

[Roll No. 262]

YEAS—202

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Gibbons
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Henderson
Hillis
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl

Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClure
McCollister
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NAYS—197

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—34

Abbitt
Alexander
Anderson, Tenn.
Brown, Ohio
Clark
Clawson, Del
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Frey
Goldwater
Hansen, Wash.
Hastings
Jarman
Johnson, Pa.
Karth
Long, La.
McCormack
McCulloch
McEwen
McKinney
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Shoup
Stafford
Sullivan
Widnall

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montgomery for, with Mr. Evans of Colorado against.

Mr. Shoup for, with Mr. Karth against.

Mr. Frey for, with Mrs. Hansen of Washington against.

Mr. Johnson of Pennsylvania for, with Mr. Mollohan against.

Mr. Del Clawson for, with Mr. Stafford against.

Mr. Eshleman for, with Mr. McCulloch against.

Mr. Railsback for, with Mr. McKinney against.

Mr. Abbitt for, with Mr. Pryor of Arkansas against.

Mr. Derwinski for, with Mr. Alexander against.

Until further notice:

Mr. Roybal with Mr. McEwen.

Mr. Murphy of Illinois with Mr. Sebelius.

Mr. Anderson of Tennessee with Mr. Widnall.

Mr. Clark with Mr. Goldwater.

Mr. Jarman with Mr. Long of Louisiana.

Mr. Edwards of Louisiana with Mr. McCormack.

Mrs. Sullivan with Mr. Brown of Ohio.

The result of the vote was announced as above recorded.

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.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. ASHBROOK moves that the bill H.R. 1746 be recommitted to the Committee on Education and Labor.

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

There was no objection.

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 270, not voting 33, as follows:

[Roll No. 263]

YEAS—130

Abernethy
Addabbo
Andrews, Ala.
Annunzio
Badillo
Baker
Baring
Barrett
Begich
Bevill
Biaggi
Bingham
Blatnik
Brademas
Brasco
Brinkley
Brooks
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Cabell
Caffery
Celler
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Dellums
Denholm
Dent
Diggs
Dorn
Dowdy
Drinan
Eckhardt
Edmondson
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Ford, William D.
Gallagher
Garmatz
Gettys
Giaimo
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Halpern
Harrington
Hathaway
Hébert
Helstoski
Henderson
Holifield
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Landgrebe
Landrum
Lennon
McDade
Mahon
Mathis, Ga.
Mills, Ark.
Mills, Md.
Minish
Mink
Moorhead
Morgan
Murphy, N.Y.
Nedzi
Nichols
O'Hara
Patten
Poage
Price, Ill.
Purcell
Randall
Rarick
Reid, N.Y.
Riegle
Robinson, Va.
Rodino
Roe
Rooney, Pa.
Rostenkowski
Runnels
Scherle
Schmitz
Scott
Shipley
Slack
Snyder
Spence
Staggers
Steed
Stephens
Stokes
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Vanik
Whitten
Wolff
Yates
Young, Tex.

NAYS—270

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Belcher
Bell
Bennett
Bergland
Betts
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Findley
Fish
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Gonzalez
Goodling
Gray
Grover
Gude
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jonas
Kastenmeier
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minshall
Mitchell
Mizell
Monagan
Morse
Mosher
Moss
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie

Podell	Scheuer	Ullman
Poff	Schneebeli	Van Deerlin
Powell	Schwengel	Vander Jagt
Preyer, N.C.	Seiberling	Veysey
Price, Tex.	Shriver	Vigorito
Pucinski	Sikes	Waggonner
Quie	Sisk	Waldie
Quillen	Skubitz	Wampler
Rangel	Smith, Calif.	Ware
Rees	Smith, Iowa	Watts
Reid, Ill.	Smith, N.Y.	Whalen
Reuss	Springer	Whalley
Rhodes	Stanton, J. William	White
Roberts	Stanton, James V.	Whitehurst
Robison, N.Y.	Steele	Wiggins
Rogers	Steiger, Ariz.	Williams
Roncalio	Steiger, Wis.	Wilson, Bob
Rooney, N.Y.	Stratton	Wilson, Charles H.
Rosenthal	Stubblefield	Winn
Roush	Symington	Wright
Rousselot	Talcott	Wyatt
Roy	Taylor	Wydler
Ruppe	Teague, Calif.	Wylie
Ruth	Terry	Wyman
Ryan	Thomson, Wis.	Yatron
St Germain	Thone	Young, Fla.
Sandman	Tiernan	Zablocki
Sarbanes	Udall	Zion
Satterfield		Zwach
Saylor		

NOT VOTING—33

Abbitt	Goldwater	Montgomery
Alexander	Gubser	Murphy, Ill.
Anderson, Tenn.	Hansen, Wash.	Pryor, Ark.
Clark	Hastings	Railsback
Clawson, Del	Jarman	Roybal
Derwinski	Johnson, Pa.	Sebelius
Dwyer	Karth	Shoup
Edwards, La.	Long, La.	Stafford
Eshleman	McCulloch	Sullivan
Evans, Colo.	McEwen	Widnall
Frey	McKinney	
	Mollohan	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Montgomery with Mr. Derwinski.

Mr. Evans of Colorado with Mr. Del Clawson.

Mr. Karth with Mr. Shoup.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Alexander with Mr. Johnson of Pennsylvania.

Mr. Mollohan with Mr. Hastings.

Mr. Pryor of Arkansas with Mr. Eshleman.

Mr. Roybal with Mr. Railsback.

Mr. Murphy of Illinois with Mr. McKinney.

Mrs. Sullivan with Mr. Widnall.

Mr. Anderson of Tennessee with Mr. Gubser.

Mr. Abbitt with Mr. Frey.

Mr. Clark with Mr. Stafford.

Mr. Hagan with Mr. McEwen.

Mr. Harman with McCulloch.

Mr. Long of Louisiana with Mr. Sebelius.

Mr. Edwards of Louisiana with Mr. Goldwater.

Messrs. HANLEY, BOGGS, BOLAND, FULTON of Tennessee, CARNEY, ASHLEY, ADAMS, HICKS of Washington, KYROS, EDWARDS of California, ANDERSON of California, DOW, ROY, ST GERMAIN, DONOHUE, KUYKENDALL, CONTE, and GUDE changed their votes from "yea" to "nay."

Messrs. MORGAN, STAGGERS, CHAPPELL, and GROSS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 106, not voting 42, as follows:

[Roll No. 264]

YEAS—285

Abzug	Galifianakis	Pelly
Adams	Gallagher	Pepper
Addabbo	Garmatz	Perkins
Anderson, Calif.	Gaydos	Pettis
Anderson, Ill.	Gibbons	Peyser
Andrews, N. Dak.	Gonzalez	Pickle
Annunzio	Goodling	Pike
Arends	Gray	Pirnie
Ashley	Green, Pa.	Podell
Aspin	Grover	Poff
Badillo	Gude	Preyer, N.C.
Barrett	Halpern	Price, Ill.
Belcher	Hamilton	Price, Tex.
Bell	Hanley	Pucinski
Bennett	Hanna	Quie
Bergland	Hansen, Idaho	Quillen
Betts	Harrington	Rangel
Biaggi	Harsha	Rees
Biester	Harvey	Reid, Ill.
Bingham	Hawkins	Reid, N.Y.
Blanton	Hays	Reuss
Blatnik	Hechler, W. Va.	Rhodes
Boggs	Helstoski	Riegle
Boland	Hicks, Mass.	Robison, N.Y.
Bolling	Hicks, Wash.	Rodino
Bow	Hillis	Roe
Brademas	Hogan	Rogers
Brasco	Holifield	Roncalio
Bray	Horton	Rooney, N.Y.
Brooks	Hosmer	Rooney, Pa.
Broomfield	Howard	Rosenthal
Brotzman	Hunt	Rostenkowski
Brown, Mich.	Hutchinson	Roush
Brown, Ohio	Ichord	Roy
Broyhill, N.C.	Jacobs	Ruppe
Buchanan	Johnson, Calif.	Ryan
Burke, Fla.	Jonas	St Germain
Burke, Mass.	Jones, N.C.	Sandman
Burlison, Mo.	Kastenmeier	Sarbanes
Burton	Keating	Saylor
Byrne, Pa.	Keith	Scheuer
Byrnes, Wis.	King	Schneebeli
Byron	Kluczynski	Schwengel
Carey, N.Y.	Koch	Seiberling
Carney	Kyl	Shriver
Carter	Kyros	Sisk
Casey, Tex.	Latta	Skubitz
Cederberg	Leggett	Smith, Calif.
Celler	Lent	Smith, Iowa
Chamberlain	Link	Smith, N.Y.
Clancy	Lloyd	Springer
Clausen, Don H.	Long, Md.	Stanton, J. William
Collier	Lujan	Stanton, James V.
Collins, Ill.	McClory	Steele
Conable	McCloskey	Steiger, Ariz.
Conte	McClure	Steiger, Wis.
Corman	McCollister	Stokes
Cotter	McDade	Stratton
Coughlin	McDonald, Mich.	Talcott
Culver	McFall	Taylor
Daniels, N.J.	McKay	Teague, Calif.
Danielson	McKevitt	Terry
Davis, Wis.	Macdonald, Mass.	Thompson, N.J.
de la Garza	Madden	Thomson, Wis.
Delaney	Mailliard	Thone
Dellenback	Mann	Tiernan
Dennis	Martin	Ullman
Dingell	Mathias, Calif.	Van Deerlin
Donohue	Matsunaga	Vander Jagt
Dow	Mayne	Vanik
Downing	Mazzoli	Veysey
Dulski	Meeds	Vigorito
Duncan	Melcher	Waldie
du Pont	Metcalfe	Wampler
Eckhardt	Michel	Ware
Edwards, Ala.	Mikva	Whalen
Edwards, Calif.	Miller, Calif.	Whalley
Eilberg	Miller, Ohio	White
Erlenborn	Minish	Whitehurst
Esch	Minshall	Wiggins
Evins, Tenn.	Mitchell	Williams
Fascell	Monagan	Wilson, Charles H.
Findley	Moorhead	Winn
Fish	Morgan	Wolff
Flood	Morse	Wright
Foley	Mosher	Wyatt
Ford, Gerald R.	Moss	Wydler
Forsythe	Murphy, N.Y.	Wylie
Fountain	Myers	Wyman
Fraser	Natcher	Yates
Frelinghuysen	Nelsen	Yatron
Frenzel	Nix	Zablocki
Fulton, Pa.	Obey	Zion
Fulton, Tenn.	O'Konski	Zwach
Fuqua	O'Neill	
	Patten	

NAYS—108

Abernethy	Fisher	Nedzi
Abourezk	Flowers	Nichols
Andrews, Ala.	Flynt	O'Hara
Archer	Ford, William D.	Passman
Aspinall	Gettys	Patman
Baker	Giaimo	Poage
Baring	Grasso	Powell
Begich	Green, Oreg.	Purcell
Bevill	Griffin	Randall
Blackburn	Griffiths	Rarick
Brinkley	Gross	Roberts
Broyhill, Va.	Hagan	Robinson, Va.
Burleson, Tex.	Haley	Rousselot
Cabell	Hall	Runnels
Caffery	Hammerschmidt	Ruth
Camp	Hébert	Satterfield
Chappell	Heckler, Mass.	Scherle
Chisholm	Henderson	Schmitz
Clay	Hull	Scott
Collins, Tex.	Hungate	Shipley
Colmer	Jones, Ala.	Sikes
Conyers	Jones, Tenn.	Slack
Crane	Kazen	Snyder
Daniel, Va.	Kee	Spence
Davis, Ga.	Kuykendall	Staggers
Davis, S.C.	Landgrebe	Steed
Dellums	Landrum	Stephens
Denholm	Lennon	Stubblefield
Dent	McMillan	Stuckey
Devine	Mahon	Teague, Tex.
Dickinson	Mathis, Ga.	Thompson, Ga.
Diggs	Mills, Ark.	Waggonner
Dorn	Mills, Md.	Watts
Dowdy	Mink	Whitten
Drinan		Young, Fla.
Edmondson		Young, Tex.

NOT VOTING—42

Abbitt	Gubser	Montgomery
Alexander	Hansen, Wash.	Murphy, Ill.
Anderson, Tenn.	Hastings	Pryor, Ark.
Ashbrook	Hathaway	Railsback
Clark	Jarman	Roybal
Clawson, Del	Johnson, Pa.	Sebelius
Cleveland	Karth	Shoup
Derwinski	Kemp	Stafford
Dwyer	Long, La.	Sullivan
Edwards, La.	McCormack	Symington
Eshleman	McCulloch	Udall
Evans, Colo.	McEwen	Widnall
Frey	McKinney	Wilson, Bob
Goldwater	Mizell	
	Mollohan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Evans of Colorado for, with Mr. Montgomery against.

Mr. Del Clawson for, with Mr. Ashbrook against.

Until further notice:

Mr. Clark with Mr. Widnall.

Mr. Hathaway with Mr. Cleveland.

Mrs. Hansen of Washington with Mr. Goldwater.

Mr. Alexander with Mr. Derwinski.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Udall with Mr. Kemp.

Mr. Karth with Mr. Gubser.

Mr. Mollohan with Mr. McKinney.

Mr. Pryor of Arkansas with Mr. Shoup.

Mr. Roybal with Mr. Bob Wilson.

Mr. Murphy of Illinois with Mr. Railsback.

Mr. Symington with Mr. Johnson of Pennsylvania.

Mr. Anderson of Tennessee with Mr. McCulloch.

Mr. McCormack with Mr. Stafford.

Mr. Abbitt with Mr. Sebelius.

Mr. Jarman with Mr. Eshleman.

Mr. Edwards of Louisiana with Mr. Mizell.

Mr. Long of Louisiana with Mr. Frey.

Mr. Hastings with Mr. McEwen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLERK AUTHORIZED TO MAKE TECHNICAL AMENDMENTS IN ENGROSSMENT OF H.R. 1796

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill, be authorized to make technical amendments to conform the bill with existing law and to correct any incorrect cross-references due to redesignation of subsections (f) through (k) as subsections (g) through (l) in section 706 of the Civil Rights Act of 1964.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SEIBERLING. Mr. Speaker, I would like to simply say that I was on the Senate side at the time of the teller vote on H.R. 1746. Had I been present, I would have voted for the committee bill and against the Erlenborn substitute.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks during general debate yesterday and today in connection with H.R. 1746.

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

There was no objection.

DRUG LISTING ACT OF 1971

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 594 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 594

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9936) to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 594 provides an open rule with 1 hour of general debate for consideration of H.R. 9936, Drug Listing Act of 1971.

The purpose of H.R. 9936 is to provide the Secretary of Health, Education, and Welfare with a current listing of all drugs on the market.

Manufacturers of new drugs, of drugs containing insulin, of antibiotics, and of new animal drugs must submit a reference to their authority for marketing. Also, a copy of all current labeling of the drug is required.

Current labeling of prescription drugs not otherwise covered, a representative sampling of advertisements and, upon request, a copy of all advertisements for a particular product must be furnished.

The label and package insert of over-the-counter drugs and a representative sampling of any other current labeling for each drug must be submitted.

Manufacturers of drugs not otherwise covered—prescription or over-the-counter—are required to submit for each drug a quantitative listing of all active ingredients.

The lists must be updated semiannually.

The Secretary is authorized, when he deems it necessary, to require manufacturers to furnish a list of products containing particular ingredients.

The legislation shall become effective 6 months after enactment.

Mr. Speaker, I urge the adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of H.R. 9936 is to provide the Secretary of Health, Education, and Welfare a current listing of all drugs on the market and to further provide for a semiannual updating of such listings.

The Food and Drug Administration charged with the responsibility of administering the Federal Food, Drug, and Cosmetic Act presently has no efficient means of determining what drugs are currently being manufactured and commercially distributed. Its only method today is a periodic inspection. This is not efficient.

The bill would require manufacturers and processors of drugs to submit to the Secretary of Health, Education, and Welfare a list of all drugs manufactured or processed for sale to any consumers. In addition a copy of all current labeling materials for each drug must be supplied. Drugs covered would include all new drugs coming on the market, drugs containing insulin, all antibiotics, and new drugs for animals. Each 6 months manufacturers must submit any new information on drugs previously reported as well as listing new and discontinued drugs.

Failure to comply with these requirements subjects the violator to the existing penalties of the Federal Food, Drug, and Cosmetic Act. Existing law provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

The bill has administration support as evidenced by letters contained in the committee's report. There are no minority views.

I support the rule and the bill.

Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9936) to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes, in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 9936

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes

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

Section 1. This Act may be cited as the "Drug Listing Act of 1971".

Sec. 2. The Federal Government which is responsible for regulating drugs has no ready means of determining what drugs are actually being manufactured or packed by establishments registered under the Federal Food, Drug, and Cosmetic Act except by periodic inspection of such registered establishments. Knowledge of which particular drugs are being manufactured or packed by each registered establishment would substantially assist in the enforcement of Federal laws requiring that such drugs be pure, safe, effective, and properly labeled. Information on the discontinuance of a particular drug could serve to alleviate the burden of reviewing and implementing enforcement actions against drugs which, although commercially discontinued, remain active for regulatory purposes. Information on the type and number of different drugs being manufactured or packed by drug establishments could permit more effective and timely regulation by the agencies of the Federal Government responsible for regulating drugs, including identification of which drugs in interstate commerce are subject to section 505 or 507, or to other provisions of the Federal Food, Drug, and Cosmetic Act.

Sec. 3. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end of the following new subsection:

"(j)(1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 502(e)) and by any proprietary name) which are being manufactured, prepared, propagated, compounded, or processed by him for commercial distribution and which he has not included in any list of drugs filed by him with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) in the case of a drug contained in such list and subject to section 505, 506, 507, or 512, a reference to the authority for the marketing of such drug and a copy of all labeling for such drug;

"(B) in the case of any other drug contained in such list—

"(i) which is subject to section 503(b)(1), a copy of all labeling for such drug, a representative sampling of advertisements for such drug, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular drug product, or

"(ii) which is not subject to section 503(b)(1), the label and package insert for such drug and a representative sampling of any other labeling for such drug;

"(C) in the case of any drug contained in such list which is described in subparagraph (B), a quantitative listing of its active ingredient or ingredients, except that with respect to a particular drug product the Secretary may require the submission of a quantitative listing of all ingredients if he finds that such submission is necessary to carry out the purposes of this Act; and

"(D) if the registrant filing the list has determined that a particular drug product contained in such list is not subject to section 505, 506, 507, or 512, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular drug product.

"(2) Each person who registers with the Secretary under this subsection shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following information:

"(A) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously filed by him with the Secretary under this subparagraph or paragraph (1) of this subsection. A list under this subparagraph shall list a drug by its established name (as defined in section 502(e)) and by any proprietary name it may have and shall be accompanied by the other information required by paragraph (1).

"(B) If since the date the registrant last made a report under this paragraph, since the effective date of this subsection) he has discontinued the manufacture, preparation, propagation, compounding, or processing for commercial distribution of a drug included in a list filed by him under subparagraph (A) or paragraph (1); notice of such discontinuance, the date of such discontinuance, and the identity (by established name (as defined in section 502(e)) and by any proprietary name) of such drug.

"(C) If since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance he has resumed the manufacture, preparation, propagation, compounding, or processing for commercial distribution of the drug with respect to which such notice of discontinuance was reported; notice of such resumption, the date of such resumption, the identity of such drug (by established name (as defined in section 502(e)) and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary pursuant to this subparagraph.

"(D) Any material change in any information previously submitted pursuant to this paragraph or paragraph (1).

"(3) The Secretary may also require each registrant under this section to submit a list of each drug product which (A) the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution, and (B) contains a particular ingredient. The Secretary may not require the submission of such a list is necessary to carry out the purposes of this Act."

SEC. 4. (a) Section 510(e) of such Act is amended by adding at the end thereof the following: "The Secretary may also assign a listing number to each drug or class of drugs listed under subsection (j). Any number assigned shall be the same as that assigned pursuant to the National Drug Code.".

(b) Section 510(f) of such Act is amended by inserting before the period the following: "; except that any list submitted pursuant to paragraph (3) of subsection (j) and the information accompanying any list or notice filed under paragraph (1) or (2) of that subsection shall be exempt from such inspection unless the Secretary finds that such an exemption would be inconsistent with protection of the public health".

(c) The second sentence of section 510(i) of such Act is amended by inserting "shall require such establishment to provide the information required by subsection (j) and" immediately before "shall include".

(d) Clause (1) of the second sentence of section 506(e) of such Act (21 U.S.C. 355(e)) is amended by inserting "or to comply with the notice requirements of section 510(j)(2)" immediately after "subsection (j)".

(e) Section 301(p) of such Act (21 U.S.C. 331(p)) is amended to read as follows:

"(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j), or the failure to provide a notice required by section 510(j)(2)."

SEC. 5. Section 301(j) of such Act (21 U.S.C. 331(j)) is amended—

(1) by inserting "(1)" immediately after "any information",

(2) by inserting "510," immediately after "507,",

(3) by striking out "any method or process" and inserting in lieu thereof "any method, process, or information", and

(4) by inserting before the period at the end the following: ", or (2) which (A) was contained in a list submitted pursuant to paragraph (3) of section 510(j) or accompanied a list or notice submitted pursuant to paragraph (1) or (2) of that section, and (B) was acquired under the authority of section 510".

SEC. 6. The amendments made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

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

Mr. Speaker, I rise in support of H.R. 9936, the proposed Drug Listing Act of 1971.

Mr. Speaker, the purpose of this bill is to provide the Food and Drug Administration with a current listing of all drugs on the market, and to provide for periodic updating of that list.

The bill is supported by the Department of Health, Education, and Welfare, and by the Pharmaceutical Manufacturers Association and the Proprietary Association.

During our hearings, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, stated that he does not today have available to him a current listing of all drugs being manufactured in the United States. The reason is that manufacturers are not required to notify FDA when they go out of the business of manufacturing a particular product; and, in the case of over-the-counter medicines, they do not need to notify FDA when they begin manufacture.

The purpose of this bill, therefore, is to require that each drug manufacturer in the United States notify FDA as to the drugs which they are in the process of marketing, together with a listing of their ingredients, their labeling and advertising, and other information concerning the drug. In addition, the bill requires semiannual reporting by all drug manufacturers notifying FDA of any change since their last notice. In this fashion, FDA will have available to it a current listing of all products on the market, together with their ingredients, so that, if a problem comes to their attention involving a particular ingredient or a particular drug, they will be able to move quickly to protect the public health.

The bill will cost approximately one-half million dollars additional during the first fiscal year of its operation and approximately $2 million additional thereafter.

I know of no opposition to the legislation, and urge its adoption.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, I rise in support of H.R. 9936 a bill which would provide the Secretary of Health, Education, and Welfare with a current listing of all drugs on the market by requiring each drug manufacturer to provide an initial listing of the drugs he is marketing and a semiannual update of changes in that list.

It is hard to believe that the Federal agency which is responsible for protecting the public from unsafe, impure, and ineffective drug products does not even have a listing of all the products for which it is responsible. Not only does the Food and Drug Administration lack such basic knowledge as what products are being marketed, they also lack information on who manufactures these products, what are the ingredients in these products, how are they labeled and promoted, and whether the drugs are in compliance with any preclearance requirements of the Food and Drug Act. We cannot expect this agency to carry out its statutory requirements without such basic information as a current listing of the products over which it has jurisdiction.

The basic provisions of this bill would require several actions on the part of manufacturers of drug products. These drug manufacturers and processors would be required to submit a listing of all drugs manufactured or processed for commercial distribution and this list would be subject to updating every 6 months. In addition to this listing, copies of labeling, a representative sampling of advertising, and copies of package inserts would be required to be submitted. The firms would be further required to cite the authority under which the drug has been approved for marketing. A quantitative listing of ingredients may be required for certain drugs if the Secretary determines that this information is necessary to carry out the provisions of the act. We also anticipate that the Secretary may from time to time need to identify all drug products on the market which contain a specific ingredient.

Mr. Speaker, I urge the adoption of

this bill to fill a large gap in the existing authority of the Food and Drug Administration to insure the safety and efficacy of the drug products which the American consumer has the right to expect. The recent instances of tainted food products demonstrated the need to maintain adequate controls on products meant for human consumption. I would hope that we are not destined to repeat this type of tragedy, but instead we will move to prevent a recurrence of a similar nature in the field of drugs. This legislation is badly needed for the Food and Drug Administration to carry out its responsibilities, and the adoption of this bill would represent a positive step toward insuring the continued safety of drug products.

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

Mr. Speaker, since the sweeping drug amendments of 1962 all pharmaceutical manufacturers must prove the safety and also the efficacy of a proposed new drug before it can be marketed. The law also imposed upon the Food and Drug Administration the duty to gradually work its way through the prescription drugs which had reached the market prior to those amendments and to look them over using the same criteria. Previously safety alone was considered when deciding the merits of an application. From all of this the FDA has had reason to know about and examine many drug formulas.

It might seem from this that no drug could be in the marketplace without having been noticed by FDA. This, however, is not necessarily the case. Many drugs, such as the common ones we buy without a prescription, ordinarily do not need the stamp of approval before being sold. Many drugs are withdrawn from the market for one reason or another. Consequently no one can really tell what is available at any given time.

Mr. Speaker, the purpose of this bill is to create a complete listing of all drugs sold in the United States and then keep it up to date by adding and subtracting as drugs appear or are withdrawn from the market. To accomplish this the bill requires all drug manufacturers to list each drug they make with its ingredients and its method of sales, including samples of labels. If the drug has been approved by way of a new drug application, this will be identified. If the drug is such that no approval was necessary, this fact will be noted along with the reason that it does not require approval.

One would expect that such a listing would be in existence already. I would have thought so. But it is not. Apparently the desirability of maintaining such a list is clear to everyone. The Government agency urges it. The drug industry agrees and endorses this legislation.

The bill requires no authorizations for appropriations. This effort will be handled as routine business by the Food and Drug Administration. To get the list originally may cost the agency as much as $500,000 in time and material. Thereafter it may take about $200,000 a year of the agency's regular operating budget to cover this activity and keep the list current.

I recommend that the House approve H.R. 9936. This is a clean bill which was introduced after hearings were complete, after all testimony was evaluated. It was designed to meet the various small changes needed to satisfy the parties involved. In its present form as now presented to the House for approval it has the support of all interested parties.

Mr. BROOMFIELD. Mr. Speaker, so wide and rapid are advances in modern medicine, we find that new drugs and compounds are multiplying at an ever-increasing rate. As the number of new wonder drugs continue to grow, it has become ever more difficult to keep abreast of every drug or compound which is available to the public today. In this light then, the task of the Food and Drug Administration to guarantee their safety, quality, and purity is truly enormous.

The Drug Listing Act of 1971, which today stands for our consideration, will function positively at two levels to promote drug safety. Primarily, by requiring an inventory of all drugs being produced, it will facilitate the efforts of the Food and Drug Administration to protect the American consumer. Second, and perhaps most importantly, this bill requires a listing of all active and inactive ingredients of drugs. Should a particular agent, at some future time be proven harmful, the administrator would have the necessary information at hand to remove all such drugs from the market. In such crises, speed is of the essence and this measure creates that swiftness of action which is so valuable.

While the public is presently protected by a stringent system of tests and clearance procedures for many kinds of drugs, there remains the possibility that a drug previously considered beneficial may at some future time be found harmful. If an inventory of all drugs and their ingredients is available to the Government, it will operate as an additional form of insurance for the public. Judging by the cost necessary to implement this bill that would be a tremendous bargain.

Modern technology and medicine, Mr. Speaker, has given man cures and comforts that 10 years ago were only hopes and dreams. As with many gifts, however, there is a price to be paid. I submit that one cost of modern drugs is constant surveillance and awareness of their tremendous capacity for harm as well as good. The Thalidomide tragedy of the past decade is but one example of how painfully we have learned this lesson.

Additionally, this act will furnish the FDA with the administrative machinery necessary to conduct their normal regulatory duties. This will provide the practical means for the agency to maintain a constant watch over the expanding catalogue of drugs produced in the United States. When we passed the Food, Drug, and Cosmetics Act of 1962 we entrusted this agency with the job of protecting the public from dangerous and impure products. We now have a commitment, indeed a responsibility, to provide the administrative tools to follow through on this assignment properly.

The Commissioner of Food and Drugs, Dr. Charles C. Edwards, has testified that this legislation is crucial for the effective administration of those laws now on the books. Furthermore, the industry itself represented by the Pharmaceutical Manufacturers Association has endorsed the bill. Both Government and industry are of one mind on this issue and that being the case it warrants our approval.

Mr. SYMINGTON. Mr. Speaker, I rise in support of H.R. 9939.

I was surprised to learn during the course of the hearings that the Food and Drug Administration does not have the authority that would be granted under this legislation. Today, the FDA does not know what drugs are currently being marketed in the United States. This information is of course available to them. But in order to obtain up-to-date data it would be necessary for their inspectors to compile this information in the field.

This legislation would eliminate that problem by requiring all drug manufacturers, upon registering with FDA, to submit a current listing of all drugs they are in the process of marketing. In addition. It would provide for immediate notice of discontinuance of drugs and submission of copies of all labeling and advertising as well as production data as the Secretary of Health, Education, and Welfare may require.

With the present emphasis on drugs and the culture they are producing, I think we can do no less than give the agency which has the responsibility to insure our safety in this area, the authority to carry out its mandate.

Mr. Speaker, I commend the work of Chairman Rogers and my fellow subcommittee members for the fine job they have done on this legislation.

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 4, line 14, strike out "subsection" and insert in lieu thereof "section";

On page 6, line 12, insert "pursuant to the preceding sentence" immediately after "assigned"; and

On page 7, line 4, strike out "506" and insert in lieu thereof "505".

The SPEAKER. The question is on the amendment.

The amendment was 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 bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next.

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

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

Mr. BOGGS. In reply to the distinguished minority leader, we have concluded the program for this week.

Next week Monday and Tuesday are Jewish holidays, and we have scheduled only the Consent Calendar for Monday, and the Private Calendar for Tuesday.

For Wednesday and the balance of the week we have scheduled House Joint Resolution 208, equal rights for men and women, an open rule, with 4 hours of debate; and

H.R. 7072, the airport and airways trust fund bill, with an open rule, providing 1 hour of debate.

Also I would like to announce that the conference report from the Committee on Appropriations on Public Works is ready and will likely be called up on Wednesday next. For that matter, as the gentleman knows, conference reports are in order at any time. Also, any further program will be announced later.

Mr. Speaker, will the gentleman yield further?

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

HOLIDAY SCHEDULE

Mr. BOGGS. I would like to take this opportunity of informing the Members of our schedule for the balance of this session. In announcing this program it does not necessarily mean that Congress will be in session as long as some of these dates may indicate, but in any event we have attempted during the session to keep the Members advised on the schedule so that they can plan ahead.

For Columbus Day, which is Monday, October 11, we have scheduled a holiday from the conclusion of business on Thursday, October 7, until noon Tuesday, October 12.

For Veterans Day, which is Monday, October 25, from the conclusion of business on Thursday, October 21, until noon, Tuesday, October 26.

For Thanksgiving, which is Thursday, November 25, from the conclusion of business on Wednesday, November 24, until noon on Monday, November 29.

In addition to the light schedule for Monday and Tuesday of next week, beginning at sundown on Tuesday, September 28, and through Wednesday, September 29, which is actually 1 day, we will again have a light program in the light of the Jewish holiday.

Mr. GERALD R. FORD. Will the distinguished majority leader comment on this question: On occasion because of circumstances we cannot foresee at the moment the announcement is made that any further program may be announced at a later date. Would that be the case for next week, in case of some unforeseen circumstances arising?

Mr. BOGGS. That is correct. I know the circumstances to which the gentleman is referring, which I hope will not develop.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 20, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

WRITTEN DECISIONS REQUIRED OF THE U.S. SUPREME COURT IN REVERSING STATE CRIMINAL CONVICTIONS

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

Mr. RARICK. Mr. Speaker, I am today introducing legislation to require that "Whenever the Supreme Court reverses a State criminal conviction which has been upheld by the highest court of such State, it shall report in a written decision the legal justification for the reversal, citing such legal precedent, case law, and other authority as may be applicable."

I am introducing this bill at the request of Justice Walter B. Hamlin of the Supreme Court of Louisiana to remedy the present dangerous practice of the Supreme Court in reversing by *per curiam* criminal convictions that had been affirmed by the highest courts of the States.

Such a practice is prejudicial to the administration of criminal justice and threatens the confidence of the American people in the jury system under our system of constitutional government a key factor in safeguarding the individual rights of our people. In overturning State criminal convictions, the U.S. Supreme Court is also overturning jury verdicts—the role played by the citizenry in justice.

I urge my colleagues to join me and the cosponsors in support of this legislation designed to remedy this travesty in judicial practice that endangers the administration of criminal justice in America. Certainly our State supreme courts and State jurors are entitled to a written explanation of any reversal of their decisions.

I ask that Mr. Justice Hamlin's letter with its enclosure illustrating the present practice of the Supreme Court in reversing State criminal convictions without benefit of written opinion and a copy of my bill be inserted in the RECORD following my remarks.

SUPREME COURT,
New Orleans, La., Aug. 13, 1971.

Congressman JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR JUDGE: I acknowledge receipt of your recent clipping regarding Mr. Wemberly's position. Many thanks.

I sincerely appreciate your continued interest in the improvement of our criminal justice system. Because of your interest, I call your attention to the following situation.

At the end of the last term of the United States Supreme Court, that Court, without assigning the cases for argument, reversed thirty criminal convictions which had been affirmed by the highest courts of the states. Not only was this done without oral argument, but the court filed no written opinion. I enclose the record of the court's action in these cases.

The reversal of state criminal convictions without a written opinion is a highly dangerous practice, prejudicial to the administration of criminal justice. It permits the court to reverse criminal cases that have been passed upon by the trial jury, the trial judge, and the justices of the highest courts of the states without assigning specific reasons. This, of course, encourages arbitrary action.

I believe this dangerous procedure can be corrected by statutory amendment enacted by Congress. It will be appreciated if you will investigate this matter and, if feasible, introduce remedial legislation.

With kindest regards, I am

Most sincerely,

WALTER B. HAMLIN,
Associate Justice.

[From the Journal of the U.S. Supreme Court, June 30, 1971]

CERTIORARI—SUMMARY DISPOSITION

129 Adams v. Washington.

The motion to dispense with printing the petition is granted. The motion of the respondent to dispense with printing response is granted. The petition for a writ of certiorari is granted. The judgment, insofar as it imposes the death sentence, is reversed and the case is remanded to the Supreme Court of Washington for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969) and Maxwell v. Bishop, 398 U.S. 262 (1970). Mr. Justice Black dissents.

5006 Mathis v. New Jersey.
5015 Mathis v. Alabama.
5022 Speck v. Illinois.
5027 Segura v. Patterson.
5058 Whan v. Texas.
5063 Duplessis v. Louisiana.
5064 Jaggers v. Kentucky.
5065 Aiken v. Washington.
5066 Wheat v. Washington.
5074 Pruett v. Ohio.
5077 Quintana v. Texas.
5080 Wigglesworth v. Ohio.
5086 Crain v. Beto.
5094 Wilson v. Florida.
5114 Pemberton v. Ohio.
5142 Ladetto v. Massachusetts.
5288 Turner v. Texas.
5887 Bernette v. Illinois.
6049 Tajra v. Illinois.
6458 Harris v. Texas.

The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed and the cases are remanded for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969); and Maxwell v. Bishop, 398 U.S. 262 (1970). Mr. Justice Black dissents.

5011 Funicello v. New Jersey.

5014 Childs v. North Carolina.

The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed and the cases are remanded for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969); Maxwell v. Bishop, 398 U.S. 262 (1970); and United States v. Jackson, 390 U.S. 570 (1968). Mr. Justice Black dissents.

5020 Clark v. Smith.

The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The judgment is reversed, Miranda v. Arizona, 384 U.S. 436 (1966), and the case is remanded to the Supreme Court of Georgia for further proceedings. Mr. Justice Black dissents.

5072 Atkinson v. North Carolina.

5136 Hill v. North Carolina.

5178 Roseboro v. North Carolina.

5837 Williams v. North Carolina.

6006 Sanders v. North Carolina.

6386 Thomas v. Leeke.

7122 Atkinson v. North Carolina.

The motions for leave to proced in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed, United States v. Jackson, 390 U.S. 570 (1968), Pope v. United States, 392 U.S. 651 (1968), and the cases are remanded for further proceedings. Mr. Justice Black dissents.

5139 Anderson v. Louisiana.

The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The judgment is reversed, Burton v. United States, 391 U.S. 123 (1968), and the case is remanded to the Supreme Court of Louisiana for further proceedings. Mr. Justice Black dissents.

H.R. —

A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1257 of title 28, United States Code (relating to Supreme Court jurisdiction over certain State court judgments), is amended by adding at the end thereof the following new paragraph:

"Whenever the Supreme Court reverses a State criminal conviction which has been upheld by the highest court of such State, it shall report in a written decision the legal justification for the reversal, citing such legal precedent, case law, and other authority as may be applicable."

SEC. 2. The amendment made by this Act shall apply with respect to State criminal convictions reviewed by the Supreme Court on or after October 4, 1971.

ILLINOIS RESIDENT NEW LEGION HEAD

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

Mr. COLLIER. Mr. Speaker, for the sixth time in its long and distinguished history the American Legion has elected a resident of the State of Illinois as its national commander. John H. Geiger of Des Plaines, Ill., was elected to that office by the delegates at the 53d annual national convention of the American Legion on September 2, 1971, at Houston, Tex. Commander Geiger saw combat with the 11th Armored Division in the European theater of operation during the Battle of the Bulge. Upon returning to civilian life, he obtained his degree in architectural engineering under the G.I. Bill of Rights and has been very active in veterans affairs ever since his separation from the service. He has served in practically every office of the American Legion, including state commander and national executive committeeman of Illinois. Commander Geiger is presently an official of United Airlines at its executive office in Chicago.

I have known John Geiger for 15 years and know the qualities of leadership he possesses. By every standard of measurement he is qualified to lead this great veterans organization and I am proud that this honor has come to him and to my State and district. It is a tribute to the membership of the American Legion that they recognized in this fine citizen the qualities of character and leadership which are so urgently needed in these trying times.

With John Geiger as commander the American Legion can look forward to a year of dedicated service and added achievement. In his acceptance speech after his election the national commander discussed some of the current problems facing this Nation and pledged the resources of the American Legion toward their solution. I take pleasure in presenting National Commander Geiger's acceptance speech, together with his biography for the RECORD.

ACCEPTANCE SPEECH OF JOHN H. GEIGER

In accepting this, the highest office The American Legion can give, I have the mixed emotions that accompany a dream come true, while contemplating the monumental tasks of the year ahead.

Because of your faith and confidence in me, the dream came true. Because of my faith and confidence in you and in this great organization that is The American Legion, I know the work we have assigned to ourselves by action of this convention will be accomplished.

I know the leadership team you select to serve with me will carry out the responsibilities of their offices with distinction. For they will be men of character and ability who have servedthe Legion well, and can be relied upon to continue actively in the performance of their new duties.

May I take this opportunity to thank the many to whom I owe so much—those within the Legion who have helped me to achieve this coveted office—my associates in United Air Lines who have so generously granted me the time to meet the demands of this office in the service of God and country—to my own family, whose love and patience and understanding have permitted me to seek this office and will sustain me in the carrying out of its duties.

There is another whom I wish with all my heart could share this moment with me. He was a man who loved the Legion, who served it diligently throughout his lifetime and who first brought me into the organization as a member of the Sons of The American Legion and, after World War II, as a blue capped Legionnaire. My own departed father, God rest his soul, would have delighted in this moment.

Now, I want to ask everyone of you to join me in an American Legion tribute to the man who led the Legion this past year, and who added so much to the far reaching history of The American Legion. Let's have a warm round of applause for our retiring National Commander, Al Chamie.

Congratulations Al, for a splendid year of inspiring leadership.

Commander Chamie adopted the theme of "Reach Out," as the national slogan for his term of office. I have chosen to continue that theme, and then to expand upon it! During the 1971–72 American Legion year our theme will be "Reach Out—It's Action Time."

And it is Action Time, my friends. One thing that has occurred to me in my lifelong association with the American Legion is that the Legion has often waited for crises to occur and then reacted to those conditions.

The Legion has done well with this type of operation, our reactions have been reasonable, responsible, and for the most part, effective. We have become a respected force for good in America, but I believe we can and will be even more effective in the years ahead.

I visualize an American Legion of action rather than reaction, and I propose to bring that type of leadership and programming to the Legion this year. Let's resolve, here and now, to anticipate the problems we will face this year and plan to meet them head on, rather than waiting for a crisis to develop and then reacting to it.

There are continuing situations and new problems which demand our constant concern and effort, and we will not be found wanting in these areas.

I propose to continue the Jobs for Veterans program, initiated more than a year ago by The American Legion. This is a vital 1972 Action program, and it demands our full attention because it concerns the total well being of our Viet-time veterans. These men deserve a better welcome home than being consigned to relief or welfare rolls. This country that asked them to serve in its armed forces is the most affluent in the history of mankind, and that affluence must be made to work for the returning veteran by providing him with the opportunity for suitable employment whereby he can provide for his needs and maintain his dignity as an American citizen. That is the bare minimum that should be expected for these young men who have been called upon to defend our National interests on the far frontiers of human freedom.

We will reinforce our efforts on behalf of the prisoners of war and the missing in action in Southeast Asia. We will continue to focus the attention of the American people and of other peoples of the world on this disgraceful situation. By our Actions, The American Legion must sustain the pressures of an aroused public opinion, and all other pressures that hold promise of positive action, to bring about the release and full rehabilitation of these international hostages. I pledge the full support of The American Legion to them, and to their patient families.

For more than two decades The American Legion has been deeply concerned with the rising hazard of dangerous drugs and drug abuse. Despite our concern and our continuing fight for adequate legislation, education and enforcement, this has become a national problem of monumental proportions. No American citizens can stick his head in the sand on the theory that this is a military problem, or a Vietnam problem, or the problem of the people next door. It is the problem of every one of us, for each of us shares in the enormous costs of this drug epidemic and none of us knows when, or if, it might effect us very directly.

According to the FBI's Uniform Crime Report, in the decade of the 1960s the total arrests for all crime went up by 24.1 per cent, while narcotic drug law arrests increased by a whopping 491.9 per cent. A report of a special study committee of the House Committee on Foreign Affairs estimates there are 250,000 heroin addicts in the United States. A statement offered to the United Nations Commission on Narcotics in Geneva in September of 1970 contained the estimate that it costs a minimum of 7.5 million dollars a day to support the habit of heroin addicts in the United States. Most of this is supported by crime, and an addict

would have to steal goods valued at three to four times the amount needed to support his habit. This means that if 75 per cent of the estimated addicts in the United States resorted to crime for support of the habit, the cost in crime would soar to 8-billion dollars a year at the minimum.

The trip of Apollo 15 to the moon cost over $400,000,000, or about two dollars for every man, woman and child in the United States. The costs of the trips of heroin addicts right here on the ground are many times that amount each year. Many good citizens were up in arms over the cost of the moon shot, but I would suggest they might be more appropriately concerned with the tragic cost of the dope shot.

Four of the American Legion's major commissions spent a great deal of time and effort here in Houston receiving briefings from experts on various aspects of the narcotic situation, and then in drafting a comprehensive policy statement to be used as a basis of a 1972 Action Program to combat this problem. Your National Commander has already asked our local posts to gear up to attack the drug menace in your community, and to be prepared to offer real help to people with drug or drug-related problems, veteran or otherwise. We have asked them to become familiar with the sources of assistance within their community and to be prepared to direct these people to the proper agencies for assistance. The men and women of the Legion must become involved immediately in this urgent local campaign to defeat our newest enemy, the spreading disease of narcotic addiction.

The American Legion's concern for America's veteran population is historic, and one of our principal reasons for being. We will continue to evidence that concern as we welcome the Viet-time veteran back to civilian life. We want the Legion post to welcome him warmly and to show him American Legion activities that are alive and meaningful for him. The word with the younger generation is relevant, and so it is with the younger veteran. We must show him that the Legion is indeed relevant to him and his needs.

We will help him work out his readjustment and his job problems. We will help him to further his skills and education as we secure needed improvements in the G.I. Bill of Rights. We will welcome him as an equal partner in the fellowship of men who have been privileged to serve our country in its armed forces during a time of war.

The American Legion always has been concerned with the status of our national security, and well we should be, for it is the American veterans who lived through and has paid the penalty for our unpreparedness. It is natural that we should be the ones to most appreciate a posture of readiness and of strength.

From this platform in 1971 we sound the warning once again. Not in three decades has America faced so bleak a military outlook as she does today. Many American officials, among them Secretary of Defense Melvin R. Laird, and Assistant Secretary John Foster, have warned of serious deficiencies in our aging navy, in the research, development and production of new weapons systems and particularly in long-range nuclear missiles, both offensive and defensive.

The American Legion, which has been a principal advocate of overwhelming military superiority, must and will redouble its efforts to assure that our military establishment is not entirely dismantled. We insist that America remain militarily strong to avoid the threat of international intimidation and progressive capitulation of our freedom-loving allies.

The American Legion is in accord with the doctrine of Vietnamization. We believe that American ground troops in Vietnam, and in other areas of the world, should be reduced in proportion to the improvement in our allies capabilities to defend themselves.

Some spokesmen, both at home and abroad, interpret our government's new foreign policy as one of complete withdrawal into a "Fortress America," an unreal island. These well publicized "Pied Pipers" are advocates of headlong, unilateral retreat from abroad and the abandonment of our mutual security commitments to the entire free world. The American Legion vigorously opposes this dangerous trend toward neoisolationism. We do not believe this is the intent of American foreign policy today, and would not support it if it were.

We live in a world threatened by a competing social, political and economic system—one gaining military strength daily at our expense, and one which would not hesitate to employ armed aggression anywhere it could profit by it. The American Legion strongly believes that the very existence of the free world remains dependent upon the military strength of all its members, mutual cooperation among them for security, and the will to carry out our commitments and responsibilities to one another.

In closing I want to express a personal belief that I have voiced many times during my campaign for this office. I believe that this is the place, the best age of mankind in the history of man, and I believe that we are on the threshold of an even better world and that America is in the forefront as we strive toward that objective. I am optimistic that modern knowledge, education and communication will continue to succeed in our common attack on the old and the new problems of our world.

I now pray for your safe return from this 53rd National Convention, confident that your leadership in your State and local community will bring success and recognition to The American Legion's positive programs for a better America.

God bless you, and thank you.

ILLINOIS DELEGATION SUPPORTS SELECTION OF ILLINOIS AND CHICAGO AS HOSTS IN 1992 OF OFFICIAL QUINCENTENNIAL CELEBRATION OF AMERICA'S DISCOVERY

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

Mr. ANNUNZIO. Mr. Speaker, yesterday I introduced House Joint Resolution 869 which would recognize the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America.

I am pleased and gratified that the entire Illinois delegation, as a bloc, joined together in cosponsoring House Joint Resolution 869. The cosponsors are: Hon. JOHN B. ANDERSON, Hon. LESLIE C. ARENDS, Hon. HAROLD R. COLLIER, Hon. GEORGE W. COLLINS, Hon. PHILIP CRANE, Hon. EDWARD J. DERWINSKI, Hon. JOHN N. ERLENBORN, Hon. PAUL FINDLEY, Hon. KENNETH J. GRAY, Hon. JOHN C. KLUCZYNSKI, Hon. ROBERT MCCLORY, Hon. RALPH METCALFE, Hon. ROBERT H. MICHEL, Hon. ABNER J. MIKVA, Hon. MORGAN F. MURPHY, Hon. MELVIN PRICE, Hon. ROMAN C. PUCINSKI, Hon. TOM RAILSBACK, Hon. CHARLOTTE T. REID, Hon. DAN ROSTENKOWSKI, Hon. GEORGE E. SHIPLEY, Hon. WILLIAM L. SPRINGER, and Hon. SIDNEY R. YATES.

The precedents favoring this proposal are strong and the central geographical location of Chicago renders here the logical site of such a national celebration.

The first nationwide observance of Christopher Columbus' discovery took place in 1892, honoring the 400th anniversary of the great Italian navigator's voyage to our shores. On that occasion—known to history as the World's Columbian Exposition—Illinois was honored by selection as the host-State and Chicago as the host-city to 27 million visitors from all over the world. The exposition was judged to be a tremendous success, and in the ensuing decades, has been treated with the greatest respect by cultural historians the world over.

In the process of considering the site for the approaching 500th anniversary of the Columbus' discovery, I would like to note that at a recent meeting of the Illinois State Constitutional Convention, in Springfield, a resolution was adopted by unanimous consent, encouraging the State Legislature to draw up plans in preparation for the Columbian anniversary celebration and requesting the Congress to recognize Illinois as host-State of this important undertaking.

Subsequently, a few months ago, the Illinois General Assembly passed Senate Joint Resolution 15 urging Congress to designate our State as official host for the 1992 quincentennial celebration of America's discovery. The text of this resolution follows:

STATE OF ILLINOIS—77TH GENERAL ASSEMBLY SENATE

SENATE JOINT RESOLUTION NO. 15

Offered by Senators Walker, Vadalabene and Romano

Whereas, The year 1992 will mark the 500th anniversary of the discovery of North America by Christopher Columbus; and

Whereas, The official celebration for the 400th anniversary of the discovery of America was held in the State of Illinois and the City of Chicago; and

Whereas, Plans should soon be made for the celebration of the 500th anniversary of the discovery of America; and

Whereas, The people of the great State of Illinois are proud of the Columbian heritage of our State and Nation; therefore, be it

Resolved, by the Senate of the Seventy-Seventh General Assembly of the State of Illinois, the House concurring herein, that we urge the Congress of the United States to designate the State of Illinois as the host of the 1992 Columbian Exposition commemorating the 500th anniversary of the discovery of America; and be it further

Resolved, that a suitable copy of this joint preamble and resolution be forwarded by the Secretary of State to the 2 United States Senators from Illinois and to each member of the United States House of Representatives from Illinois.

Adopted by the Senate, February 25, 1971.

In addition to her central geographical location, Chicago is the center of our national population. Twenty-eight railroads operate through the city, and as many airlines utilize the services of her two gigantic airports, Midway and O'Hare International, providing easy access not only to Chicago itself but to all of Illinois. So far as automobile travel is concerned, Illinois has, in recent years, developed an interstate and intrastate highway system second to none, providing modern, rapid, travel facilities. Thus a greater potential exists here than anywhere else for drawing together visitors

from every part of the Nation, as well as from abroad.

Additionally, I would like to point out that hotel, motel, and restaurant facilities in Chicago are among the most outstanding in the country. Chicago has long been recognized as a prime convention city and as such has established a fine record of meeting the needs of countless visitors to the heartland of America.

By selecting Illinois as official host for the celebration, the Congress would provide equal opportunity for Americans residing on the Atlantic coast and the Pacific coast to better acquaint themselves with the marvelous development of the great Middle West. The tremendous growth of commercial, industrial, and cultural activities in the Hub of America truly typifies the progress of our New World civilization—the civilization to be honored on this grand occasion.

When Columbus, the great navigator, the Admiral of the Ocean Sea, discovered America in 1492, he not only achieved the most spectacular and important geographical finding in the history of the world, but opened the door to development of the Western Hemisphere. His discovery can be said to mark the actual beginning of our national culture, as well as that of all the American peoples in both American hemispheres. The greatest democracy in existence today is flourishing on American soil, and the indomitable spirit of Columbus has become a part of us and our way of life.

In a few weeks, on Monday, October 11, 1971, we will celebrate Columbus Day for the first time in the history of our country as a national public holiday. As one of the early cosponsors to establish this holiday, I was gratified when the Congress in 1968 enacted the Monday holiday law, which accomplished this objective.

The celebration of this holiday as a national American holiday is indeed appropriate, just as the proper quincentennial observance of Columbus' epic voyage and discovery is the right and privilege of all Americans.

Illinois, having hosted the occasion once before, is seeking that honor once again, and I am hopeful the distinguished Members of this body will again act wisely, as they did in 1968, and support the resolution introduced yesterday by the members of the Illinois delegation in order that ample time may be set aside to make appropriate arrangements for the 500th anniversary observance of America's discovery.

SUPREME COURT'S BUSING DECISION HAS BROUGHT CHAOS

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

Mr. NICHOLS. Mr. Speaker, the backbone of our American way of life, the public school system, is now being threatened with destruction by nine men who comprise the Supreme Court, the highest tribunal in our Nation.

The High Court decision last spring, stating that busing to achieve racial balance in public schools was constitutional, has brought chaos to many school systems throughout our country. There have been fights and high absenteeism in many cities including Pontiac, Mich., San Francisco, Calif., Indianapolis, Ind., and Alexandria, Va. There has been destruction of school property and there is the ever-present threat that many school systems will be forced into bankruptcy because of the high cost of purchasing new equipment to abide by the Supreme Court decisions. In addition, many private schools have been established to avoid the turmoil of our public schools.

It would indeed be tragic irony if the Supreme Court, by its ridiculous decisions, delivers the final blow to the very thing it is allegedly trying to improve—our public school system.

Mr. Speaker, in connection with the Supreme Court decision on busing, I would like to submit two petitions I have received from concerned parents. One is from the Anniston suburb of Eulaton—where many children ride on three buses to get to school—and another from Pleasant Grove, a suburb of Birmingham.

I would also like to include an editorial from the August 12 edition of the Birmingham News, entitled "Nixon on Busing," and three letters to the editor which appeared in the September 8 edition of the same paper:

ANNISTON, ALA.

Congressman BILL NICHOLS:

We the undersigned members of the Eulaton School P.T.A. are extremely distraught over the recent court order to do away with our six grades—making Eulaton grades one and two—busing grade three to Thankful and grades four, five and six to Mechanicsville school, which would involve five miles and more one way trip for the vast majority of the Eulaton community. Most of our people have more than two children in their families which means they will be involved in all three schools. We have just been asked to vote higher mill tax that our schools might benefit in their facilities as well as in academic standing. However, with all the busing that is about to begin our schools will still go lacking as this will cost money. Our P.T.A. was not aware we were involved in this court order until it was released to the press. There were announced meetings at other schools but nothing was stated that Eulaton was involved. We feel this was unfair and unconstitutional not to have been informed of this change and at least have a voice in it. How can we expect our children to get a good education when teachers and pupils are under constant emotional stress? Our community was happy with the freedom of choice plan. If we are to remain a free country then all communities must have the right to choose where they wish to go to school and be allowed to remain free in other areas that our Constitution is based on.

We covet your help as a leader to give us back our school (Eulaton School all 6 grades) using the freedom of choice plan.

Please stop this tearing up of good schools and Stop busing our children all over when they have a good community school.

The American way is for every human to have his freedom of choice. Destroy this and eventually we destroy America.

Please act now!

Submitted by

DELORIS MORGAN,
V.P. Executive Board of Eulation School and Members of the Eulation P.T.A.

SEPTEMBER 8, 1971.

Representative BILL NICHOLS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: Attached is a copy of the letter that has been mailed to Gov. Wallace and the rest of our legislators, along with a petition signed by the people that support this letter. We are asking that you as an elected official of the people of the State of Alabama, do everything within your power to stop this federal intervention in our schools. It must be stopped and stopped now, before this entire country is torn apart. It can be clearly seen that no one wants this. The law abiding people in this country want their schools controlled on a state and local level. Please read the attached letter for our reasoning in our own school system.

Sincerely,

CITIZENS OF PLEASANT GROVE.

September 1, 1971.

Hon. GEORGE C. WALLACE,
Montgomery, Ala.

DEAR SIR: We the undersigned citizens are writing this letter in regard to our present school crisis. Most of us are citizens of Pleasant Grove, a suburbs about fifteen miles west of Birmingham. We are not only concerned with our school system, but with the schools all over Alabama and the south. We feel that the recent court orders handed down by Judge Pointer are unconstitutional in every respect and are aimed at destroying our school system and most important, the education of our children. We also feel that this federal intervention in our schools is Communist motivated and the men handing down these decisions have only their own personal and political gain at heart. This federal intervention is totally undemocratic. This is communism. How can one man, or a group of men such as the U.S. Supreme Court who are appointed by an elected official, dictate to us what we must and must not do, merely to achieve a racial balance. This is not a democratic process in any way, shape, or form. If segregation is unconstitutional then this forced integration is twice as unconstitutional and is Communistic in every respect.

The city of Pleasant Grove has been ordered to buy a school outside our city limits, merely to achieve a forced racial balance. How can any man call this a democratic way of life. We want a return to our neighborhood schools and the schools that have been closed reopened. If segregation is unconstitutional, and we accept this, then the only way for us to function as free Americans is by the freedom of choice plan which was adopted to begin with. Black and white parents do not want their children bused to strange schools and their neighborhood schools closed to achieve a racial balance. We commend your stand against federal intervention in the schools as you have shown in the past. You have shown the world how whites and the majority of the blacks feel about forced school racial balance. This is nothing but a political holocaust which must be stopped somehow. It seems that the Justice Department is determined to shove this school integration down our throats in the South whether we like it or not. Our own school system in Pleasant Grove has been done a terrible wrong led by the District Judge Sam Pointer, and other judges before him.

To further show how this whole scheme is politically motivated, the school system of Mt. Brook has not had a desegration suit filed against it by the NAACP or anyone else. They have not been ordered to achieve a seventy-five percent white, twenty-five percent black pupil or teacher ratio. Why? To the best of our knowledge this is where Sam Pointer lives, along with several other judges, Jefferson county school officials, and other prominent figures and where their children go to school. We might add that Judge Poin-

ter was an attorney for Mt. Brook and helped to found the Mt. Brook school system.

In 1964, the City of Pleasant Grove donated twenty acres of land and $150,000 to Jefferson County towards the construction of the Junior High School that our children now attend.

In the Spring of 1968, upon the recommendation of a special committee on education, appointed by the Pleasant Grove City Council, the City approached Jefferson County about the possibility of constructing a new elementary school in our community. Pleasant Grove offered $50,000.00 toward the cost of the building, and almost immediately the County Board of Education accepted the offer. However, about sixty days later the Jefferson Board of Education informed our City that they would not build the proposed elementary school, but instead were going to close our school and send our children to another community.

At this point, our City Council decided to withdraw from the County System and form its own Board of Education.

Since the formation of our City School System, we have done a number of things to upgrade the education program and facilities. The citizens of Pleasant Grove imposed two new taxes upon themselves to provide funds for new programs and new facilities. In September of this year, we move into a twenty-two room addition of our present facilities, financed by these new taxes voted for by the people. Can this be called a democratic process for us to be forced to educate children outside our community?

Due to the course of action the Federal Government, the Justice Dept., HEW, or whoever is responsible for the miscarriage of justice that is being forced upon the American people, mainly Southern whites, we feel that our constitutional rights have been violated and the constitution itself has been abused countless times. We further feel that we have every right to file suit against these people and are within our legal rights to do so. Every American in this country, who loves their freedom, their homes, their wives, and children should do so. We must do something to awaken the American people as to what is happening. What is happening is not a game or something that will be gone when we awaken in the morning. This is not and we must do something to stop it.

We feel that you sir, as Governor of this state and the office of Governor itself, along with our elected legislators, are in a position to bring pressure to bear upon these people. Judge Pointer and the Mt. Brook school system being classed a defacto system would be a good starting point.

We are asking for help and advice, and in turn are pledging our full support with you in this fight against Communism and political takeover. You have made numerous stands against these things, but without the backing of the people in this country, you are helpless. It is past time for the so called silent majority to rise up and speak out against this tyranny. The law abiding citizens in this great state and most of the United States are at their wits end. We are not flag burners, Viet Cong supporters, or Communist affiliated in any shape, form or fashion. All we want is our American right to send our children to our schools and escape this tyranny that is upon our school system at the present time. The takeover of our school system by the Justice Dept. is a great injustice on the pride and integrity of our people. We resent this intervention and are willing to fight it anyway possible with God's help. All of us have great respect for your stand against Communism and for schools and state rights. We hope you will continue to make a stand for the true American people. Forced integration is no more American than the Communist red flag. It is a great wrong against black and white people. However, the Federal Government is determined to shove it down our throat whether we like it or not. We do not like it one iota because this is not the American way. Ever since the Civil War the Federal Government has imposed great injustices on the South. The people of this Southland are at the breaking point, mainly because our rights are being violated. We are law abiding people and have tried to obey the laws of the land. We know that without laws, we would not have much of a country to live in, but these laws that are being imposed upon our school system now are designed to destroy.

Throughout history, the Communist's goal has been destruction. They are not builders, but destroyers, and we feel that this attack upon our school system is a communist plot.

The only stronghold we have left is our churches and if we stand idly by and watch our school system destroyed, then our churches will not present much of an obstacle to the Communist and political machine that is aimed at our total destruction as free American people.

In conclusion, we feel that you, Governor Wallace, as an individual and as the Governor of this state can bring the pressure to bear upon the person or persons responsible for this holocaust in our public school system. We are appealing to you and offer any assistance that we might afford. We know that this cannot be accomplished by one man, therefore we stand behind you 100%.

May we say this to you and to all of our elected officials; We are a very concerned people.

If you can be of any assistance to us, please contact the Mayors Office, City of Pleasant Grove, Pleasant Grove Board of Education, or one of the undersigned.

Thank you for your patience and consideration.

Sincerely,

NELSON E. LIVINGSTON,
JIM L. CRAWFORD,
JACKIE E. HARP,
Citizens of Pleasant Grove, Ala.

NIXON ON BUSING

Anyone who truly places educational opportunity above social engineering would find it hard to quarrel with the President's instructions to federal agencies to seek to accomplish school integration wherever possible without resorting to busing students long distances from their homes.

We have no doubt the President will be attacked by Northern liberals for trying to "sabotage" school integration efforts as part of a "Southern stratgey," just as at the other extreme he has been attacked by Gov. George Wallace, among others, for saying he's opposed to busing while agents of his administration have been actively pushing busing-based desegregation plans.

Actually, the President has made clear in the past his opinion that wholesale busing is not in the best interests of the children of either race.

The Supreme Court, however, has taken the view that busing is legal and, in some instances where other techniques to achieve integration are inadequate, necessary to satisfy the Constitution.

The President is not seeking to defy the Supreme Court. His order to the federal agencies, issued some time ago, was revealed by Press Secretary Ron Ziegler in response to a question about a wire from Gov. Wallace challenging Mr. Nixon on his busing stand.

He ordered the bureaucrats responsible for formulating and enforcing integration plans to avoid busing *where* possible—not to seek to evade the desegregation mandate. In fact, the record will show—too clearly for many Southerners—that school integration in the South is now much more of a reality than it is in many Northern areas.

The President obviously believes that some of the lower-level federal bureaucrats (and maybe even some high-level ones) have exceeded the intent of his administration that integration should be pursued but that busing should be avoided where possible.

Every president who comes into the White House faces the same problem: Getting the federal bureaucracy, which frequently seems to have a will of its own, to respond to his wishes.

A bureaucrat who disagrees with the President—who believes, in this case for example, that busing *is* a desirable method of integration, no matter what the man in the White House thinks—simply goes ahead and does things his own way, in effect becoming president-in-fact, on this one point at any rate, by self-appointment. And the bureaucracy is so huge and so labyrinthine that often he can get away with it for a long time.

Mr. Nixon's reservations about busing do not make him "anti-Negro," although we are sure this will be taken as additional "evidence" to make him seem so. His doubts are shared by many who genuinely wish to provide the best possible educational opportunity for all children regardless of race.

A federal judge rejected a desegregation plan for Austin, Tex., based on massive busing to achieve exact ratios of white, Negro and Mexican-American students in each school (a plan drawn up by some of the bureaucrats who are the target of the President's new order).

And two federal judges in Atlanta rejected massive busing in that city as "neither reasonable, feasible nor workable," pointing out damage which they said has been caused to Atlanta's school system by efforts to impose integration plans which many parents resist by moving to new neighborhoods. They argue that wholesale busing could be the force which transformed Atlanta into an all-black city. And who would gain from that?

But the Austin and the Atlanta rulings have been appealed, and it may be too much to hope that higher courts will be any more reasonable in the future than they have been in the past on this point.

But they are additional signs that many people who are in no sense opposed to school integration have grave fears that education for all children, as well as understanding between the races, is going to suffer severely from efforts to pay a racial numbers game which goes far beyond the bounds of reason and the requirements of equal educational opportunity.

COURTS AND SCHOOLS

I consider myself to be an extremely fortunate individual. I have a good job, an adequate home, friendly neighbors, wonderful family, a man with a draft lottery number of 330 and both my children have the good fortune to have finished high school before the present fiasco, which in some circles is being billed as the impending school term, was foisted upon the people of Jefferson County.

My children are no longer a part of the Jefferson County School System and, therefore, have lost their eligibility to participate in this great social experiment. However, having had children in school in the past and being a somewhat sensitive man, I can feel for those parents who have, as in the past few years, had to wait until just a few days before the school term begins to learn the fate of their children. One would have hoped that, since the destiny of our children has been placed in the hands of a few selected federal judges, these learned men could, in the interest of justice, hand down their edicts in time for the poor souls affected by these profound utterances to make adequate preparation for compliance. Instead, these peerless men, who have been endowed with a power just short of that of the Almighty, diligently delay such orders until the eleventh hour, apparently so that

confusion and expediency will prevent the mounting of any organized rebuttal.

K. H. ADKINS.

Justice Douglas has told the San Francisco Chinese that, whether they like it or not their children must be bused in order to protect their rights. Somehow, that is not very logical. It reminds me a little of the situation in James Stephens' The Crock of Gold, where Caitilin ni Murrachu has run away from home, and is living in a cave with the god, Pan. The philosopher talks to her about returning home and, when she shows no interest in doing so, says the following: "She does not wish to be saved, but I shall save her. In fact, she does not wish to be saved and, therefore, I shall save her."

The federal courts have been working for several years now on the desegregation of schools. Each year, they impose more stringent standards. They redraw attendance zone lines constantly in order to secure a more exact percentage of mixing. It seems to me that, whether consciously or unconsciously, they derive a certain degree of pleasure and gratification of their innate desires out of constantly moving little children back and forth across their checkerboard squares. Their maxim seems to be: "Suffer little children to go hither and thither—but never to the same school two years running."

ERSKINE R. LINDSEY.

INDIVIDUAL RIGHTS

Today as I watched the evening news, I saw parents white and black, pleading with school officials, for the privilege of sending their children to the school of their choice. The one nearest their home. For convenience sake. Of necessity. For friendships already established with other children and their families. Teachers they already know and love.

While at other meetings, teachers of both races beg to be left in a school where they have already become established and involved in the community, or just for the sake of convenience.

All these pleas, alas, will fall on deaf ears, Those who would help principals, boards of education, city, county and state superintendents, no longer have the authority to carry out the works for which they were hired or appointed.

The higher power has spoken. The omnipotent government, a government that has fast become so powerful that the common man is powerless against it.

Segregation is not the issue here. There is an issue though: freedom. Are parents to give their children over to be pawns of the government, or does not a parent have the right to control the destiny of their own child for as long as that child is a minor?

The courts may usurp many things, but our children are not theirs. They are ours, paid for in full with our own blood, sweat and tears. How, then, can they presume to tell each one of us what is best for our own children. Each one is an individual, with a personality of his own and his own particular needs.

It is my understanding that each and every person is guaranteed freedom and protection under the United States Constitution. Well a child is a person, a small one, maybe, but a person, all the same.

I marvel at the restraint of the Southern people and yet, at the same time, I wonder how long it will continue and how much corner is left for us to be pushed into.

I am a Southerner, yes. I am also an American, and it grieves me terribly to feel that my thoughts, desires or needs are not important to my country, that only in certain areas do I have any redress whatsoever before the courts of the land.

What could be fairer than to make decisions for and rear our own children as we see fit? This is all I ask.

MRS. JESSIE A. DAVIS.

MAJORITY OF YOUNG PEOPLE OPPOSED TO FORCED SCHOOL BUSING

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

Mr. BROYHILL of Virginia. Mr. Speaker, a survey commissioned by Life magazine and carried out by Louis Harris and Associates showed early this year that in the United States young people are remarkably moderate, even conservative in their views—contrary to the impression given by a vocal minority composed of members of all races. The survey showed that young Americans in general are not nearly so much in favor of radical changes, such as attempts to achieve racial balance in schools by busing of pupils, as some people would have us think. On the contrary, the majority expressed opposition to forced busing of school children.

The survey findings are of special interest at this time of heightened conflict over the school busing issue. They constitute one of the many reasons why the Congress should quickly enact House Joint Resolution 651, of which I am a sponsor.

Mr. Speaker, I insert in the CONGRESSIONAL RECORD, immediately following these remarks, certain relevant excerpts from the article in Life:

[From Life magazine, Jan. 8, 1971, (Excerpts)]

"CHANGE YES—UPHEAVEL NO"

What will become of this country when the young generation comes of age and takes over? People who expect a catacylsmic rejection of traditions, mores and institutions are in for a shock: the young wouldn't overturn society even if they could. Most of them are much too satisfied with it as it is.

Life recently commissioned Louis Harris and Associates to interview a national cross section of the 26 million Americans who are between the ages of 15 and 21. Their views on a broad range of social questions are remarkably moderate, even conservative. In sum, they describe a rather tolerant, relaxed group whose attitudes and expectations on a great many subjects differ very little from their parents. As Harris reports, "The majority of youth listens to the rhetoric of dissent, picks what it wants, then slowly weaves it into the dominant social pattern."

Within the cross section, college students on almost every issue are strikingly more skeptical and progressive than their younger brothers and sisters in high school. But even here the responses do not forecast a radical future. Change, yes. Revolution, no.

The poll results:

Achieving racial balance in schools by busing: No—66%.

FORCED BUSING SHOULD BE OPPOSED

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

Mr. THOMPSON of Georgia. Mr. Speaker, it is appalling to learn that the junior Senator from my State, appointed to fill an unexpired term, has, in a speech made in the other body on September 13, expressed his unequivocal support for the forced busing of children, if some sociologically inspired local educator orders it thrust upon the community. Likewise, the appointed Senator condones what he terms "the minimum busing required by law."

I am astounded that a Senator from Georgia, even one not elected by the people, would endorse forced busing of children, whether it is, to quote the junior Senator, "where local educational authorities find it to be desirable in the achievement of the educational goals of their community" or not.

I am astounded, also, Mr. Speaker, to have a Member of the U.S. Congress, even an appointed Member of the other body from the State of Georgia, say that:

> What the situation urgently cries out for is leadership, which cannot be provided in the Congress or in the courts.

What is needed is leadership, Mr. Speaker, but not by those who try to pass the buck to someone else by stating that "leadership cannot be provided by the Congress," of which the appointed Senator is a Member. Maybe this Senator, not elected by the people he represents, is either incapable or unwilling to provide such leadership and would rather pass the buck by calling on the President to overturn the Supreme Court decision in the Charlotte-Mecklenburg—Swann case—which authorized the forced busing of children against the will of both the children and their parents, solely because of the race, creed, or color of the children. Even an 8th grade civics student knows that the President may not overturn a Supreme Court decision. However, that civics student also knows that a constitutional amendment, passed by two-thirds of both Houses of Congress and ratified by three-fourths of the State legislatures, will do it.

An even more startling revelation which clearly points out that Georgia's nonelected Senator is in favor of forced busing is when the junior Senator cries out against the orders of the President to HEW not to use any Federal funds for the busing of students.

On page 31434 of the CONGRESSIONAL RECORD, the appointed Senator says:

> What is worse is the proposal (order of President Nixon to HEW) to cut off federal funds for busing purposes.

Gov. Jimmy Carter's appointee further said:

> He (the President) cannot stop or mitigate court and HEW busing decrees by denying federal funds for the busing of students. Denying federal funds will make busing more of a burden, not less.

This is clearly a statement in favor of using Federal funds to force busing and it cannot be covered up in a smokescreen of shimmering platitudes and glittering generalities.

It is also interesting to note that while the junior Senator from Georgia states that the President should stop busing, he also states that the President cannot

stop the courts from ordering busing. This is, of course, partially true. If the President, refuses to allow Federal funds to be used for busing, the implementation of the court decision on busing will falter, except for that financed by local governments.

Clearly, Mr. Speaker, the only means of overturning the Supreme Court decision on busing is by a constitutional amendment, which will require the people's Senators and Congressmen acting, working for, and voting for its passage, because the President cannot pass a constitutional amendment to overturn the courts.

Mr. Speaker, it is frustrating to me to learn that we have a Member of the other body who condemns the President for ordering the cutoff of Federal funds for busing purposes and in the very same statement says:

> The President, while professing to oppose the busing of students, does nothing.

It is frustrating to me to learn that the appointed Senator, in a statement in this same speech, says:

> I call on the President; first to publicly declare his opinion that busing is legally required.

Regardless of the court order, I do not believe it is even permitted by a clear reading of the U.S. Constitution and urge the President to say this, not what the appointed Senator wants the President to say.

It is frustrating to me to find that a political appointee, serving the unexpired term of the late, great Senator Russell, says that "Confusion seems to exist in San Francisco, Calif., Pontiac, Mich.," and call on the President to issue orders that all areas of the Nation be treated the same.

Like it or not, Mr. Speaker, we in the South have a greater problem with school desegregational, because we have a larger black population, but it is total demagoguery to overlook orders from President Nixon to HEW to look into other sections of the country and apply the law uniformly. It is because the President is insisting on uniformity that we hear the cries from San Francisco, Pontiac, and Cincinnati.

In truth, however, other sections will never approach the number of court actions we have seen in the South, because they do not have the black population that we have, but, Mr. Speaker, I do not support the forced busing of children even if local, sociologically inspired educators decree it, be it in San Francisco, Pontiac, or Augusta, Ga.

Yes, Mr. Speaker, the people of my State do cry out for action. They want deeds, not words. I do not believe they will be deceived by the hypocrisy of this appointed Member of the other body, who in one instance states that busing "has as its primary purpose achievement of racial balance," and then immediately states that he supports busing if ordered locally. Then he states that the President should provide leadership against busing, and then cries out against the President for cutting off Federal funds for busing. Next he cries out that the situation needs leadership, but states that this leadership cannot be provided by Congress, of which he is a Member. He is, in effect, stating, "I will moan and groan 'til doomsday and accuse everyone else, including the President, of inaction, but I refuse to take the necessary action in Congress to stop busing."

Finally, Mr. Speaker, the appointed Senator from Georgia states that the time for racial discrimination is past in the South. I agree this is passed, and in line with that, all Georgians, including the appointed Senator, should insist that even local educators with a hairbrained scheme of forced busing to achieve racial balance must be opposed, because it is discrimination to force a child, because of his race, creed, or color, to attend a particular school, whether he is white or black. Yes, Mr. Speaker, leadership is needed, but that leadership is not coming from Georgia's appointed Member of the other body.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has 24 times more motion picture theaters than the U.S.S.R. We have 21 times the number of radio stations and 30 times the number of TV stations. American radio receiving sets are four times as numerous as their Soviet counterpart and television receiving sets are 15 times as common.

IT IS TIME TO END THE "HIGHWAY ROBBERY" AT THE TOLL BOOTH

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, today I have introduced a bill to make toll roads on the Interstate System free. When Congress passed the Federal-Aid Highway Act of 1956, it recognized the need for a strong system of national highways to promote economic development and assure national security. Their belief that free roads best serve the public interest was shown by their insistence that no Federal money would be used to construct or aid toll roads. However, the Interstate System is not really free. As far too many motorists know, over 2,000 miles of the Interstate System consists of toll roads. These roads, along with thousands of miles of free roads, were incorporated into the system to lower its cost and to prevent needless duplication of highway facilities. Although reimbursement of the States for these roads was originally planned, no action has been taken. The purpose of the bill I have introduced is to remove the tolls from all highways which are a part of the Interstate System. It is high time we ended this subtle form of highway robbery.

For the past 50 years, toll roads have been judged as unfair and uneconomic by almost all highway authorities when compared with free roads. Toll roads make for double taxation, high costs, and stunted development. Every motorist in the United States pays a combination of State and Federal gasoline taxes amounting to about 11 cents per gallon. Since the average toll charge is equivalent to about 25 cents per gallon—assuming that an automobile gets 50 miles to the gallon—the toll road user pays a total equivalent gasoline tax of 36 cents per gallon. He pays three times what others pay to use comparable facilities. Since 1956, the users of the Pennsylvania Turnpike have paid over $300 million in State and Federal gasoline taxes in addition to the tolls imposed by the turnpike authority.

In many areas the toll roads become "toll traps" by virtue of their relationship to the Interstate System. A good example is Interstate Highway 95 near Richmond, Va. Local officials constructed a relatively short tollway, with full knowledge that it would be a part of Interstate Highway 95. The users of Interstate Highway 95 are thus forced to use the toll facility. Local authorities are able to realize revenues which will undoubtedly far exceed the actual cost of the tollway. Once again, motorists will be paying several times for the same stretch of highway.

Not only is the user taxed twice, he is taxed too much. Toll revenue bonds constitute an inefficient way of financing the construction of highways. A 1967 report by the Subcommittee on Roads of the House Public Works Committee stated that the financing cost differential between toll-revenue bond financing and State-guaranteed bond financing was about 1.5 times. Therefore, the motorist is forced to pay an exorbitant user tax, because the State involved refuses to use its gasoline tax revenue to finance its 10 percent of the cost of the facility, or because the State does not have sufficient bonded indebtedness to finance the project.

Toll road costs—and therefore, the cost to the motorist—are further raised by the enormous costs of toll collections. The Pennsylvania Turnpike spent over $4,500,000 in 1968 to collect its $56,036,057 in gross revenues. Therefore, about 8 percent of the fares the motorist paid on that facility was just used to collect the tolls and not to pay off costs of constructing the roads. Although 8 percent is fairly high by toll road standards, almost all facilities spend over 3 percent of their revenues in the process of toll collection. When compared with the approximately 3 mills out of every dollar spent to collect the gasoline tax, the cost of toll collection is some 10 times higher. This is just another unnecessary tax burden placed on the toll road user.

Probably, the worst cost of toll roads is the unestimatable loss in economic development. Toll road commissions have a primary responsibility to their bondholders and not to the public or local interest. They are simply not interested in the local driver, because the cost of collection is abnormally high compared to the revenue generated for local traf-

fic. Therefore, few local stops are provided and the routes are not laid according to local needs. The Ohio Turnpike, for example, has only 15 stops along its 241-mile route. A free highway through the same area would certainly have more interchanges, thereby vastly increasing the benefits of the road to the citizens of Ohio. A free facility would do much more to promote economic development, especially in rural areas.

Most toll facilities would not even permit other roads be built near them to promote local development. These facilities usually have an exclusive right-of-way over their particular route. Since a road which might contribute to local development might also compete with the toll facility, it is blocked by the toll authority. Local needs are sacrificed to preserve the monopoly power of the toll facility.

The worst feature of toll roads is that they almost never become free. The monopoly situation that most toll facilities work to preserve, makes for abnormally heavy traffic loads necessitating higher maintenance costs and new construction. The higher financing and revenue collection costs associated with toll facilities raises the amount of new revenue needed even further. As of 1967, the Pennsylvania Turnpike with improvements cost $541,747,933 to build, but with over $751,000,000 already paid in tolls by the public, no end or reduction of tolls is in sight.

However, even if enough revenue comes in to pay off the bonds, the facility does not become free. The responsible authority will pool the revenue from this facility with other facilities such as airports, skyscrapers, bridges, and ports. The motorist ends up paying for facilities that he may never use. Otherwise, the State will probably use the facility as a general revenue source. Therefore, part of the State's tax burden is shifted onto a small group of motorists, many of whom do not even live in that State. Left to their own devices, the toll authorities will never free their facilities.

While I do not feel that we can possibly free all toll facilities in the United States, I do feel strongly that the Interstate System must be totally toll free. Therefore, I am introducing this bill which would reimburse the States for the toll roads incorporated into the Interstate System provided that these facilities be made entirely toll free by the time the Interstate System is completed in 1977. A completely free Interstate System could, as its founders planned, contribute to the economic well-being of all segments of American society.

The first part of my bill would make it the sense of Congress that—

All portions of the National System of Interstate and Defense Highways be free from tolls by the time the last segment of that System is completed in 1977.

This clear expression of congressional sentiment would serve notice that public opinion is squarely behind the movement to free the Interstate System.

The second part of my bill would provide the mechanism to reimburse the States for their toll facilities incorporated into the Interstate System. Upon application by the State involved, the Secretary of Transportation would be authorized to pay, out of highway trust funds, 90 percent of the depreciated original construction costs plus the cost of all improvements of the facility minus the principal already paid on its bonded indebtedness provided that the facility be freed by July 1, 1977. The term construction costs would include costs unique to toll facilities such as toll plazas and tollgates and also the cost of any improvements or extensions to the facility. The States would pay the remaining 10 percent as is done now under the Interstate program. Any other costs of retiring the bonds would be borne by the States. Conversion costs such as the cost of removing toll plazas would also be paid by the States.

Unfortunately, some States might not want to give up a profitable facility even though it might be in the public interest. They would prefer to overtax the motorist rather than pay to maintain the facility. Therefore, my bill would penalize any State not freeing its toll facilities on the Interstate System by deducting from the State's highway trust fund allocation, the estimated amount of Federal gasoline tax paid by the users of the facility since 1956. At 4 cents per gallon, this charge would be considerable. Using the mileage figures given me by the Pennsylvania Turnpike Authority and assuming that passenger cars average 15 miles to the gallon and commercial vehicles average 5 miles to the gallon, I have estimated that the penalty for the Pennsylvania Turnpike would amount to approximately $115 million for the period 1956–70. Since the penalty for 1970 alone would come to $9,178,642.48, we could expect that the penalty would amount to roughly $10 million per year in the future. This penalty would be strong enough to induce most States to free their facilities. Furthermore, it would discourage other States from attempting to reap the benefits of unfair double taxation.

Some have argued that costs of reimbursement would be too high. In 1967 the Bureau of Public Roads put the cost at $2.9 billion. Although these costs seem high, it must be remembered that these funds would come from the highway trust fund. Since the money would come from existing user taxes, reimbursement would impose no new burden on the motorist. Instead, it would relieve him of paying the inflated costs that toll roads have imposed on him.

The cost of reimbursement looks even smaller when compared to the economic benefits it would bring. Free roads would stimulate business and trade in any region now constrained by a toll road system. At a time when we are searching for ways to promote national and especially rural economic development, my proposal to completely free the Interstate cannot and should not be ignored. We must vigorously pursue what I refer to as the "fifth freedom." By this I mean the freedom of movement of men and goods. This bill would greatly advance this "fifth freedom."

I must at this point, add a footnote to indicate that I certainly do not feel that my bill constitutes the only possible terms for solving this problem. Any suggestions, comments, or criticisms will be most welcome, as will any alternative solutions. The language which this particular bill contains is offered primarily as a vehicle for stimulating debate, and hopefully, action on this problem.

H.R. 10731

A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 1 of title 23 of United States Code is amended by adding the following new section:

SEC. 2. "§ 143 Reimbursement for free and toll roads incorporated into the National System of Interstate and Defense Highways.

"(a) It is the sense of Congress that all portions of the National System of Interstate and Defense Highways be free from tolls by the time the last segment of that System is completed in 1977.

"(b) For the purpose of equitable reimbursement each State having any portion of a toll or free highway, bridge or tunnel incorporated into the Interstate System and designated a part of the Interstate System before January 1, 1959, shall be entitled to receive additional amounts of Federal-aid funds, such funds shall be available for expenditure, first to meet obligations incurred by the State pursuant to Subsection (h)(1) of this Section, any remaining funds shall be used to complete the construction of the Interstate System within said State.

"(c) The reimbursed amounts authorized to be received by the States shall be paid from the Frederal Highway Trust Fund and shall be distributed in accordance with this Section and apportioned by the Secretary at the same time that regular fiscal Federal-aid highway apportionments are made to the States, and shall be made in four equal annual installments starting with the 1974 fiscal year.

"(d) Basis for determining the amount of reimbursement on toll facilities incorporated into the Interstate System.

The Secretary shall deliver to Congress by January 12, 1973 an estimate of the June 30, 1977 depreciated value of each facility involved based on original construction costs plus the costs of all subsequent improvements minus the amount of the total principal paid on the bonded indebtedness of the facility as of June 30, 1977, and the cost shall include toll plazas, toll gates and other necessary appurtenances necessary for the collection of tolls. In the preparation of the depreciated value the Secretary shall consult with the agency or authority having jurisdiction over the facility.

"(e) Basis for determining the amount of reimbursement on free facilities incorporated into the Interstate System.

The Secretary shall deliver to Congress by January 12, 1973, a June 30, 1977, depreciated value of each facility involved based on original construction costs plus the costs of all subsequent improvements which shall be based on the non-Federal-aid financing of the project, with the depreciation factors for the various components of the facility that are used by the Secretary being developed in consultation with the State highway departments involved.

"(f) Each State in which a toll facility is designated as part of the Interstate System and wishes to claim reimbursement and/or each State that wishes to claim reimbursement for any free facility incorporated into the Interstate System shall make such an

application to the Secretary not later than June 30, 1973.

"(g) Any State electing not to eliminate tolls from its toll facilities incorporated into the Interstate System shall be subject to a penalty by having its regular Federal-aid highway apportionments decreased in an amount equal to the estimated revenue paid into the Federal Highway Trust Funds by the users on the toll facilities from July 1, 1956, through June 30, 1977, as determined by the Secretary, and such penalties shall be made in four equal annual deductions starting with the 1974 fiscal year.

"(h) The amount of reimbursement made to a State shall be made in four equal annual payments starting with the 1974 fiscal year and shall be based on the following:

"(1) Toll facilities. The amount of reimbursement due a State shall be 90 percent of the net amount determined under subsection (d) of this section and shall be the June 30, 1977, depreciated value of the toll facility based upon the original construction cost, including toll plazas, toll gates, and other necesary appurtenances for the collection of tolls plus the cost of all subsequent improvements minus the total amount of principal paid on the bonded indebtedness of the facility as of June 30, 1977, and the State shall be responsible at its own expense for the removal of such toll gates, toll plazas, and other appurtenances, and for making necessary restoration or readjustment to the highway because of such removal. Any State accepting reimbursement shall make a suitable commitment to the Secretary that the collection of tolls on the facility will be discontinued not later than July 1, 1977.

"(2) The amount of reimbursement to a State on free facilities incorporated into the Interstate System shall be 90 percent of the net amount as determined in subsection (e) of this section, and shall be based on the June 30, 1977, depreciated value of the non-Federal costs of the facilities based on the original construction costs of the facility plus the cost of all subsequent improvements.

WISCONSIN LEGISLATURE SUPPORTS SPORTS BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am happy to insert in the RECORD today a copy of a joint resolution passed by the Wisconsin Legislature in support of my bill, cosponsored by 33 Members of the House, to ban sports events from being shown on closed-circuit television. This legislation, by banning all sports events from closed-circuit television, would force promoters to turn to home TV and radio for the broadcasts of their sports events. Only where a television network or station did not want to broadcast an event could it then be shown on closed-circuit television.

I want to thank both houses of the Wisconsin Legislature for their joint effort; this is the kind of support that we need to get Congress to act.

The next question, however, is whether Congress will be as responsive to the rule of the majority on this issue as the Wisconsin Legislature has been.

It is important to emphasize that this bill is primarily preventive legislation which would serve to keep sports events such as the Super Bowl, the Olympics and the World Series on free home TV, where the vast majority of sporting public could view them. The bill would also have the effect of banning any future championship boxing matches from closed-circuit TV, thus forcing promoters to turn to home TV for their broadcasts. I believe it is extremely important that Congress act now to regulate the production of sports over the public media before the vested interests behind closed-circuit TV become overpowering.

The joint resolution of the Wisconsin Legislature follows:

JOINT RESOLUTION

Enrolled joint resolution requesting congress to enact federal legislation prohibiting promoters of closed circuit television and radio broadcasts which cover sporting events from barring public broadcasting networks from broadcasting the sporting event. Senate Joint Resolution 58, State of Wisconsin

Resolved by the senate, the assembly concurring, That promoters of closed circuit television and radio broadcasts which cover sporting events be prohibited by federal legislation from barring public broadcasting networks from broadcasting the sporting event; and, be it further

Resolved, That certified copies of this resolution be sent to the secretary of the senate of the United States, the chief clerk of the house of representatives and to each member of congress from Wisconsin.

Attest:

WILLIAM P. NUGENT,
Chief Clerk of the Senate.
THOMAS P. FOX,
Chief Clerk of the Assembly.

THE GARWIN SST REPORT: A $425 MILLION MISUNDERSTANDING

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, about a month ago, on August 17, the administration finally released the long-suppressed Garwin report on the SST. This report, dated March 30, 1969, rejects nearly every one of the arguments the administration later used to try to justify the SST program, and it recommended that the program be terminated immediately.

Lest it be supposed that the administration's decision to release the report was prompted by some spontaneous urge to begin adhering to President Nixon's campaign pledge that there would be a "free flow of information" to the public in his administration, it should be noted that the administration was being sued for the report under the Freedom of Information Act and was in danger of being ordered to stand and deliver by the courts.

In his letter transmitting the report, defendant Edward E. David, Director of the President's Office of Science and Technology, said the report was being released to "dispel misconceptions," and he was at pains to try to see that there would be no "misunderstanding" about the report. I suggest that the biggest and most expensive "misunderstanding" about the Garwin report was the administration's own. If they had understood and heeded the sound advice in the Garwin report, the SST program would have been ended in early 1969 with only $524 million of the taxpayers' money wasted on it. As it turned out, the administration pushed recklessly ahead with the project, wasting an additional $425 million before Congress wisely brought it to a halt 2 years later, in March 1971. The tab for the administration's wrongheadedness thus comes to $425 million—a pretty expensive misunderstanding.

As a footnote for students of the credibility gap, it is worth noting that the initial April 3, 1970, letter from the White House denying my request for the Garwin report characterized it as "draft material" and "not finalized." This should be compared with the Garwin report's official title: "Final Report of the Ad Hoc Supersonic Transport Review Committee." In addition, the letter, signed by then OST Director Lee A. DuBridge, says that—

It would be unfortunate to leave the impression that the material developed in this office was "highly critical" of the SST program.

I leave the decision on that to readers of the report, a copy of which follows. I include also Dr. David's transmittal letter to attorney Peter Koff, and Dr. DuBridge's April 3, 1970, letter to me:

OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., April 3, 1970.

Hon. HENRY S. REUSS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REUSS: Thank you for your letter of March 25, 1970, in which you request material on the SST prepared by a committee headed by Dr. Richard L. Garwin.

As you know, the President established an interagency committee in February 1969, chaired by Under Secretary of Transportation James Beggs, to review the SST program. I participated in this review and submitted a report and several memoranda to the committee which are now part of the public record. The additional material you have cited was prepared in response to a personal request by the President for an independent assessment by my office of various aspects of the SST program. To assist me in this task, I convened an ad hoc panel under Dr. Richard L. Garwin. This group submitted draft material which was forwarded to the President, together with my personal views on the SST program. The document in question was not finalized and was used as part of a direct input to the President.

I should point out that, at the time these studies were conducted, prototypes of both the Concorde and the Soviet TU-144 had conducted highly successful flight tests, and in the study it was assumed that they would evolve toward production aircraft suitable for commercial use. In the case of the Concorde, there was some doubt about its profitability to the airlines, particularly if non-stop trans-Atlantic flights would require reduction in the total payload to ensure adequate performance margins.

It would be unfortunate to leave the impression that the material developed in this office was "highly critical" of the SST program. I believe the ad hoc panel carried out a fair and objective evaluation, which, how-

ever, required subjective judgments to be made in a number of areas on the basis of incomplete or fragmentary data then available. Slightly different interpretation of this data could have resulted in a different set of conclusions. This uncertainty was communicated to the President, who, I am certain, considered and weighed a large number of factors in the process of arriving at his decision to proceed with prototype development.

I hope these comments will be of assistance to you.

Sincerely,

LEE A. DUBRIDGE,
Director.

OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., August 17, 1971.

Mr. PETER L. KOFF,
Law Department
City Hall, Boston, Mass.

DEAR MR. KOFF: Enclosed for transmittal to your clients, Messrs. Gary A. Soucie and W. Lloyd Tupling, is a copy of the "Final Report of the *Ad Hoc* Supersonic Transport Review Committee". In the suit *Soucie* v. *David*, which names myself and the Office of Science and Technology as defendants, you have sought to obtain the release of this report under the provisions of the Freedom of Information Act. Our compliance with your request will moot any further litigation. Accordingly, a motion to dismiss is being filed by the government in the District Court.

Our action in this regard has been prompted by continued public interest and certain impressions which have arisen depicting the government as attempting to conceal hitherto undisclosed factual data on the SST program. To dispel any further misconceptions that might result from continued litigation, we are releasing the report at this time.

In connection with its release, I would like to place the report in proper perspective so that there can be no misunderstanding about its role in the formulation of the Administration's position on the SST program. The report was one part of a full consideration of the program in early 1969. Other reviews recommended continuation of the program in contrast to one recommendation of this report. After studying all the factors involved, on September 23, 1969, President Nixon formally announced a go-ahead on the program.

The views expressed in the report were, of course, those of the committee members, presented to aid in the decision-making process. In releasing the report, we do not imply that those views are supported by the Administration.

Sincerely,

EDWARD E. DAVID, Jr.,
Director.

FINAL REPORT OF THE AD HOC SUPERSONIC TRANSPORT REVIEW COMMITTEE OF THE OFFICE OF SCIENCE AND TECHNOLOGY, MARCH 30, 1969

I. INTRODUCTION

The U.S. Government is currently engaged in a development program for the design, development, fabrication, assembly, and 100-hour flight test of two identical prototype supersonic transport aircraft. According to the Contract and its important Modification 15, "the prototype airplane shall constitute the basis without construction of any intermediate models, for a safe and economically profitable production version of the SST." Further, by January 15, 1969, the contractor shall submit to the Government, "a completely integrated design, fully substantiated by physical tests and detailed engineering analyses, as distinguished from estimates, approximations, or parametric designs. . . . The design will clearly and satisfactorily demonstrate, in the judgment of the Administrator of the FAA, that a prototype airplane manufactured in accordance with such design will meet the criteria and requirements for the prototype airplane specified in Exhibit A, Part I, Section D" [of the contract].

In order to help guide a U.S. Government decision among the possible sources of action, the *Ad Hoc* Committee submits this report, the result of eight full days of intensive deliberations,[1] including briefings from General Electric and Boeing, as well as a visit to Boeing.

II. POSSIBLE ACTIONS REGARDING THE DEVELOPMENT CONTRACT

As of April 1, 1969, the Government will have open to it the following important choices:

1. To continue the development program as contratced, with a 90%–10% cost sharing up to the cost over-run point of $909 million (total of the current phase for Boeing and General Electric Company), and with a 75%–25% cost-sharing beyond that (for a total FAA-estimated Phase III cost of $1.14 billion),

2. To terminate "for default" the contract with Boeing before April 15, 1969, thus recouping some $47 million which would be lost if the contract were terminated "for convenience" or after that date,

3. To terminate the contract before April 15 "for convenience," having obligated a total of $481 million, and with a further expenditure of about $40 million required,

4. Without terminating the contract, to negotiate a further modification of the contract in order to lead to a prototype program in some way more desirable to the Government.

Termination for default

There are substantial grounds to believe that the Government could terminate the contract "for default." These grounds are of three types:

1. The fixed-sweep prototype, as proposed, will have take-off and landing runs some 50% longer, take-off and landing speeds very substantially higher, and other characteristics deficient with respect to the prototype required under the contract.

2. In addition to the individual deficiencies as exemplified above, the philosophy of the contract may be judged not to be followed. According to Modification 15, the contractor must demonstrate a high-assurance program to actually develop the prototype, but serious unresolved questions remain, and in many ways the design is not fully substantiated as required by the contract.

3. It may be judged that the contractor has not demonstrated that the production airplane which follows from the prototype will be a "safe, economical . . ." commercial supersonic transport.

We cannot judge the legal question of default, but it is a matter of urgency that material supporting such a judgment be obtained from the Department of Transportation.

III. ALTERNATE PROGRAMS

Aside from the formal question of the contract, there arises the problem of the Government's goals in this matter. As we see it, the Government might proceed with programs of various types.

1. The Government could continue its support of the development program, with concurrent or decoupled production, but abandoning the philosophy that the program be of low risk and recognizing the high probability that government support will be necessary to obtain the $3.5 billion to $5.5 billion of capital necessary for a production program. Thus the Government could explicity recognize that an all-private program to lead from the present prototype development to an economically viable aircraft is unlikely of success, and the Government could continue notwithstanding.

2. The government could proceed with a prototype program only, well decoupled from a production program, and make the explicit statement that it would not be involved in any way in the financing of the production program. In this way the Government's investment could perhaps be limited to some $2 billion without commitment of national pride and without labored and overdrawn arguments as to the desirability of the Government's participation. At the same time, the Government could support large-scale experiments properly designed to test the influence of the factors on which the demand is based. In this case, the government might propose that funding arrangements be modified to eliminate the provision for recovery of government investment, but with greater participation by the industry (Boeing and General Electric) during the prototype development phase.

3. The production aircraft could deliberately be accepted as one of significantly shorter range or smaller payload than specified in the present contract, and the Government could count on eventual growth of the engine in order to produce an economically viable aircraft. This might require explicit subsidy during production and probably during operation, until a second-generation aircraft were introduced.

4. Finally, the Government could terminate the contract now, whether or default or for convenience, announcing that the reasons advanced for the program have been found wanting, that likelihood of return of the Government's money is not high, and that many technological goals have already been achieved, with further work on the program benefiting largely the supersonic transport and not the Government Treasury, nor technology in general, nor with considerable likelihood the balance of payments.

IV. CONSEQUENCES OF NOT PROCEEDING WITH THE U.S. SST

Among airlines and informed individuals there is widespread agreement that there is no economic reason for proceeding with the U.S. SST in the absence of a commercially profitable advanced Concorde or TU–144. U.S. airlines can fly the Concorde competitively against foreign carriers, and any consequences of the absence of a U.S. SST must then be sought in the detrimental effects on the U.S. aviation industry (Boeing Aircraft Corporation in particular) or in the effects on balance of payments. There seems to be an assured market for Boeing 747's and for continuously improved subsonic aircraft, thus contributing to the health of Boeing and to the balance of payments in much the same way as (and largely in competition with) a successful SST.

The chief disadvantage of terminating the SST program might be sought in the dislocation of those currently engaged in the program and in the "loss of aviation leadership." At present Boeing is spending at a rate approximately $5.5 million per month, and the 2100 people on the program could well be used to strengthen the Commercial Airplane Division at Boeing and to improve Boeing's position as bidder on certain military airplane contracts. Further, there are other aspects to "leadership in aviation" than the flying of profitable or unprofitable supersonic transports. As indicated elsewhere, the U.S. already has the technological leadership in the form of the Mach 3 cruise SR–71, and we look forward to leadership in making reliable, rapid, and efficient air transport available to more and more of our people.

In any decision concerned with uncertainty, it is desirable to understand the maximum possible exposure. The extreme condition through, say, 1990 with a successful Concorde and no U.S. action appears (according to analyses done for the FAA) to involve U.S. airlines buying and operating perhaps 230 total Concordes at a purchase price

[1] We have had briefings or discussions from those individuals listed in the Appendix.

of some $20 million each. Since this possibility is not a critically severe threat to our national interests or well-being, we believe that the SST program decision can be taken on the basis of expected value and not on the basis of a neceshary hedge against disaster.

V. FINDINGS

Finding 1. Technical risk

We are quite confident that a prototype, Mach 2.7, 635,000 pound aircraft can be built and flown by the contractor. We believe it highly unlikely that this goal can be achieved by March 31, 1972, with a prototype of such a nature as to adequately demonstrate the payload and to serve, with only 100 hours flight test, as the foundation of a safe, profitable, economical production supersonic transport. Specific items of the program are of high risk—among them the noise specifications, the matching of the engine inlet to the airframe as well as the engine to its inlet, and the adequacy of the landing gear. More important and more fundamental is the fact that the estimated design payload constitutes only 7% of the aircraft gross weight, as contrasted with a realized 12–30% for a subsonic commercial transport of longer range. Our accuracy of design of structure, and our ability to calculate fuel consumption and adequate fuel reserves is not such as to insure that the payload will exceed 2%, which would have disastrous effects on the economics of the aircraft, although such an aircraft could indeed fly and even fly across the ocean with greatly reduced passenger load. In short, this is a very sensitive airplane, and it is not unlikely that the prototype would demonstrate a payload-range combination considerably smaller than that estimated.

Finding 2. Timing of the production program

We find it highly unrealistic to expect to obtain all-private financing for the production aircraft before the prototype aircraft has been flown and extensively modified as required. We believe that a decision to go to production should not be made sooner than about a year after the first flight of the prototype, which itself might be delayed until December 1973. Production decisions might well not be taken until 1975, and the commercial SST might then appear in 1981. We find that the risks associated with the accelerated time scale of the existing program are unacceptable for a commercial venture.

Finding 3. Market demand for SST

Just as the performance of the aircraft is so highly leveraged by its payload, and the accuracy of our design methods is inadequate to determine this payload to within 50%, so the demand side of the question as to the commercial viability of a supersonic transport is equally uncertain. Demand has been estimated from the projected growth of air travel, the increase of incomes in the relevant period, the estimate that a traveler values his time at 1.5 times his hourly earnings rate, and a supersonic stimulation of travel (trips, for instance for business reasons, which would otherwise not have been made) of 40%. These factors are all highly important in the estimate of a successful program.

The sonic boom of the Boeing SST, of the Concorde, and of the Soviet TU–144 are all such that public reaction in the U.S. and in Europe will not allow their operation over land. We recommend below that the U.S. Government state that SST's producing a boom intensity in excess of 1 pound per square foot can clearly not be operated acceptably over land, that all presently conceived SST's far exceed this intensity, and thus will without question be denied operating permission over the U.S. There is universal agreement that there is great uncertainty in the market estimated for supersonic transport restricted from flying over land. No steps have been taken to resolve these uncertainties (as by controlled experiment to determine the value of time), and we find that they will not be appreciably less by the time the production decision is desired in 1971 or 1972.

The airlines believe, and we agree, that the SST would have to be operated at a fare surcharge, but the response of passenger demand to a given surcharge is most uncertain. For instance, intuition suggests (in agreement with the views of certain U.S. airlines but with no strong statistical support) that SST-induced traffic across the North Atlantic will be business traffic. However, the declining percentage of business travel in international routes may reduce substantially the average value of time and the supersonic stimulation, perhaps to the point at which only 250 airplanes would be sold in competition with subsonic jets at reasonable fare surcharge. Further, we note that the 747, which will be mature in service by 1976 will undergo continuing improvements in productivity (and, for instance, in in-flight entertainment or comfort) and will be an even more formidable competition for the SST than the 1970-era subsonic transport assumed in the analyses to survive unchanged to 1990. This evolution may thus reduce the market even for a technically successful SST to a very low level. In short, the market is a great unknown, which will not be resolved by a prototype program. If the Concorde enters commercial service, even unprofitably, we will obtain considerable information on these questions.

Air-traffic-control delay in the terminal area can substantially affect the feasibility and profitability of the SST, to a considerably greater extent than for a subsonic aircraft, in part because the subsonic craft have greater design ranges and can thus be flown over the shorter trans-oceanic ranges with greater loiter time than the SST, and in part because the productivity of a craft making a 6-hour transit is not so much diminished by a 2-hour delay as is that for a craft making a 2½-hour transit. While it is within the U.S. competence to have an adequate air traffic control system by 1978, there is no program in being (because of lack of technical leadership and budgetary limitations) to provide the airports and the systems to achieve this goal in the face of that same rising traffic which is necessary, but not sufficient, for a commercially successful SST.

Although the FAA now estimates a sales price of $40 million for the SST, recent experience with the C–5A shows that it is possible for a technically successful program, nominally within the development budget, to result in a production aircraft costing 75% to 100% more than the contract price. During the same time, the 747 has been developed and is being sold presumably profitably at the price originally specified. Should the SST *sales price escalate* by 50% to $60 million, the FAA-expected market of 500 aircraft would drop to some 250 aircraft, making a very unattractive program. This very real possibility adds to the uncertainty of a viable SST program.

Further uncertainty of the market results from the necessity to predict the *actions of* IATA (International Air Transport Association). IATA often sets fares higher than those which would be achieved on a free market. IATA is likely to attempt to prevent 747 fares from dropping and is also likely to insist on a surcharge of SST flight, just in order to reduce the demand, if such should develop. If SST's become common, IATA may well attempt to reduce the necessary surcharge by increasing the level of subsonic fares, thus increasing the minimum cost of available transportation. U.S. international air carriers, as well as a few others, have long urged lower fares for international travel, and there is a real policy question as to the extent to which the United States government wants to support this essentially restrictive association. In any case, IATA obviously is more interested in minimizing the losses of small, uneconomic, foreign international carriers than it is in maximizing either the profits of manufacturers, of the U.S. airlines, or the interests of airline travelers.

Finding 4. Availability of capital for the production program

We believe that private financing will be very difficult to obtain in 1972 for a venture combining risk with such nominal return as the SST promises even if the FAA estimates should be realized. Boeing's report of June 1968 on the plan for financing Phase 4 (extensive prototype flight testing, certification, and engineering—$395 million) and Phase 5 (production—$3–5 billion capital required), judges it probable that adequate private risk capital to finance SST production will not be available in the early stages of the program. Boeing agrees at present that there is a very high probability that Phases 4 and 5 cannot proceed without government involvement; e.g., in the form of loans, guarantees to private investors, etc. This is true even if the call for capital is delayed until the technically successful conclusion of Phase 3, since the expected return on investment is not attractive to private capital. This view is equivalent to the statement that the U.S. Government investment in the Phase 3 prototype development will not lead to U.S. SST's without further Government involvement less advantageous to the government than to the suppliers of private capital. It should be noted that the sales price for the SST would be set by Boeing, and at such a level as to maximize the expected return to Boeing and to the suppliers of private capital. With a monopoly supplier, this is likely to result in a price somewhat higher than the market prices determined by the FAA analyses, and thus a return to the Government on its development investment even lower than would otherwise be the case.

Finding 5. Status of Concorde and TU–144

The first Soviet supersonic commercial air transport flew December 31, 1968, and the Concorde initially in March 1969. Both aircraft have thus far been flown only at subsonic speeds, and the Concorde, at least, is not expected to fly supersonic until December 1969. Both aircraft are aluminum and thus limited to Mach 2.0 to 2.2. Having reviewed the existing knowledge on the Concorde and TU–144, we believe that the Concorde of the present size, and its production versions (unless they are entirely different aircraft), are too small and have too little margin to be productive aircraft for trans-oceanic flight. For example, the production Concorde, with capacity for more than 124 seats, is now expected by the airlines (February 27, 1969) to carry only 95 passengers Paris-New York and only 66 Frankfurt-New York, with further restrictions at New York on days warmer than 82°F and at Madrid beyond 45°F. A larger, follow-on Concorde would bear not much more relation to the existing prototype than would a U.S. SST to the U.S. B–70 and SR–71 experience.

The TU–144 has considerably more growth potential than the Concorde, but with a design range of some 2500 miles. It is thus not competitive with the Concorde in its present form. Further although the Soviet Union can offer the TU–144 at an arbitrary price, foreign airlines would have to be assured of a continuing relationship with the Soviet Union, of a supply of parts, etc., as well as, of course, of an operating profit with reasonable fares. It is not at all clear to us that extensive Soviet sales of the TU–144 (to U.S. airlines, as well) would be to this country's disadvantage, particularly if the aircraft were sold at a loss.

Finding 6. Government-manufacturer-client relationships

It has been a ground rule of the U.S. SST program that the Government support

should interfere as little as possible with the traditional relationship between the manufacturer and the airline client. This results in the Boeing Company's freedom to set the price of the aircraft[2], to require progress payments by the airlines, to defer payment to its suppliers, etc. It also results in the U.S. Government supplying a one-sided loan, with substantial risk of loss of its investment and with a rigid limit on the amount which can be returned, dependent not upon the profits earned by Boeing but simply on the number of aircraft sold. The Boeing Company report on the development of a plan for financing Phases IV and V indicates that further government participation will be required, in the form of guarantees, low-interest no-recourse loans, or other involvement which will have the result of increasing the yield and reducing the risk to private suppliers of capital, while putting the taxpayers of the United States in a position of higher risk and much lower maximum return. We believe that is an improper role for the U.S. Government.

Finding 7. Environmental problems

Adverse effects of the SST on the environment can be considered either as a technical deficiency in the prototype development program or as an impediment to successful marketing. Among these effects are the noise of the SST in the vicinity of the airports (particularly, high "sideline" noise), and the possible influence on the climate of the large quantities of water left in the atmosphere at 60,000 to 70,000 feet by the operation of large numbers of SST's. The airlines and the manufacturers are already paying substantial penalties in increased development cost and reduced potential performance in order to reduce airport noise to a more acceptable level (from, say, 125 dB for community noise on a 707 to about 110 dB for community noise on a 747). The sideline noise in the range 118 to 125 dB expected for the SST is far above the trend which can be achieved with profitable subsonic aircraft (about 105 dB for a 747), and may result either in excessive economic penalties for the SST or in a great increase in noise level in the vicinity of certain international airports. In either case, the noise characteristics of the SST add substantially to the market uncertainty.

VI. REASONS FOR GOVERNMENT PARTICIPATION IN THE DEVELOPMENT PROGRAM

The following four reasons are advanced in support of Government participation in the development program.

1. The Government will invest $1.3 billion, which in case of a successful production program, will be returned by the 300th production aircraft. If 500 aircraft were produced on the accelerated program as it now stands the Government would receive a return-on-investment ("ROI") of 4% by the 500th aircraft (the FAA estimate of the market).

Finding

We believe that the development cost will substantially exceed $1.3 billion, both because of difficulties and over-runs and because of the necessity for extensive flight tests. Further, we believe that a practical production program, whether privately or Government financed, will result in aircraft at least 2 years later than presently planned, thus delaying the Government's return and further reducing the ROI. More importantly, we do not regard the recovery of the Government's high-risk investment with a very limited maximum return. Both the Government and the private sector can do much better with their money in other programs, the private sector choosing from the great range of ventures from toll roads to subsonic aircraft to educational technology, and the public sector other programs with lower risk and much larger return. Even if the Government investment at a low ROI and high risk makes private capital available, the low *overall* return on investment indicates that the benefits and growth derived from this program would be less than the private sector would create on its own, without direction from the Government.

2. It is claimed that a successful supersonic transport program will give the Nation leadership in aviation, thus advancing the aircraft art, enhancing national pride, and contributing (by technological fallout) to other fields.

Finding

We believe that the technological contribution to other fields will be very limited. Elements of the SST are already under development for other reasons. Some real advances have already been made by the SST program in the fabrication of titanium, and these will be employed and refined in military and subsonic commercial aircraft. National pride is very difficult to assess, but we must also look at the blow to national pride if a profitable supersonic transport is impossible or if it can be supported only by government subsidy. There is no doubt that a successful development program will aid supersonic commercial flight, but this specific benefit is already included in the other reasons.

Leadership in aviation is important, to enable U.S. industry to sell abroad, but further, to contribute by means of a reliable, rapid, and inexpensive transportation system to the pleasure and effectiveness of U.S. citizens and to the productive growth of the Nation. As for the technology of supersonic cruise flight, the U.S. has undoubted leadership as evidenced by the frequent operational flights of a fleet of Mach-3 cruise SR-71 aircraft, which have been flying routinely for several years. Thus the U.S. is not irrevocably prevented from entering the commercial SST field at some later date. Further, the U.S. has a base from which leadership in aviation could be built in the direction of automatic flight-control-systems, advanced air-traffic-control systems, improved airport access, and improved customer service. There is a rich array of alternative programs which could contribute to leadership in aviation, of which we are aware as individuals but which we have not investigated in depth as a committee. Some of the possibilities have been subjected to considerable analysis, e.g. V/STOL transportation systems, or are more conventionally deserving of government support (e.g., air traffic control).

Further, leadership in aviation and contribution to airline safety, both domestic and foreign, could be achieved by the initiation of a program of comunication and navigation satellites, which could then be used as a base for automatic precision navigation and surveillance. Another opportunity for leadership in aviation, requiring government participation, would be a program to provide on-board standard equipment for all existing U.S. aircraft, including general aviation, to allow greater automatization of the air-traffic-control system.

3. The claim is made that a successful U.S. supersonic transport development program will contribute to the balance of payments by the sale of aircraft to foreign flag carriers, and that an American SST will keep us from having to buy Concordes with a resulting unfavorable balance of payments.

Finding

A commercially successful U.S. SST would lead to substantial aircraft sales to foreign airlines and to reduced purchases of the Concorde by U.S. airlines. The increased receipts on the aircraft account, however, would be partially offset by reduced sales of U.S. subsonic aircraft and increased U.S. ticket expenditures on foreign airlines. More importantly, a substantial part of the market for a U.S. SST is estimated to result from increased travel induced by the higher speeds; this increased travel would substantially increase U.S. travelers' ground expenditures abroad, as has occurred since the introduction of the subsonic jet aircraft. On net, the balance of payments effects may be either positive or negative but are likely to be small.

More fundamentally, we seriously question the relevance of possible balance of payments effects in the 1980's to decisions on present government programs. The very real present international financial problem is due to gold outflow and the rigidities of the present international financial system. Since World War II, the outflow of gold from the U.S. has been essentially independent of our net balance of trade position. Even a high-confidence prospect of positive balance of payments effects in the 1980's would not alleviate the fundamental problems—either now or then. Indeed, it is even possible that we shall be trying to find means to decrease a "favorable" balance of payments is in the 1980's.

4. The claim is advanced that a successful SST production program will involve some 50,000 direct employees, supported by some 100,000 indirect employees, together with a considerable multiplier effect on the economy. Thus it is noted that this program would contribute substantially to the general domestic economic well-being of the United States.

Finding

The SST program would have about the same employment effects as other public and private programs involving a comparable expenditure for capital and highly skilled labor. A favorable multiplier effect on the nation's economy would occur only if these resources would have been idle in the absence of the SST program. Under present and projected employment conditions, the primary employment effects would be increased relative employment in the local areas in which the SST is produced and an increased relative price of certain resources (e.g., aviation engineers, titanium, etc.) to the nation as a whole. More importantly, it is clear that other programs would yield a higher rate of return with less risk, as evidenced by the anticipated difficulty of raising private capital for the SST, even after a substantial government investment. The SST program would reduce our potential for economic growth by the amount of the difference between the returns from the program and other public and private activities. We conclude that the claimed employment effects must be dismissed as a relevant argument for the SST program.

VII. UNDER WHAT CONDITIONS IN GENERAL IS IT DESIRABLE FOR THE GOVERNMENT TO SUPPORT DEVELOPMENT?

This question is one of the utmost importance and involves the basic role of government. At the outset, we note that we are unanimous in recognizing an important and vital role for government in supporting a wide range of development activities which promise major potential benefits to our society.

1. The Government has an obvious responsibility to stimulate development which improves the effectiveness or economy of government operations such as the postal service, education, and national defense.

2. The Government should also assist development in those areas where private initiative is inadequate to bring important new products or services rapidly to the market place because of the inability of an individual or private organization to reap the full benefits of his development effort. This latter situation can occur as a consequence of restrictive codes, regulations and govern-

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[2] Although the Director of the FAA SST Development Program has stated otherwise, legal advice to the Panel does not support the right of the government to influence prices.

ment policies which prevent rapid commercial exploitation, or because it is easy for others to copy the original innovation without contributing to the costs of development, Examples could include large-scale manufacture of housing, and high-speed tunneling machines.

3. There also are cases in which a development program has a low probability of success but the benefit to society would be very large in the event of success. Government support of such activity is almost always essential if the magnitude of the required development investment is high and this support seems in order if the expected return on the Government's investment is high enough to compensate for the risk. Nuclear power plants were developed in accordance with this rationale.

4. Finally, there are instances in which simultaneous decisions are needed by several factions, including regulatory agencies, if developed equipment and techniques are to reach the intended market. Private sector investment is inhibited under these conditions because all involved parties must agree to move in a common direction of technological advance in order to exploit the benefits of the development. In the aviation industry, for instance, coupling will be required among VSTOL civil aviation, automatic-flight-control equipment, and advanced air-traffic-surveillance and navigation systems. In this case, the aircraft manufacturers, the pilots, the controllers, the FAA, and the airlines must agree on an over-all system and no one of these groups can safely proceed to develop a portion of the system without assurance of technical and schedule compatability in the other areas.

The development of a supersonic transport does not fit into any of the four categories outlined above for extensive governmental support. In this sense the SST program, if continued with heavy government support, creates a new precedent for the support of large-scale development projects leading to a single product of a single manufacturer; the benefits of which are limited and, if realized, will be enjoyed by a relatively small high-income segment of the population.

VIII. RECOMMENDATIONS

1. We recommend the termination of the development contracts and the withdrawal of Government support from the SST prototype program. We take this position for the following reasons:

(a) Even if the present program is successful, SST operating costs will exceed those of then-available subsonic aircraft. The attendant surcharge makes the airline market uncertain, and given present pricing practices may lead to high subsonic fares.

(b) The airplane market uncertainty, coupled with the developmental and production cost uncertainty and the magnitude of the investment involved makes the program unattractive to private financing at the present time. For these reasons substantial government involvement is likely to be sought in the supply or guarantee of some $3-5 billion of capital for the certification and production of a U.S. SST.

(c) There is a substantial uncertainty regarding the range and payload and the environmental effects of a production aircraft flowing from the present prototype development program. The costs and duration of the program are both likely to increase in the attempt to develop an adequate production aircraft.

(d) There is substantial doubt that the present configurations of the Concorde and the TU-144 will become commercially viable aircraft.

(e) If the Concorde ultimately does become a viable commercial aircraft, U.S. carriers will buy it, but the balance of payments argument is not so strong as to warrant a present government investment in the U.S. SST.

(f) We recognize that cancellation of the SST development program will prevent the U.S. from having a competitive SST until the late 1980's at best. We feel that the prestige associated with a U.S. SST does not warrant the expenditure involved. Further, in view of the doubtful performance and economic viability of either the Concorde or the TU-144, together with present U.S. leadership in sustained supersonic cruise aircraft (the SR-71 holds 9 world records and its performance merits a total of 20) we conclude that U.S. leadership in aviation does not depend upon an affirmative U.S. SST decision in the near future.

(g) The SST is essentially a large commercial venture. When the right combination of technology and market demand appears, the U.S. aircraft industry may well decide on its own to proceed with the development and production of an SST. In that case U.S. Government financing would be unnecessary. Without that private conviction Government involvement seems inappropriate.

2. If the Government proceeds with an SST program, contrary to our Recommendation 1, we recommend:

(a) that the Government modify the presently conceived program of prototype development and overlapped production to allow for an extended period of flight tests and experimental refinement of the aircraft before making a commitment to a production program, and

(b) that the Government plan to participate in financing the SST program through certification and well into the production phase.

3. In any case we recommend:

(a) that the Government take positive action to ensure that the knowledge and technology developed to date with the SST program be available throughout the entire U.S. civil and military aircraft industry.

(b) that the Government form a high-level policy committee to determine the possible benefits and penalties associated with continued support of the International Air Transport Association (IATA), or alternatively, with a concerted effort by the U.S. Government to introduce lower fares or fare competition in international travel. This single policy question has more potential impact on the U.S. balance-of-payments position and on the availability of travel than does the SST program and it should be the result of a conscious decision.

(c) that the U.S. Government publicly announce that the sonic boom characteristics of the SST, the Concorde, and the TU-144 are expected to be far above the 1 pound per square foot level, which itself would be unacceptable for overflight of the United States, and that action be taken to establish rules under the authority of Public Law 90-411 to deny such commercial overflight. Research to determine a lower acceptable boom level should continue.

(d) that the U.S. Government immediately proceed to establish noise criteria for SST aircraft which are the same as the standards applied to equivalent gross weight subsonic aircraft under Public Law 90-411. It is important that all succeeding generation aircraft be required to demonstrate compliance with these criteria.

APPENDIX

The *Ad Hoc* SST Review Committee heard briefings from or engaged in discussion with many qualified persons, among them:

Federal Aviation Agency

Major General J. C. Maxwell.

Boeing Co.

D. Bale, H. Haynes, K. F. Holtby, J. A. Horn, H. E. Hurst, V. J. McCrohan, D. J. Olson, P. L. Peoples, J. Swihart, T. A. Wilson, H. W. Withington, and J. Yeasting.

General Electric Co.

L. B. Davis, D. E. Hood, Jr., and J. C. Pirtle.

Institute for Defense Analyses

N. J. Asher.

TWA and the Airline SST Committee

R. W. Rummel.

Pan American

H. W. Hibbs.

The Committee also had many discussions with individuals, such as: R. Bishplinghoff, N. Golovin, C. W. Harper, and D. J. Hornig, and with personnel of Booz-Allen and of the Central Intelligence Agency.

THE OMNIBUS CAMPAIGN REFORM ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 10 minutes.

Mr. ADAMS. Mr. Speaker, I am introducing today the Omnibus Campaign Reform Act of 1971. This bill combines my ideas together with many suggestions I have received from other people.

Certainly the time is long overdue for Congress to move to insure public confidence in our election process. The public should be provided with accurate, complete, and timely information on the contributions to Federal office candidates and political committees, and the manner in which these funds are expended.

We need to improve the opportunities of all segments of our population to meaningfully participate in political contests for Federal office or we will find that seats in the Congress and the Presidency have become a prerogative of the rich, or potential candidates are beholden to special interest groups. The best way to improve this whole process is by decreasing the cost and duration of campaigns and by increasing the availability of money to legally qualified candidates and political committees.

It would be to the advantage and credit of both political parties to enact meaningful campaign reform legislation now, before the heat of the 1972 election campaigns is upon us.

I hope that you will favorably consider my Omnibus Campaign Reform Act of 1971 and for your convenience I am including at this point in the RECORD a brief summary of the provisions of my bill:

SUMMARY OF BILL

TITLE I—DEFINITIONS

Title 1 provides that a candidate is an individual who meets the qualifications necessary to hold the office he seeks and has taken the action necessary under State law to permit the electorate to vote for him (or for electors pledged to him). The term expenditure includes all expenses in the title on disclosure but excludes travel costs in the title on spending limits. An expenditure is considered to be made as soon as the goods

or services are used, not when the bill for them is due.

TITLE 2—EXPENDITURE AND CONTRIBUTION LIMITS

Title 2 contains a limit on total combined expenditures for the primary through the general or special election.

Under the limit the candidate is free to spend his campaign funds in the manner he deems the most useful to his campaign. There is no stipulation as to the use of any particular format for advertisements nor any set percentage of the limit which may be spent on television or radio.

The expenditure limit is determined according to a formula which is based on the population in the district and the media rates "in" the district. The formula is as follows: 12¢ multiplied by the population of the district plus the highest unit media cost (for example a 30 second television spot) multiplied by the number 30. So candidates who run in districts with high media costs are allowed to spend more money than candidates who run in districts with low media costs.

This formula is the same in concept as the one proposed by Congressman Evans, however the formulas differ because we use different definitions of "unit media cost" and which communication media are considered to be located "in" the district or State for use in computing the highest unit media cost. Also this bill puts a floor under all Senate and House races which is equal to ½ the average limit for Congressional races.

This bill does not contain a specific limit on expenditures in Presidential primaries, but instead limits the pairs of Presidential and Vice Presidential candidates to spending no more in the general election campaign than the sum of the spending limits on a Senate race in each state in which the pair of candidates is on the ballot.

Expenditure limits for House and Senate races would vary as media costs changed and as district boundaries changed and as population changed. This formula takes into account the variation in campaign costs in individual districts more than most of the other proposals which have been made so far.

This title also provides a yearly limit on individual, corporation, and labor union contributions to each Presidential candidate of $10,000 and to each Senate or House candidate of $5,000.

TITLE 3—TAX CREDIT

Title 3 provides for an annual tax credit of 100% of political contributions up to a $100 credit.

TITLE 4—COMMUNICATIONS MEDIA

Title 4 would provide that 30 days before a primary and 60 days before a general or special election, broadcasting and nonbroadcasting businesses could only charge their lowest unit rate for political advertisements. Also the equal time provision in section 315 (a) of the Communications Act of 1934 would be repealed during this period for candidates for President and Vice President.

TITLE 5—SANCTIONS

Title 5 contains strong sanctions for violations of this Act. Any citizen can bring to the attention of the United States Attorney General information of a violation of the expenditure limits, or contribution limits, or disclosure provisions and the Attorney General shall investigate and may bring a civil action in the appropriate United States district court. If the violation is proven, the candidate can be fined up to $25,000 and/or imprisoned up to 3 years. If the candidate is elected to the House or Senate and is alleged to have violated one or more provisions of the Act, the matter shall also be referred to the appropriate Congressional committee and thereafter to the whole body to which the candidate seeks election for action as to seating.

TITLE 6—FEDERAL CAMPAIGN ASSISTANCE

Title 6 provides for Federal financial assistance for campaigns. A fund would be established under the Secretary of the Treasury from which eligible expenses would be paid in an amount up to a specified portion of the spending limit. For major party candidates this portion is ⅓ and for minor party candidates it is ⅙. If a candidate is unopposed then no Fund money would be available to him. Eligible expenses include invoiced purchases of goods and services rendered for the general or special final election campaigns. However only 20% of any candidate's share of the Fund money can be used to pay salaries, with no money being provided for a candidate's salary. The person providing goods or services for which Fund money will be used must swear that the cost is not in excess of normal rates.

TITLE 7—PUBLIC DISCLOSURE

Title 7 provides for public disclosure of contributions and expenditures. All political committees and candidates must maintain records of the full name and address of all contributors, but only need make public the full names and addresses of those who have contributed an aggregate amount in excess of $100 in any calendar year plus the total dollar amount of contributions which individually were $100 or less.

Also records and receipts must be made on all expenditures to the same person by any candidate or political committee which aggregate to an amount in excess of $100 in any calendar year. All political committees which spend or receive in excess of $1,000 in a calendar year and support 2 or more candidates in 2 or more states must file 2 reports a year in addition to filing on the 10th day before and the 30th day after the general election. Reports by candidates and State and candidate political committees are to be filed on the 10th day before the general or special election and on the 30th day after the general, special, or run-off special election, whichever is the final election. Reports from all political committees and candidates shall be sent to the Secretary of the Senate or the Clerk of the House, or both, as may be appropriate, and the United States district courts that are appropriate.

TITLE 8—DATE OF PRIMARIES

Title 8 provides that all primary elections for Senators and Representatives will be held within 60 days of the general or special election.

TITLE 9—THE FRANK

Title 9 prohibits the use of the frank for any mass mailings, including computerized non-postal patron mailings, during the period 30 days prior to the primary up until the general or special election.

TITLE 10—GENERAL

Title 10 is a general title which includes authorization of appropriations, a repealing clause, and an effective date of January 1, 1972.

Mr. Speaker, I hope our efforts in attempting to develop sound campaign reform legislation will prove successful for the need for such legislation is substantial and immediate.

VIETNAM ELECTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, one of the avowed purposes of our involvement in Southeast Asia always has been to provide the people of Vietnam with basic freedoms, including the freedom to choose their leaders in open elections. But that purpose has been sabotaged by President Thieu—and by this administration which permitted this rigged in a one-man, superfluous exercise to develop. Is this what the American sacrifice has been for? How can we explain this to the families of the 40,000 war dead in Vietnam, how can we explain this to the 300,000 American wounded who have left arms and legs there and to those of us who have paid out the more than $100 billion spent on this war, an outlay so vast that it could have taken care of the screaming social needs of this Nation. I have this day asked President Nixon to recall Ambassador Ellsworth Bunker from Saigon to impress upon President Thieu that what he contemplates for October 3 is no election, no referendum, no plebiscite—but a rubber stamp. And because it is a rubber stamp, I also have asked the distinguished Chairman of the House Foreign Affairs Committee, THOMAS E. MORGAN, to suspend any consideration of a resolution I introduced last March 3 calling for appointment of a 15-man observer team with supporting staff to watch the Vietnam elections. That resolution had the bipartisan cosponsorship of 48 of my colleagues who like myself felt that it underscored the seriousness with which the United States regarded the issue of free elections. There is no procedure for withdrawing the resolution but under the circumstances, I want no part of legitimizing this fiction of an election when there will be none.

TAX RELIEF NEEDED TO CREATE MORE JOBS

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, the economic policy proposed by the President will not, in my opinion, bring down the unemployment rate, either low enough, or rapidly enough, to adequately deal with the severity of the problem. The President's recommendations should be supplemented, I think, above all, with a program of substantial tax relief to individuals.

A good sized tax break would generate consumer spending and be even more effective in producing jobs at this time than the 10 percent investment credit for business proposed by the President. A majority of economists and businessmen agree that the consumer must lead the economic revival.

The present unemployment situation is dismal—6.1 percent overall for August. It is far worse for certain groups in our society. More than 13 percent of our returning GI's cannot find jobs. The unemployment rate for construction workers is over 10 percent, for manufacturing workers 7 percent, and for workers under 20 years of age, 17 percent. A total of 8.3 percent of our semiskilled blue collar workers and 10.5 percent of unskilled workers are jobless. Unemployment stands at 9.8 percent for black workers. In light of this situation, it is absolutely essential that our economic planning be directed at producing jobs—in mass quantity and in a hurry.

In my opinion, the investment tax credit alone will not put enough people back to work. In too many cases, it will be used to replace inefficient machines with new automated machinery requiring fewer workers, not more.

The surest way of bringing down unemployment is to grant a substantial tax break and put more money for consumer goods in the hands of the average American. We need a surge of consumer spending to create jobs.

With that goal in mind I am introducing legislation to raise the personal income tax exemption to $1,200, as a way of immediately increasing the buying power of the ordinary citizen.

There are 25 million people living in poverty in this country. Many millions more are close to the poverty level. Any money which can be put in their pockets by tax relief will be spent for basic commodities. That kind of spending would provide the shot of adrenalin to our economy needed to produce jobs.

Increasing the personal exemption to $1,200 will put money into the hands of the consumer and create more jobs than tax benefits to big business.

In a letter today to Chairman MILLS I have also asked that the Ways and Means Committee consider a $200 tax credit on major purchases for the home—for appliances, for furniture, for repairs—and a tax credit to home buyers for their downpayment. Such an allowance would guarantee an immediate and powerful stimulus to our sagging economy.

GOD BLESS AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. LENNON) is recognized for 10 minutes.

Mr. LENNON. Mr. Speaker, I would like to place in the RECORD a splendid poem by a constituent, Mrs. Viola Elizabeth Bellamy, Whiteville, N.C. Mrs. Bellamy's poetic thoughts stir a sense of patriotism and dedication to high national principles and deserve the attention of our colleagues.

The poem follows:

GOD BLESS AMERICA

"America the Beautiful"
May it always stay that way,
But to keep "Old Glory" flying
There's a price that we must pay.

For everything worth having
Demands work and sacrifice,
And freedom is a gift from God
That commands the highest price.

For all our wealth and progress
Are as worthless as can be,
Without the faith that made us great
And kept our country free.

Nor can our nation hope to live
Unto itself alone,
For the problems of our neighbors
Must today become our own.

And while it's hard to understand
The complexities of war,
Each one of us must realize
That we are fighting for

The principles of freedom
And the decency of man,
And as a Christian nation
We're committed to God's plan.

And as the land of liberty
And a great God fearing nation
We must protect our honor,
And fulfill our obligation.
So in these times of crisis
Let us offer no resistance
In giving help to those who need
Our strength and our assistance.

May "The Stars and Stripes Forever"
Remain a symbol of,
A rich and mighty nation
Built on faith, truth, and love.

ADMINISTRATION MOVES IN RIGHT DIRECTION ON DRUGS

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

Mr. MONAGAN. Mr. Speaker, for some time I have been stressing the importance of attacking the escalating Armed Forces drug abuse problem by curing addicts while they are still in the service. I have maintained that addicts can be most properly treated, and society best served, by placing full responsibility for treatment of drug abuse on the military itself. Our purpose in this problem is not to condemn the military but to salvage the victims of what in some ways might be considered an occupational hazard.

To this end on May 10 I introduced H.R. 8216, to give the military authority to tackle the drug problem. This bill, which has since attracted 54 cosponsors, would establish a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitative treatment for servicemen. The key provision of this legislation prevents an addicted serviceman from being discharged until adjudged free from habitual drug dependence by competent medical authorities.

In the light of this long-held position, I was pleased to note that the administration, through Tuesday's testimony by Dr. Jerome H. Jaffe, is coming around to this view. Dr. Jaffe, director of President Nixon's drug abuse prevention efforts, told a Senate subcommittee that because addicted soldiers had failed to seek treatment voluntarily prior to discharge, this treatment would now be mandatory. This new policy would require detected addicts to serve their last weeks before discharge in a VA hospital taking treatment.

The basic thrust of this new directive is what I have advocated all along—that the Armed Services take responsibility for curing drug addicted GI's by requiring mandatory treatment in service. This action, coupled with the administration's request for authority to extend an addicted serviceman's tour of duty by 30 days are encouraging signs that the administration is recognizing the service as the most effective place to cure GI addiction. A 30-day service extension, however, is completely insufficient for any thorough program of drug rehabilitation. I therefore hope that the administration will take the next logical step and advocate retention of addicted soldiers in the Armed Forces until cured of their habitual dependence, as well as the establishment of Drug Abuse Control Corps in each branch of the Armed Services.

It is my understanding that hearings on legislation in this field will soon be conducted by the House Armed Services Committee. I urge my colleagues to join me in support of legislation which would give the Armed Services the power to overcome a real problem.

Because of a drug abuse record, many honorable veterans have received less than honorable discharges. It is to the credit of Secretary of Defense Laird that he has directed the review of the cases of all servicemen who have received undesirable discharges solely because of drug abuse or possession. I have no sympathy for the drug pusher or seller but in my judgment dishonorable and bad conduct discharges related to drug court-martials should also be reviewed and I have in fact filed H.R. 10080, establishing a Military Drug Abuse Review Board, to set up review procedures for any veterans of Vietnam era who received a dishonorable discharge for drug abuse reasons.

EPA NOT INTERESTED IN BOTTLED WATER STANDARDS?

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

Mr. MONAGAN. Mr. Speaker, on February 10, I introduced H.R. 4147, authorizing the Administrator of the Environmental Protection Agency to establish uniform national quality standards for bottled drinking water.

The sudden rapid growth of the bottled water industry demands that this protective legislation be given to consumers immediately. At present, there are no specific Federal laws in this field, and while some States have laws, these regulations are vague and generally unenforced. Consumers thus have no assurance of the safety of their bottled water, and industry has no consistent standards to serve as guidelines.

Several incidents have occurred since introduction of H.R. 4147 to evidence the need for this legislation. In February, Washington area bottled water distributors reported a sharp increase in sales as a result of the unpleasant odor and taste of the Montgomery County municipal water system. I noted at this time that Maryland had no specific regulations pertaining to bottled drinking water. With the lack of Federal standards, Montgomery County consumers thus found themselves unprotected by any bottled water health standards.

In July, a bacteria study sponsored by the Washington Evening Star further il-

lustrated the need for uniform national standards. The Star survey found that three out of four bottled water brands tested had higher bacteria counts than the tap water tested. As a result, two of Washington's largest supermarket chains, covering over 250 stores, removed several brands of bottled water from the shelves. The U.S. Supreme Court halted its use of one of the brands tested by the Star.

This confusion, caused by lack of standards, was further compounded by a lack of jurisdiction in any Federal agency. The supermarket chains had no one to turn to for scientific advice.

In light of this urgent and obvious need for uniform Federal standards, it is alarming that the U.S. Environmental Protection Agency has taken this matter so casually. I originally wrote to the administrator of the Environmental Protection Agency, William D. Ruckelshaus, on February 12, calling his attention to this problem and asking for his comments on H.R. 4147. I received an answer from one of his subordinates stating that the EPA was giving this legislation its consideration and attention. I have never received any further answer or comment from Mr. Ruckelshaus.

Following the stir caused by the Washington Star survey, I again wrote Administrator Ruckelshaus on July 21 asking for his comments and action in light of this incident and the potential for others. It is now almost 2 months since this second letter. Not only has the EPA failed to develop a position on this problem, but I have yet to receive an answer from Mr. Ruckelshaus. This is hardly the conduct of an administration eager to protect the public. Nor does it indicate that environmental problems are receiving due attention from the agency set up to monitor them. This inaction on the part of the EPA is inexplicable and inexcusable. The Nation's bottled water consumers should know that the products they purchase are safe. Without Federal standards, they do not have that guarantee. The bottled water companies should know that if they meet specific, uniform guidelines, their products will not be subject to removal from the market anywhere in the United States. Again this right is presently lacking.

Fortunately, to the best of my knowledge, no serious health problems have developed due to the lack of Federal standards for bottled water. However, as long as there are no standards, the potential exists. And as long as their is no specific Federal agency with jurisdiction, professional assistance is unavailable. This last point was dramatically clear following the Star survey. The Supreme Court went to the EPA only to be told there are no Federal standards or regular procedures for such tests.

Someday I hope that the Environmental Protection Agency will awake to awareness of the problems in the field of bottled drinking water. Thirty-two Members of the House of Representatives have recognized the matter to be serious enough to join in cosponsoring my legislation to set standards. In the meantime, however, we in the Congress should press forward with legislation to set standards and place responsibility for Federal surveillance in a Federal agency. I had thought the Environmental Agency an appropriate place but in view of its insensitivity to this problem, another department might be preferred.

As the problem of bottled water standards has come to light, it has received gradually increasing media attention. I include hereafter an excellent article from Time magazine of September 13. This article provides a description of the bottled water industry as well as an accurate account of the difficulties caused by the absence of uniform standards.

CONSUMERISM

BIRD-DOGGING THE BOTTLERS

Horse trainers feed it to their thoroughbreds during the racing season, fish lovers raise their most prized species in it, horticulturalists nurture exotic African violets with it—and people drink it. It is bottled water, and it is used for all those things because it is supposed to be purer than the stuff that comes from the tap.

As more and more Americans turn on their faucets only to have heavily chlorinated and sometimes foaming water spill into their glasses, the sales of bottled water soar. In the past five years, home consumption has increased by more than 50%, and is still rising by a snappy 10% per year. But no overall set of governmental standards or regulations has emerged to ensure that bottled water is not simply tap water in disguise, or something no better.

Scare Story. One reason for the delay is jurisdictional confusion within Washington's bureaucracy. Officials cannot agree whether bottled water is a "food" under the auspices of the Food and Drug Administration or should more properly be considered part of a community's water supply and therefore in the purview of the Environmental Protection Agency. A bill pending in Congress, sponsored by Democratic Representative John S. Monagan of Connecticut, would help solve the dilemma by giving the EPA authority to set uniform standards for all bottled water.

The Federal Trade Commission, which watches over product advertising, will have an additional regulatory role no matter what the outcome. Some promotional campaigns for bottled water have sought to boost sales by attacking the quality of municipal drinking water. Schweppes Ltd. found the reception chilly when it developed plans to test-market bottled water in Philadelphia with ads that slurred the city's water supply. Fear of official complaints prompted the company to abandon the project before it got started.

FTC attorneys are concerned about deceptive labeling and advertising of the water inside the bottle. To well-traveled Americans, bottled water evokes exotic, health-giving European spas. In the U.S., however, only 1% of bottled water is imported—and, of course, now subject to the 10% surtax. Only half of the bottled water sold in the U.S. comes from underground springs. The rest is tap water that has been purified and elaborately filtered. But ads for the finished product often make it sound as if it had gurgled fresh from the ground in some sylvan mountain glen. Says one FTC attorney who has handled half a dozen such cases in the past year: "Usually the bottled water in question is represented as being fresh spring water, but is in fact only well-filtered tap water. There is nothing in any way unhealthy about it; it's just not spring water."

While the jurisdictional head-scratching continues, executives in the $110 million bottled water industry grow increasingly anxious for some sort of regulation. Though no cases of illness caused by bottled water have yet been reported, one recent test sampling of four brands of bottled water sold in Washington, D.C., revealed bacteria counts anywhere from seven to 70 times greater in three of the brands than in ordinary Washington area tap water. The highest count was scored by Deer Park Mountain Spring Water, owned by the Nestle Co. But Deer Park officials contend that the bacteria are harmless to human health and contribute only to the water's distinctive taste. Says Fred H. Jones, executive director of the American Bottled Water Association: "We're concerned that some small bottler may bottle up some impure water and get some people sick." Many bottlers fear that a single severe scare story could send the entire industry down the drain.

SENTINEL ENDORSES 60-DAY CAMPAIGN BILL

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

Mr. MONAGAN. Mr. Speaker, as the 1972 presidential campaign gains momentum, it becomes more evident than ever that some time limitation must be placed on such marathon contests for the sake of both the candidates and the electorate. Long campaigns exhaust the contenders, are unnecessarily expensive, and simply bore the electorate. In addition, while these excesses are being carried out, the affairs of state are brought to a virtual standstill in what Dean Acheson recently called our quadrennial anarchy.

The variety and complexity of State primary laws make Federal regulation of the primary phase of the campaign a practical impossibility. However, Congress can control the actual presidential campaign itself, the length of time between the convention and election day.

In several Congresses I have introduced legislation which would limit presidential campaigns to 60 days by preventing the nomination of candidates more than 60 days prior to the election. There is no special significance to the number 60. This figure simply represents a sufficient and reasonable length of time for candidates and voters to communicate in this age of mass media.

I have been quite pleased to receive substantial grassroots and editorial support for this position over the years.

Happily, this support has not died. I would like to include at this point in the RECORD an editorial from the Ansonia Evening Sentinel of August 3. I ask all Members to consider this editorial, and then join me in making the 60-day campaign part of any campaign reform package to emerge from the House.

MONAGAN'S CAMPAIGN BILL

Rep. John S. Monagan, who represents the Fifth Congressional District, of which the Valley is a part, has introduced a bill in Congress aimed to limit presidential campaigns to 60 days.

The bill provides that the national party conventions be held no more than 60 days before Election Day.

The 60-day limit would have several beneficial effects, Monagan contends. Among them:

—It would tend to reduce the amount of money spent campaigning, since parties would not have to pay for long campaigns.

—It would elevate the tone of national campaigns. Long campaigns, Monagan said, means that "what begins as a sober, intelligent discussion of the issues quickly degenerates into mouthings of lengthy catch-phrases."

—It would increase public interest in the election by insuring that voters would not be bored half to death by many months of campaigning.

—It would reduce the disruption of government business, which often comes to a virtual standstill during election campaigns.

Monagan contends that lengthy presidential campaigns are unnecessary. In the days of the horse-and-buggy and the railroad, it took many weeks and months for candidates to get around the country. Today, in the age of television and the jet plane, a candidate can fly swiftly from place to place and be seen on TV instantly throughout the nation.

Experience in other democracies tends to show that a two-month campaign would be long enough. In Britain, Israel, Canada and India campaigns are limited to one month.

Monagan's arguments are persuasive, and his plan to limit the length of presidential campaigns should be adopted.

INTRODUCTION OF FISHERIES LEGISLATION

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

Mr. BEGICH. Mr. Speaker, yesterday, I introduced a number of bills having the purpose of providing essential assistance to the commercial fishing industry of the United States. The first bill introduced provided a framework for comprehensive development of the industry. A second group of bills was intended to maximize the protection afforded to the fishing waters of the United States and the marine resources of those waters. Today, I am introducing a further series of bills.

The central purpose of the legislation introduced today is to solve the problems of the individual American fisherman and his community. As with the other bills introduced, the measures proposed are universally applicable to all U.S. fisheries, but bear a special orientation to the problems of the State of Alaska.

One of the initial points I made in outlining the need for this legislation was that even the small gains presently being made by the U.S. fishing industry are not felt at the level of the individual fisherman or his community. Nowhere is this distressing fact so true as in Alaska. In spite of yearly increases in the value of the Alaska catch, which is the highest of any State, the fishing communities remain unchanged, old vessels and gear are not replaced, and modernization of the Alaskan fishing fleet is agonizingly slow. At the same time, inflation has overtaken fishermen, and made a profession which is already hazardous and economically inconsistent even more difficult than before.

The first bill being introduced today authorizes a new program of Federal loans to commercial fishermen's associations. The bill has a number of specific purposes.

First, most of us are aware that present Federal loan programs, in their general application, make loans available to fishermen. Such programs would include those of the Small Business Administration and the Farmers Home Administration. While these have been fine sources of financial assistance over a period of years for many sectors of the economy, the programs are often inapplicable to certain business operations of the fisheries industry. The loan program in the bill introduced here is tailored to the specific needs of the fishing industry.

Under the program, loans would be made through the Secretary of Commerce for a wide variety of fishing enterprises, including the purchase and storage of fish and fish products, marketing, and the accumulation of necessary operating capital. Two special notes might be added. An exclusion from the legislation is loans for actual fishing operations, for which loans can be gained elsewhere. Also, an emphasis of the bill is to structure the loans so as to encourage the development of off-season fish processing activity, thus avoiding the seasonality that has always haunted fisherman economically.

A second important aspect of the bill is that the loans may be made to fishermen's associations. My clear intent is that this will operate to encourage the formation of such associations on the local level. If successful, an essential economic and social change in the fisheries industry can be assisted toward fulfillment. This would involve a substantial increase of control of the industry by the fishermen themselves.

In Alaska, the pattern over a number of years has been that the fishermen have had a lack of control over the results of their own labor. The processing and marketing of the catch has been controlled by nonresident interests. Because of their inability to control processing and marketing, the local fishermen have always been the ones to bear the economic burden of poor fishing years. The lack of local ownership and control has also prevented any economic gains made in the industry from reaching the level of the individual fisherman. I anticipate that the loan program authorized in this bill will begin to alter this pattern.

The second bill in this series of bills was actually introduced earlier, and along with similar bills, is receiving favorable consideration by the Merchant Marine and Fisheries Committee at this time. It is also a bill which provides encouragement for fishermen's associations at the local level while at the same time providing essential Federal assistance in an area of great need.

The area of need is insurance against fishing vessel loss and damage and against the injury or death of fishing crews. The bill authorizes loans by the Secretary of Commerce to associations of fishing vessel owners and operators for the purpose of providing such insurance.

The availability of marine insurance at reasonable rates is essential to the continued life of the fishing industry. It is my information that some of the earliest signals of a deteriorating situation in the area of marine insurance came during hearings of the House Merchant Marine and Fisheries Committee in southeastern Alaska. The situation first discovered there has been fully recognized everywhere by this time.

Since the early 1960's, hull and protection and indemnity insurance rates have increased at alarming and unacceptable rates.

These premium rises have hit all geographic areas of the American fishing industry from New England and the Mexican gulf to the west coast. However, Alaska's fisheries have been hit hardest and quickest, and, together with lower catches, a depressed State economy, aging boats, and increased corporate competition, these increases in insurance costs threaten the livelihoods of many Alaskan independent fishermen.

A few statistics reveal the crisis proportions which these phenomenal cost increases have reached:

Hull insurance premiums in Alaska run as high as 14 percent of insured values, with most policies costing over 8 percent.

Increases of 100 percent in insurance costs in the past 8 years are common.

Annual premiums amount to half of the fixed overhead of fishing vessels, equaling interest expenses, employee taxes, and administrative costs.

The percentage of expenditures devoted to insurance by Alaskan halibut and salmon vessel owners is three times that of Seattle and New England fishermen.

Hull insurance rates in Alaska jumped 28 percent in 2 years—1967 to 1969—while those on the west coast were "only" increasing 13 percent. Protection and indemnity costs soared 34 percent in Alaska, compared to 20 percent on the west coast.

As pointed out in a preliminary draft of a report on vessel insurance done by the Department of Commerce:

> Insurance rates for fishing vessels . . . are arrived at through negotiation between the insured and the insurer. There are no scheduled rates . . . no formulas, no manuals, no State or Federal regulations governing rates . . . Individual underwriters are apt to have only limited experience with fishing vessel coverage, and without proper actuarial aid, they are vulnerable to gross miscalculation with respect to evaluating fishing vessel risks.

One Alaskan expert noted that insurance loss ratios of 160 to 180 percent are not unusual. The ratio of claims to premiums statewide is 87 percent, by far the highest in the country and nearly 50 percent higher than the national average.

Insurance companies are caught in the same situation as fishermen, and cannot be blamed for the phenomenal increases in insurance costs. Nevertheless, the future welfare of the fishing industry requires that new strategies be brought to the situation.

One of these strategies is the concept of a federally assisted mutual insurance association. As noted above, insurance costs in Alaska are substantially higher, and have risen much faster, than those on the west coast. This is due largely to the flourishing cooperative insurance associations on that coast. The Commerce Department draft concludes that the lower insurance burden in Seattle "meas-

ures the success of the mutual insurance societies—that were formed for the purpose of allowing fishermen to pool their risks."

The bill I am introducing seeks to encourage the formation of such cooperative groups nationally. It authorizes the Secretary of Commerce to make loans to fishermen's associations to carry out insurance functions. It restricts the amounts of these loans to under 50 percent of the capital and surplus of the association.

The bill creates a Fishermen's Association insurance loan fund to serve as a revolving fund to make these loans. It authorizes $10 million to provide initial capital for making such loans, and will have the final effect, hopefully, of making the cost of insurance a greatly reduced factor in fishing operations.

The third bill in today's series is certainly the one bill in my entire package of fisheries legislation which is directed to a unique Alaskan problem. This bill authorizes the establishment of a Federal program offering both loans and grants for the establishment of marine ways facilities.

This legislation addresses itself to a shortage of vessel maintenance and repair facilities in Alaska. While this appears on the surface to be no more than an inconvenience, it creates a situation which can mean financial disaster for the fisherman who requires repair service at a crucial time of the year.

In Alaska, the home ports for the Alaska fishing fleet are a number of small towns scattered all along the Alaska coast. Included are Petersburg, Wrangell, Ketchikan, Sitka, Yakutat, Cordova, Valdez, Kodiak, Homer, Naknek, Dillingham, and many others. Only Kodiak and Ketchikan among these many fishing harbors approach a population of even 10,000 persons. This means that none of these towns can accumulate the tremendous capital necessary for the construction of a ways facility. With this lack of facilities, vessel owners must make the trip to the Washington-Oregon area for any substantial repairs.

These same fishing fleet harbors in Alaska are scattered over a coastline that stretches for 3,300 miles, and shorelines for over 30,000 miles. The straight-through running time between Seattle and the nearest Alaska harbor, Ketchikan, is a minimum of 48 hours, and is more often than not a full week. From harbors like Kodiak or Dillingham, this total can be doubled or tripled. In practice, this means that the time lost in a round trip to the Pacific Northwest for vessel repairs will be a minimum of a week to 10 days and a maximum of many weeks, even excluding the time necessary for repair. Such an assessment does not even include the danger inherent in traveling these difficult waters with a damaged vessel.

The final factor is the length of the productive fishing season. For many species which are sought in Alaska, such as salmon, the peak of the season may last from only a few days up to 3 or 4 weeks. Vessel damage which would be only a great inconvenience for fishermen elsewhere can become a lost season and financial disaster for an Alaskan fisherman. This bill would provide a beginning toward solving this serious problem.

The bill contains both grant and loan programs to be administered by the Bureau of Commercial Fisheries. The Bureau already provides for loans for fishing vessels from the fisheries loan fund, which has been recently extended, and the same loan fund would support this marine ways program so long as new Federal capital is added.

The grant program would be newly created with an initial appropriation of $5 million. The key to the program is that loans for marine ways facilities would only be available to communities where no such facility is located nearer than 100 statute miles by sea. The areas of greatest need would be served first.

The benefits of this program are obvious for both the fisherman and his community's economic development. I am hopefully this bill will receive early consideration.

The final bill I am introducing in this present series of fishing legislation is one I certainly wish were unnecessary. The bill establishes and authorizes appropriations for a plan to partially reimburse fishermen who suffer losses as a result of fishing restrictions imposed by a State or the United States because of water pollution.

In the final analysis, the only solution to this problem is to attack it at the source by putting a halt to the increasing pollution of the world's oceans and fresh waters. During this Congress I have joined with many of my colleagues in legislation to accomplish this critical task. I have joined with the gentleman from Massachusetts (Mr. HARRINGTON) and the gentleman from Florida (Mr. FREY) on bills to regulate dumping of pollutants into the oceans and to establish protected estuarine areas—H.R. 805 and H.R. 4359. I have joined with the gentleman from Washington (Mr. MEEDS) in legislation to provide safety and environmental standards for our Nation's ports, harbors, and navigable waterways—H.R. 9581. I have also joined again with Mr. HARRINGTON on legislation to amend the Rivers and Harbors Act by increasing penalties for violations—H.R. 9685—and to provide new funds for nationwide water pollution control projects—H.R. 9803.

At the same time these and other measures are being considered, we are all discovering that a tremendous amount of environmental damage has already been done. On a first-hand basis, American fishermen are discovering the extent of that damage.

The most well-known case of an entire fishing industry being wiped out came as a result of the Food and Drug Administration ruling on mercury in swordfish. The impoundment of swordfish cost an estimated $2.5 million in lost inventories, and had a huge impact on the financial well-being of the fishermen involved, as well as their families and the communities dependent on the industry.

There are other examples of fishing markets destroyed by contamination restrictions from New England to southern California. First coho salmon, then chubs, were lost to Great Lakes fishermen because of DDT. Then, the kingfish was lost to fishermen off southern California. Mercury pollution has resulted in the closing of fisheries on the Western Basin of Lake Erie, the Pickwick Reservoir in Tennessee, and Lake Calcasien in Louisiana. Hurricane Camille endangered the quality of oysters in the Gulf of Mexico, causing the closing of the beds. The tuna industry has lost $2.4 million in inventory due to mercury contamination.

This problem has already touched Alaska. Halibut containing excessive amounts of mercury have been caught in Alaskan waters. While the situation there has been partially ameliorated by voluntary limits set by the halibut dealers, vessel owners, processors, and unions involved, the time may come when the problem reaches a point at which private agreements, though preferable to governmental intervention, may be insufficient to handle the situation.

No one would question the need for immediate and firm governmental action to protect consumers at a time when contaminated fish is discovered. Yet the economic burden of the restrictions imposed cannot be allowed to fall on the fisherman, as it presently does.

My great fear as an Alaskan is that the salmon or king crab may be found to be contaminated. If this is ever the case, nearly 10,000 Alaska fishermen and over 20,000 processing workers would suffer financial disaster without fault on their part. The secondary effects on Alaska's economy, or that of any State similarly affected, would be monumental.

The legislation I introduce today is a beginning toward a solution. It provides for reimbursement to fishermen for losses incurred as a result of the State or Federal restrictions due to water pollution. It calls for Federal payments of up to 70 percent of yearly gross earnings from domestic fishing lost as a result of restrictions.

If a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted. Any amount collected in excess of initial reimbursement and court costs would be turned over to aggrieved fishermen. The bill authorizes appropriations of $4 million for 1972, $5 million for the next 4 years.

The fishermen in the State of Alaska tell me that this is a priority measure for the 92d Congress. I agree with them and urge prompt consideration of this measure.

Mr. Speaker, this concludes my introduction of fishing legislation for the present time. I am certain that I need convince none of my colleagues of the work to be done in this area. I urge all Members to consider these bills, and to join me in seeking consideration of the important questions they raise. I look forward to assisting in any way I am able to bring the assistance these bills promise to the U.S. fishing industry.

AMERICAN LEGION OPPOSES CANAL ZONE SURRENDER

(Mr. HALL asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the 53d Annual National Convention of the American Legion was held in Houston, Tex., between August 31 and September 2 of this year. At that convention, they adopted a strong resolution opposing any surrender of U.S. sovereignty or control over the Panama Canal Zone. It is my belief that the American people should be made aware of their resolution and their feelings, and at this time, I would like to insert this resolution into the RECORD:

RESOLUTION No. 494

Committee: Foreign Relations.

Subject: Panama Canal.

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U.S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U.S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U.S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U.S. control over the Canal and the Canal Zone; and

Whereas, The American people have consistently opposed further concessions to any Panamanian government that would further weaken U.S. control; and

Whereas, The American Legion believes that a treaty or contract is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903 by which the rights of the United States thereunder would be weakened, limited, or surrendered, the United States having fully performed its obligations under such treaty since its adoption; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that the Legion reiterates its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, That The American Legion opposes the construction of a new "sea-level" canal, as advocated by the recently completed study of the Atlantic-Pacific Canal Study Commission as needlessly expensive, diplomatically hazardous, ecologically dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterates its strong support for resuming the modernization of the present Panama Canal as provided in the Third Locks-Terminal Lake plan advocated by so many Members of Congress.

NATIONAL WILDERNESS PRESERVATION SYSTEM

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

Mr. SAYLOR. Mr. Speaker, today, on behalf of my colleagues, Mr. LATTA and Mr. MAILLIARD, I am introducing an important bill which provides for the designation of a number of areas in various parts of the country as wilderness. This bill will designate 21 wilderness areas in 13 States. Altogether, the areas designated by this bill would add over 3 million acres to our national wilderness preservation system.

Two groups of proposals are included in this bill. First, it contains 12 out of the 14 wilderness proposals which President Nixon sent to Congress on April 28 of this year. Second, it contains nine older proposals, involving areas which were recommended to Congress in earlier sessions but have yet to be acted upon. The President has, in his recent wilderness and environmental messages, strongly endorsed prompt action on this group of already pending wilderness proposals.

In other words. Mr. Speaker, I have attempted to gather into this one bill virtually all of the wilderness proposals recommended by the administration which are now pending for action before the Congress. But let me add two clarifications which are important in understanding what this new bill includes and would accomplish.

While this bill includes almost all of the proposals which have been sent to Congress but have yet to be acted upon, it does not include any of the so-called de facto wilderness proposals. This type of wilderness proposal, unlike the ones included in this new bill, is not the product of the normal wilderness review processes of the administrating agencies which were established by the 1964 Wilderness Act. De facto wilderness proposals involve other land areas which merit wilderness study by the Congress before being irretrievably committed to other, conflicting kinds of use. I have already introduced, with a number of cosponsors, an omnibus bill embodying many of these de facto wilderness proposals which are sufficiently well refined to be appropriate for congressional consideration. That bill, H.R. 6496, is already pending with our Interior and Insular Affairs Committee. Hence, my new bill, including the administration-proposed areas, constitutes a logical companion to the pending de facto wilderness bill.

The bill I am introducing today does not, in all cases, follow the proposed wilderness boundaries and acreages as submitted to the Congress by the executive branch. In several cases, local groups of people who know these areas in great detail have found the official executive branch recommendations to be too limited, excluding from wilderness designation areas which these citizens feel are fully suitable for such designation, merit it and, in many cases, sorely need such extra statutory protection if their natural wilderness character and values are to be secured as a lasting resource.

In a number of cases, the various citizen groups on the local, regional, and national level have agreed with final executive branch wilderness recommendations. In several cases, indeed, all parties have agreed that no wilderness should be designated in a specific area for which the wilderness law required a study and review. For example, President Nixon's April 28 wilderness message included nonsuitable as wilderness recommendations for the Laguna Atascosa National Wildlife Refuge in Texas and for the Chaco Canyon National Monument in New Mexico. These recommendations have been agreed to by local conservation minded citizens and groups, based on their own field studies.

But there have also been cases in which local citizens believe an executive branch wilderness recommendation can be further refined and extended. These citizens have participated actively in the processes of public involvement which we built into the Wilderness Act program. In carrying our their responsibility to participate responsibly, they have carefully studied the requirements and standards of the Wilderness Act and have conducted detailed field reviews in order to arrive at their own consensus as to what is best for the particular area in question. These citizen-initiated alternative wilderness recommendations have been offered and documented at public hearings and in informal sessions with the managing agencies. They have very often contributed to an improved final recommendation from the agency.

Yet, in some cases, the citizen groups still have not been satisfied that the proposal finally emerging from the executive agencies do the best achievable job of preserving an area's wilderness resources and values in full balance with other considerations. They feel that these agency proposals fall short of what would be best for the land in question. Among the reasons for these disagreements, probably the most fundamental have to do with varying interpretations of what the Wilderness Act says and means. It is during the consideration of individual proposals before the committees of the Congress that fundamental questions of this kind can best be deliberated.

For these reasons, it is important that the refinements worked out and recommended by dedicated citizen conservationists should, in each case, receive a full hearing during consideration of wilderness legislation. By the same token, the administrative agencies are expected to present the merits and rationale for their proposals. Where the two differ, it is the responsibility and goal of the Congress to make a final decision. The committees of Congress, and in particular our Subcommittee on Public Lands chaired by my able colleague, WALTER BARING, have been gaining much sound

experience in weighing the issues raised in the wilderness designation process.

The bill I am introducing today represents, in each case where a citizen alternative plan has been prepared, the boundaries and acreages recommended by these responsible local citizen teams. I introduce this bill in this form for two reasons. First, I generally find myself more thoroughly in agreement with the arguments set forward by these citizen groups. Second, I believe their proposals should be before the committee in the full stature of legislation, to be argued for and against on an equal footing with bills embodying the executive branch position. I would point out that, as ranking member of the Interior and Insular Affairs Committee, I have introduced, along with our distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and my distinguished committee colleague, the gentleman from Iowa (Mr. KYL), the full Presidential wilderness package in the administration version of each proposal.

Mr. Speaker, I will not elaborate on the specifics of each of the proposals embodied in my new bill. That information will be developed during hearings, when both the executive agencies and the public will be able to present their views. But I do want to point out here a few items of special interest in this bill, so that the record will not be misunderstood as to what is involved.

This bill includes the wilderness proposals for only 12 of the 14 areas recommended in the April 28 Nixon wilderness package. I have excluded the proposal for Arches National Monument and for Capitol Reef National Monument, both in southern Utah. As many members know, the Senate has already enacted bills which would redesignate these two national mounments as national parks, with various realinements of their boundaries. The wilderness proposals for these two areas apply to the earlier boundaries, and so would not be fully in concert with the revisions which have taken place since or with the revisions further intended in the national park bills which have passed the other body and been reported for floor action here in the House. I would add, however, that in reporting these national park bills, our committee added language which would require the Department of the Interior to complete a revised wilderness proposal for transmittal back to the Congress within 3 years. It does not seem timely to act on the existing wilderness proposals for these two areas in this Congress and I believe we should simply set them aside, awaiting receipt of the revised proposals.

Included in this bill is the proposed Okefenokee National Wildlife Refuge Wilderness in Georgia. The first proposal for this particular area, which came to Congress several years ago, recommended designating a wilderness unit of 319,000 acres. Subsequent additions of wildland to the overall wildlife refuge now permit a larger wilderness designation. In his April 28 message to Congress, the President listed this larger proposal as encompassing 347,000 acres, but it now turns out that the Bureau of Sport Fisheries and Wildlife recomputes this acreage, based on the same boundaries to which the President referred, as actually encompassing some 344,000 acres. That is the figure I have used in this new bill, and I believe the record should be clear that the same boundaries are involved as have been strongly endorsed by President Nixon in his latest wilderness message.

Mr. Speaker, the bill which I am introducing today brings together 21 highly important wilderness proposals. Each has been the subject of detailed study and preparation by the managing Federal agency. Each has been carefully reviewed in the field by local citizens and citizen groups. Each has been the subject of a full public hearing in the immediate locality, and the records accumulated at these hearings are available for congressional consideration. Each proposal has been further studied and revised within the Departments of the Interior and Agriculture and within the executive branch. Now these 21 proposals are before the Congress for our consideration and action. The processes which we put in motion when we enacted the 1964 wilderness law involve this full span of careful deliberation and active public participation. The bill I am now introducing brings that consideration and that public involvement into the congressional area.

It has been said that the Wilderness Act and its provisions for public involvement throughout the wilderness designation procedures is one of the finest new land planning programs in recent years. This is, in my view, a model of effective public participation, giving opportunity for all opinions both on the local and national scene to be brought into the making of these important wilderness decisions. By introducing today a bill embodying, in several cases, citizen initiated recommendations, it is my hope that we can bring into the processes of congressional consideration, on an equal footing, the views and productive efforts of the many citizen groups across this country who have labored long and hard to play a constructive role in the wilderness program. It is my hope that we will have an early opportunity to consider each of these proposals in the Committee on Interior and Insular Affairs and bring to the House the best possible wilderness legislation before the end of the 92d Congress.

SIX MILLION CHILDREN DENIED HEALTH CARE BECAUSE HEW FAILS TO IMPLEMENT EXISTING LAW

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

Mr. RYAN. Mr. Speaker, on December 11, 1970, the Department of Health, Education, and Welfare issued a press release announcing proposed rules concerning the medicaid program. This release proudly stated that "over six million individuals" would receive the benefit of "screening, diagnosis, and treatment" when these rules became effective. These more than 6 million individuals were children up to the age of 21.

To date, these proposed rules lie dormant. They have not been officially promulgated.

The delay is actually even more severe than just the 9 months which have now elapsed since the rules were first proposed. The fact is that these rules were proposed pursuant to legislation which was to become operative on July 1, 1969. Thus, more than 2 years have gone by without action by the administration.

The Department of Health, Education, and Welfare certainly cannot claim lack of forewarning as to the implementation date of July 1, 1969. The enabling legislation was passed in 1967 as a part of Public Law 90-248. Yet, 4 years later, the 6 million children for whom this law was intended to provide health care remain ignored.

Specifically, the section of the law in question—section 1905(a)(4)(B) of the Social Security Act—provides that one of the required elements of a State medicaid plan is the following:

> (E)ffective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary;

Some measure of the benefits that can be achieved should this program be implemented—as it must be—is provided by the findings of the Mississippi medicaid program, which has reported on a comprehensive program of screening and diagnosis for children which it undertook, despite failure of HEW to implement section 1905(a)(4)(B). During the 4 months ending June 30, 1970, 1,178 children were screened. Abnormalities found totaled 1,301—children had multiple abnormalities. These included multiple dental caries, 305 cases; anemia, 241 cases; enlarged tonsils and pharyngitis, 217 cases; poor vision, 97 cases; impetigo and other skin conditions, 53 cases; hernias, 51 cases; and intestinal parasites, 48 cases.

It is starkly clear that the more than 6 million children who would fall under the operation of the Department of Health, Education, and Welfare's regulation—if only it were formally promulgated—desperately need medical care. They are the forgotten victims of a society which applauds rhetoric, but is remiss on action.

On August 18, I wrote to Secretary Richardson of the Department of Health, Education, and Welfare, urging "immediate promulgation" of the rules first proposed last December. Thus far, there has been no action. Robert Walters, in an article in today's Washington Evening Star, writes about this situation. Mr. Walters, in an apt assessment, states:

> All of that allegedly bold action was, in fact, a sham. And it is typical of the bureaucratic shell game at which HEW officials have become so proficient.

The children of America are waiting.

Following are the press release issued by the Department of Health, Education, and Welfare last December 11; the proposed rules; a copy of my letter of August 18 to Secretary Richardson; a report on the Mississippi screening and

diagnosis program—an example of what the Federal Government has not yet, despite existing public law, mandated; and Robert Walters' article of the September 16 Evening Star entitled "What We Really Need Is Action":

PRESS RELEASE, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Individuals under 21 eligible for help under the Federal-State Medicaid program will be screened and treated for health defects under proposed rules announced today by John D. Twiname, Administrator of HEW's Social and Rehabilitation Service.

Proposed regulations which appeared today in the *Federal Register* will require State Medicaid agencies to spearhead the comprehensive planning necessary to make services available to accomplish the screening and treatment.

If existing health care resources are inadequate to do this for all eligible individuals under 21, States may begin with children under six, extending services to others in specified stages so that all are covered July 1, 1973.

State Medicaid agencies will develop agreements with organizations that can provide the services, such as child health clinics, OEO neighborhood health centers, day care centers, school health programs, and maternity and family planning clinics.

Estimates are that over 6 million individuals will be eligible for screening, diagnosis, and treatment when the proposed regulation becomes effective.

Interested parties have 30 days to comment on the proposed regulations.

[From the Department of Health, Education, and Welfare, Social and Rehabilitation Service]

PROPOSED RULEMAKING INFORMATION MEMORANDUM

To: State administrators and other interested organizations and agencies.

Subject: Proposed Regulations for Early and Periodic Screening, Diagnosis, and Treatment of Individuals Under 21, Title XIX, Social Security Act.

Content: Proposed regulations to amend SRS Program Regulations 40-11, dated June 24, 1969, on Amount, Duration, and Scope of Medical Assistance under Title XIX. The amendment relates to the requirement for early and periodic screening, diagnosis, and treatment of individuals under 21 years of age.

Comment period: Consideration will be given to comments, suggestions, and objections submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from the date of publication in the *Federal Register*: December 11, 1970.

Inquiries to: SRS Regional Commissioners.

JOHN D. TWINAME,
Administrator.

(Department of Health, Education, and Welfare, Social and Rehabilitation Service (45 CFR Part 249))

AMOUNT, DURATION, AND SCOPE OF MEDICAL ASSISTANCE

Early and periodic screening, diagnosis, and treatment of individuals under age 21

Notice of proposed rulemaking

Notice is hereby given that the regulations set forth in tenative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to early and periodic screening, diagnosis, and treatment of individuals under 21 years of age provided for under a State plan for medical assistance under title XIX of the Social Security Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from date of publication of this Notice in the *Federal Register*.

The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: Oct. 30, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: Dec. 3, 1970.

ELLIOT L. RICHARDSON,
Secretary.

Part 249 of Chapter II of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 249.10(a) is revised by redesignating subparagraphs (3)-(9), inclusive, as subparagraphs (4)-(10), inclusive.

2. Section 249.10(a), as so revised, is further amended by adding subparagraph (3) to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance. (a) * * *

(3) In carrying out the requirements in subparagraphs (1) and (2) of this paragraph with respect to the item of care set forth in paragraph (b)(4)(ii) of this section, provide:

(i) for establishment of administrative mechanisms to identify available screening and diagnostic facilities, to assure that individuals under 21 years of age who are eligible for medical assistance receive the services of such facilities, and to provide such treatment as may be included under the State plan and as required in subdivisions (iv) and (v) of this subparagraph;

(ii) for identification of those eligible individuals who are in need of medical or remedial care and services furnished through title V grantees, and for assuring that such individuals are informed of such services and are referred to title V grantees for care and services, as appropriate;

(iii) for agreements to assure maximum utilization of existing screening, diagnostic, and treatment services provided by other public and voluntary agencies such as child health clinics, OEO Neighborhood Health Centers, day care centers, nursery schools, school health programs, family planning clinics, maternity clinics, and similar facilities;

(iv) that the full amount of inpatient hospital services, outpatient hospital services, laboratory and X-ray services, and physicians' services needed by an individual receiving screening, diagnostic, and treatment services under this subparagraph will be furnished regardless of the limits otherwise imposed under the State plan on the amount of such care and services; and

(v) effective January 1, 1971 (or earlier at the option of the State), that early and periodic screening and diagnosis to ascertain physical and mental defects, and treatment of conditions discovered regardless of the limits otherwise imposed under the State plan on the type and amount of such care and services (for which Federal financial participation is otherwise available pursuant to Section 1905 of the Social Security Act), will be available to all eligible individuals under 21 years of age. If such screening, diagnosis, and treatment are not available by January 1, 1971, to all eligible individuals under 21 years of age, the State plan must provide that such services will be available to all eligible children under six years of age and must specify the progressive stages by which such services will be available to all eligible individuals under 21 no later than July 1, 1973.

AUGUST 18, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am particularly concerned regarding the enormous potential of the Medicaid program for instituting a scheme of preventive and curative medicine which has the potential for saving millions of children from illness and even death. This scheme is provided by Section 1905(a)(4)(B) of the Social Security Act. This Section provides, as one of the required elements of a State Medicaid plan, the inclusion of the following:

(B) effective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary; . . .

This provision was added to the public law by Public Law 90-248.

While this section was to go into effect on July 1, 1969, it in fact still remains unimplemented. The delay in this implementation is, as I understand it, due to the failure of your Department to issue the appropriate regulations.

On December 11, 1970, proposed regulations were published in the Federal Register. According to the press release issued at that time by the Social and Rehabilitation Service, a division of your agency, "over 6 million individuals will be eligible for screening, diagnosis, and treatment when the proposed regulation becomes effective."

At the least, these regulations required that by January 1, 1971, screening, diagnosis, and treatment were to be "available to all eligible children under six years of age," with children up to the age of 21 to be covered by no later than July 1, 1973.

More than one-half year has elapsed since the issuance of these proposed regulations, amending SRS Program Regulation 40-11, dated June 24, 1969, on Amount, Duration, and Scope of Medical Assistance under Title XIX.

I find this dilatory action extremely distressing. Firstly, it appears to contravene the intent of the Congress that a law which it has passed in fact be implemented. More importantly from a human standpoint, the continued delay of the implementation of the screening, diagnostic, and treatment program means the continued lack of adequate medical services to the more than 6 million children which your Department's own press release designates as the eligible group.

Some measure of the benefit that can be achieved should this program be implemented is provided by the findings of the Mississippi Medicaid program, which has reported on a comprehensive program of screening and diagnosis for children which it has undertaken, despite the absence of the implementation of Section 1905(a)(4)(B). During the four months ending June 30, 1970, 1,178 children were screened. Abnormalities found totaled 1,301 (some children had multiple abnormalities). These included multiple dental caries (305 cases), anemia (241 cases), enlarged tonsils and pharyngigis (217 cases), poor vision (97 cases), impetigo and other skin conditions (53 cases), hernia (51 cases), and intestinal parasites (48 cases). In northern states, where an estimated 400,000 children exhibited elevated blood lead levels, no doubt a screening program would disclose thousands of additional children who are in need of treatment.

In light of the 6 million children who would be eligible for the screening, diagnosis,

and treatment mandated by Section 1905(a)(4)(B) of the Social Security Act—the children who desperately need these services—I would appreciate your advising me of when the proposed regulations will be officially promulgated as binding rules. Needless to say, I believe that every day of delay is another day of illness for these children. Therefore, I urge immediate promulgation.

With best regards.

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

MEDICAID MATTERS TO CHILDREN

Mississippi, with one of the nation's newest Medicaid programs (initiated January 1, 1970), is the first State to report on a comprehensive program of screening and diagnosis for children.

A report on the four months ending June 30, 1970, showed 1,178 children screened. Abnormalities found totaled 1,301, as some children had multiple findings.

The most common abnormal conditions identified were multiple dental caries (305 cases), anemia (241 cases), and enlarged tonsils and pharyngitis (217 cases).

Other major defects were poor vision (97 cases), heart conditions (60), impetigo and other skin conditions (53), hernia (51), and intestinal parasites (48).

The "health inventory survey" is done by the State Board of Health, on contract with the Mississippi Medicaid Commission. The procedure begins with a letter to the parents of eligible children, asking that the children be brought to the health department at a stated time. There a 13-point medical history is recorded, and signed by the parent or guardian to authorize the screening.

The examination includes PhonoCardioScan, visual and audiometric checks, and a tuberculin skin test. Hematocrits and urine tests are done on each child, and immunizations brought up to date. In the age group 12 to 21, blood pressures are recorded and blood serologies are performed. The tests are done by public health nurses and technicians, with the children referred to physicians when necessary.

Cost of the screening is $8.00 per child, including $1.00 for laboratory work. State Board of Health clinics are utilized for follow-ups.

According to Frank M. Wiygul, Jr., M.D., Director of the General Health Services Division, about 90 percent of the children with abnormalities are treated in existing public health facilities. "The effect of the Medicaid screening program is that the Board of Health is enabled to reach a group of children not touched previously," Dr. Wiygul commented.

He added, "From the recipients' point of view, the screening is very well accepted and the turnouts are excellent. We usually invite 70 to 80 eligible children to participate, and have a turnout of 40 to 50."

Mississippi Medicaid Commission health inventory survey, Mar. 1–June 30, 1970

Total screened	1,178
Total conditions found	[1] 1,301
INCIDENCE OF ABNORMALITY	
Abnormal PhonoCarioScan	60
Anemic (hematocrit below 36%)	241
Sickle cell suspected	3
Dental caries (multiple)	305
Dental abcess	1
Supernumerary dentition	1
Hernia umbilical	49
Hernia inguinal	2
Poor visual acuity	97
Impetigo and other skin conditions	53
Poor hearing	51
Deaf mutism	2
Otitis extern and otitis media	37
Asthma (by history)	7
Intestinal parasites (mostly hookworm)	48
Obesity	20
Enlarged tonsils and pharyngitis	217
Obvious mental retardation	9
Learning and school difficulties (by history)	5
Behavior disorders	5
Seizures	4
Ringworm of scalp	10
Phimosis	4
Pregnancy (unmarried): Undiagnosed and no prenatal care	4
Kidney trouble (by history)	11
Speech defects	7
Swollen joints	7
Enlarged lymph glands	11
Hypertension	5
Mild hydrocephaly suspected	2
Old open lacerations	4
Hyperthyroidism suspected	1
Suspected child abuse	[2] 7
Hemiplegia	1
Albuminuria	6
Ptosis	2
Suspected diabetes	1
Nasal obstruction	3
Hydrocele	1

[1] Some screenees have multiple findings.

[2] These 7 children belong to the same family. Court proceedings resulted in placement of all 7 in a foster home in another county.

[From the Washington Evening Star, Sept. 16, 1971]

WHAT WE REALLY NEED IS ACTION

(By Robert Walters)

Back in December the Department of Health, Education and Welfare proudly announced that it had drafted regulations which would "require state Medicaid agencies to spearhead the comprehensive planning necessary" to implement a nationwide program of preventive medical care for 6 million needy children.

The HEW press release at the time boasted of plans to provide "screening diagnosis and treatment" in cooperation with neighborhood health centers, child health clinics, day care centers, school health programs and family planning clinics.

The way HEW's Social and Rehabilitation Service told it, the periodic medical examination of young children was only the first step in implementing the law. By mid-1973, the service predicted, all individuals under 21 who were covered by the Medicaid program would be added to the program.

All of that allegedly bold action was, in fact, a sham. And it is typical of the bureaucratic shell game at which HEW officials have become so proficient. Consider, for example, what really happened with that program of preventive medicine for needy youngsters throughout the country:

The authorizing legislation was passed by Congress and signed into law by the President in 1967, with a provision calling for the medical aid program for poor youngsters to begin July 1, 1969.

That two-year interval presumably gave even the slowest HEW employe time to draft the regulations under which the program was to operate. In fact, the first proposed regulations did not appear until December 1970, three years after the law was passed and 1½ years after the starting date designated by Congress and the President.

As required by law, publication of the proposed regulations was accompanied by the announcement that interested parties had 30 days to comment. Following that deadline SRS was supposed to consider the suggestion of those affected, then publish final regulations.

Last month, Rep. William F. Ryan, D-N.Y., wrote to HEW Secretary Elliot L. Richardson to note that absolutely nothing has been heard from SRS in the 9 months which have elapsed since the issuance of the press release and proposed regulations (not to mention the four years since the law was passed or the more than two years since the program was supposed to have been initiated).

Ryan said HEW's "dilatory action . . . appears to contravene the intent of the Congress that a law which it has passed in fact be implemented." From a humane standpoint, he noted that "every day of delay is another day of illness for these children."

The impact such a program can have already has been demonstrated in Mississippi, which has initiated its own preventive medicine project without waiting for HEW's regulations. During a four-month period last year, 1,178 children were screened, and state medical officials were able to detect, and recommend early treatment for, 305 cases of multiple dental cavities, 241 cases of anemia, 217 cases of enlarged tonsils, 97 cases of poor vision and scores of similar ailments.

What is HEW's response to Ryan's call for the long-overdue implementation of such a program nationally?

"The comments have been under active consideration," says a departmental spokesman. No other reply is offered.

SRS is hardly the leader in this type of foot dragging. Within the HEW bureaucracy, the champion is clearly the Food and Drug Administration. Consider this example of governmental delinquency, as only the FDA professionals know how to practice it:

In 1960, Congress gave the FDA the power to regulate the labeling of hazardous substances. In 1967, the FDA became aware that lemon-scented, yellow-colored, glass-bottled furniture polish was just such a substance.

Young children were mistaking the polish, made with highly toxic petroleum distillates, for a lemon drink. Between 1965 and 1970, at least 54 children under 5 died from drinking the polish.

In June 1970, the National Commission on Product Safety published a report detailing FDA's record of inaction in the field. Nothing happened. Last month, Consumer Reports, the monthly magazine of Consumers Union, devoted its cover story to the problem and suggested that HEW "sat on its hands while children died."

Two weeks ago, the FDA issued another of those press releases, proclaiming that it finally had drafted some proposed regulations which would require toxic furniture polish to be marketed in special bottles which children cannot open.

Wait to see if that program is ever implemented.

THE JEWISH NEW YEAR AND SOVIET JEWRY

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

Mr. RYAN. Mr. Speaker, this Sunday evening marks the eve of Rosh Hashanah, the beginning of the Jewish New Year. For many of us, Jew and non-Jew alike, this event is particularly poignant, because we know so well of the plight of Soviet Jewry.

There is a poem by a Russian poet. His name is Evtushenko. The poem is called Babi Yar, the name of that scene of horror where the Nazi madmen slew thousands of Jews. Evtushenko wrote:

(H)ow vile is that, without a quiver,
The anti-Semites styled themselves with pomp
"The union of the Russian people."

How vile it is, indeed, that anti-Semitism persists in the Soviet Union.

But the power of the anti-Semites is fragile. In fact, it will fail, because the Jews have persevered across centuries of tragedy, and they will persevere despite the despots of the Kremlin.

And I think that, in this survival, there is something very special for us to honor. Because despite repression, despite prejudice, despite pogroms and concentration camps and exile and destitution, the Jewish people have maintained that most untouchable, most indestructible of swords—the power of belief. The belief in themselves as a people.

And that is the power which will break the grip of those who seek to stamp out Judaism in Russia.

But I would go beyond that and say that the Jews of Russia have taught the world a lesson. They have brought alive the recognition of this power of a belief to prevail over repression.

Joined in the determination that evil will not win out, that the Jewish identity is permanent and persistent, many of us have spoken out in protest. We speak for those principles which bind men of good will into a larger and greater unity. We speak out for justice and freedom and equality, and by demanding justice for Soviet Jewry, we demand justice for all men.

By affirming freedom for the Jew in Moscow, we affirm it for the black in Mississippi. By affirming freedom to exist as a people in Leningrad, we affirm that same freedom of national identity for the hapless millions of East Pakistan. By demanding the freedom to emigrate for the Jew of Riga, we demand the freedom of all oppressed peoples to seek a better land.

I am not about to pretend that we should relax our efforts, content with just speaking out. Far from it. Leonid Rigerman, the 30-year-old physicist, whose entry into the United States I facilitated by intervening on his behalf with the Department of State last November, also made a statement which I would quote:

> A Jew cannot be a Jew in Russia. We are deprived of all forms of Jewish culture; you cannot study the language; Jewish religious literature is forbidden.

That is the grim reality which no rhetoric alone can really assuage. That is why men and women of good will unite in support of Soviet Jewry, not only in a sense of pride of purpose, but with the determination not to relent, not to stand silent, not to bend to the counsels of so-called political reality, as some would have it.

In only a few days will begin that holiest of times for Jews—the dawning of the New Year. For Jews across the globe, this is a time of deep and sober contemplation. I know this is a time to contemplate one's personal sins of omission and commission. But it is a time as well, I should think, to appropriately consider all of men's sins against his fellow man. What more poignant occasion, then, to look to our brothers and sisters in the Soviet Union?

What their oppression is like I am sure many Jewish people can imagine in more personal terms than I. They have suffered, either directly or through relatives, the holocaust of the Nazis, who sought the total annihilation of European Jewry.

The Russians are more subtle in their methods. They are not aiming at the crude use of concentration camps and furnaces. Their method is to grind under the 3 million Jews of the Soviet Union by stifling their identity; by denying Jews the right, the necessity, to be Jews. Their methods are different in kind from those of the Nazis, but their end is the same—the erasure of Jews as Jews from the face of the land.

But they are failing. The mammoth machinery of government is losing its battle against human decency and justice.

One of the really exhilarating developments of the past year is the tremendous surge of resistance by Soviet Jews—particularly young Jewish women and men. Who would have dreamt of sit-ins in the Soviet Union? Yet sit-ins there are. And it is the Jews of Russia who are in the forefront of a civil rights struggle to secure their existence and their identity.

So, in this holiest of times for Jews, in this time of sober thought, there is room for taking heart. The sins of man against man do not always prevail.

This year already, it has been reported, 5,000 Jews have been allowed to leave Russia for Israel, whereas in previous years the rate was not more than 1,000 annually. That is no accident. That is the result of world pressure. And that, too, is reason for encouragement.

In the Congress, there is a strong coalition of us who are working to force the administration to insist on the rights of Soviet Jewry. Last year, at the time of the Leningrad trial of nine Jews, and after my talking to the chairman of the House Foreign Affairs Committee, to then Speaker McCormack, and to then Majority Leader CARL ALBERT, we brought to the floor and passed House Resolution 1336, which condemned religious persecution in the Soviet Union. That resolution urged the Soviet Union to allow full and free exercise of religion and culture by all Jews, and it urged the Soviet Union to allow those citizens who wished to emigrate to do so. And that resolution, putting the Congress on record, helped to sustain and increase world pressure.

Today, in the Congress, my resolution (H. Res. 454) urging the Voice of America to undertake broadcasts in Yiddish into the Soviet Union is pending. When I first drafted this bill, we did not know what type of support we would get. As of today, 101 Congressmen are sponsoring that resolution. And, after I first introduced the bill, action began in the Senate. Today, 22 Senators have introduced my resolution.

Meanwhile, we have been meeting with administration officials and we are not going to relent until we succeed in convincing the Voice of America to start broadcasting in Yiddish, so that the Jews of Russia—whether they speak Yiddish or Russian, or both—will know that we demand the continuance of their culture and their identity, and that we demand that they be provided the psychological support which broadcasting in Yiddish will give them.

Soviet Jewry will continue. It will persist. It will thrive. Because men and women of good will, demand this be so.

There is another side to this coin, and that concerns Israel. Any even casual observor of world politics knows why the Soviet Union has been so adamant about refusing to allow Jews to emigrate. The Soviets are tied in the embrace of the Arab states who surround Israel, and seek her destruction. Obviously, the Soviet Union is concerned that any flood of refugees to Israel will alienate her Arab cohorts. Consequently, the Russian grip holds tight, barring her borders to barely a trickle of Jewish emigrants.

This grip can be loosened, and it is within the power of this administration to loosen it. The administration must demonstrate in the most unequivocal terms, support for Israel. It must demonstrate that it is committed, without caveat, to Israel's survival, to her strength and her prosperity. For if the Arabs realize that there is absolutely no other alternative for them, then they will be reconciled to a meaningful peace with Israel, negotiated face to face. And, in this state of affairs, it will not then matter to them whether Jews from Russia emigrate to Israel. So, in turn, the Soviet Union will then relax her grip and ease the path to emigration.

Unfortunately, this administration has not made clear that steadfast commitment to Israel which is essential.

The consequence of the administration's actions, and of its inaction, is to weaken Israel's position. And that strengthens the Arabs. And in turn they strengthen Russian resistance to emigration. The circle of cause and effect is a vicious one, and this administration has the power to break that cycle. It is to that end that I, and other concerned Congressmen, are working.

In a few days, the Jews of America will be united, in a special and holy time, with Jews around the world. When the shofar is sounded, it will be heard all around the world. When the Kol Nidre is sung as Yom Kippur begins, its haunting strains will echo across the globe.

Most of our Soviet brothers and sisters will sit in no temple next week. They will hear no shofar, save that which echoes in their memories. There will be no cantor intoning the Kol Nidre.

But they live—the Russian Jews. They live and they persevere. And they will be Jews because the power of a belief is stronger than any bureaucrat.

No longer is "Next year in Jerusalem" enough. Now, we say, "this year in Moscow." This year, Soviet Jewry will resist and will struggle. And we will bind ourselves to their cause, because their cause is ours.

There is a saying. Everyone knows it. The saying is l'Chaim. Life. I say to the Jews of the Soviet Union who affirm their right to be Jews: l'Chaim.

SENATOR MUSKIE TALKS SENSE TO THE AMERICAN PEOPLE

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

Mr. PUCINSKI. Mr. Speaker, two nights ago Senator EDMUND MUSKIE addressed our Nation's Governors and gave them and the American people a valuable insight into the kind of problems which confront our Nation.

ED MUSKIE's speech was filled with good sense and plain talk and a discussion of problems we can no longer consider remote merely because they occur behind oppressive prison walls. That Senator MUSKIE was willing to depart from a prepared speech and talk about an event whose grotesque tragedy shocked the Nation into silent horror says a great deal about his character and capacity for leadership. He wanted to urge the Governors—and through them, the people—to set their sights on achieving a new partnership of understanding and compassion for others.

Mr. Speaker, ED MUSKIE's words speak eloquently of the man himself and I commend them to my colleagues and to the people of the United States as testimony to the greatness of his vision and his courage:

REMARKS BY SENATOR EDMUND S. MUSKIE

I know this speech should begin with a joke and a note of thanks to each of you.

I know this speech should point to problems and propose solutions.

And a few hours ago, that is how I intended to talk with you tonight . . . in conventional words and ways . . . hopefully, with the force and the phrases to move you.

I was coming to this conference for many different reasons.

I wanted to speak as an American . . . to congratulate most of the Governors in the South for their courage in defending the rule of law through a difficult and troubled month.

I wanted to speak as a Senator . . . to pledge my support for revenue sharing and welfare reform . . . and my opposition to any delay in putting more of our money where most of our problems are.

And I wanted to speak as a former governor . . . to tell you that I know what your problems are . . . because I was there.

But this is the wrong night . . . even if that is the right speech. And perhaps there is no right speech at this moment—because at this moment there is only one thing to say—and I am not sure how much we can say about it.

Yesterday, twenty-eight inmates and nine hostages died at a prison in New York State. It was the banner headline in the morning newspaper. But what has happened is more than spectacular news—and it is even more than a deeply human tragedy.

We need not, indeed we cannot pass final judgment on the events at Attica. But in our sorrow we can ponder how and why we have reached the point where some men would rather die than live another day in America.

The Attica tragedy is more stark proof that something is terribly wrong in America.

How many of us are really ready to face that truth? Not many.

It is too easy and tempting to hide behind an almost ritual reaction to each new atrocity.

We mourn today's victims . . . but because we did so little about yesterday's, it will all happen again tomorrow.

We denounce with fervor the barbarism of a court house shoot-out . . . but how many of us still remember—a year later—the name of the judge who was gunned down in San Marin?

It is almost like watching the Vietnam war unfold on the television news—after a while, the numbers of the body count begin to sound like the numbers of the weather report. And now the mounting casualty lists from domestic battlefields seem only to reinforce a spreading numbness.

This is not the way to keep a country—to keep it free—to make it as good and as great as it can be. And we must choose now—between the narcotic comfort of business as usual or a harder, longer path toward an America worthy of our heritage.

We are literally saturated with the assorted tragedies of this time—but we cannot give up on our best chance—to care, and to change the way we live. We cannot join the half of our fellow citizens who already believe that this Nation is headed for a final breakdown.

The system has not failed—but some of us have failed the system. And both political parties and most recent administrations can claim some share of the blame.

Too often, we have invented labels instead of finding answers. Nearly four years after the passage of the bill we called the Safe Streets Act, even a guard inside a prison is not safe.

And too often, we fail to see the answer behind a label. Nearly every argument has been heard for revenue sharing but the right one . . . that what is ultimately at stake is people . . . their neighborhoods, their schools, their homes, and their hopes.

We talk a new prosperity. But still we rely on half measures . . . public relations . . . and statistics like the G.N.P.

The only decent course now is a single, clarifying decision—at long last, a genuine commitment of our vast resources to the human needs of people . . . from the stockbroker on Wall Street . . . to the middle American in Ohio . . . to the inmates of San Quentin and Attica. And I am talking about results, not the promise in a name.

I am talking about action to reform prisons . . . not more years of papering over the plain fact that our jails are monstrous, inhuman dungeons . . . schools for crime and centers of sexual abuse.

I am talking about action to relieve poverty . . . not more years of a war on poverty whose only real casualties are those most in need.

I am talking about action to lower property taxes . . . not more righteous rhetoric while people are literally taxed out of the homes they worked and saved to buy.

And I am talking about so much more—too much surely for any of us to believe what some of us say—that this plan or that reform can accomplish swiftly all the tasks which must be done.

But at least we can begin. At least we can restore the hope of so many who are so close to giving up. At least, we can help them believe again in a vibrant, moving, compassionate society . . . a society without another reason every day for new bitterness and new despair . . . a society that lets people reach out and touch the promise of things to come.

The ultimate outcome does not depend on budgets or appropriations. They merely reflect the results of a different, deeper contest . . . a contest we must wage and win inside ourselves. Amid all the competition for place and power in America, we must answer a single, fundamental question: can we remember the simple decency of caring about our common humanity?

When we are told that there is no constituency for prison reform, we must become that constituency . . . because we care about endangered guards and their frightened families . . . because we care about conditions which prompt an Attica inmate to say: "If we cannot live as human beings, we will at least try to die like men."

When we are told that no one will speak for the poor, we must raise our voices . . . because we care about a three-year-old child who fortunately cannot yet understand the poverty which robs him of his morning milk.

And when we are told that a race or a group has no influence, we must share ours . . . because we believe that the only race that counts is the human race . . . because we believe in the right of people to direct their own destiny.

So, in 1971, more important than who leads us is what leads us . . . whether we can respond to Dietrich Bonhoffer's challenge to live for others. We face a host of other challenges, technical challenges—how to reshape urban government . . . how to redesign welfare eligibility and benefits . . . how to restructure a faltering medical care system. But beyond all the programmatic specifics and the cost analysis, behind the Congressional legislation and the presidential commissions, what will finally make the difference is our feeling for each other.

Nothing has troubled me more in recent months than the events at Attica and San Quentin. And nothing has troubled me as much since the murder by a sniper of a young black girl named Joetha Collier on her high school graduation night. These tragedies struck at a distance of thousands of miles—but they also strike at the heart of our country's meaning. Human lives—the lives of people with hopes and dreams—have been lost forever . . . not for a decent cause, but for a mistake.

And ultimately it is our mistake. We make it whenever we accept the living death of a deprived existence . . . whenever we accept institutions that ignore the suffering of people . . . whenever we permit men and women to be less than they could be because they have less than they should have . . . whenever we settle for a country rich in G.N.P. but poor in the quality of everyday human life.

Each of you is the elected leader of a sovereign state. In the coming weeks and months we will all face the stern test of leadership.

For the terrible ordeal of New York could become the ordeal of Michigan, or Maine, or Georgia—tomorrow, or next week, or next month.

How we respond will in large measure determine the national response.

Two roads will open up to tempt people of different inclinations.

One is to take repressive action to shut ourselves off from the people who are the failures, the mistakes, the problems of our society. In other words, build the walls higher.

The other is to do what is necessary to insure that this tragedy doesn't happen again.

We have the responsibility to insure the safety of our people and the peace of our society.

At the same time we have the responsibility to correct the conditions which create the threats to that peace and safety.

Those conditions exist throughout America. When you and the mayors say to us in Washington that you need a fairer share of our national resources, it is not just because you face budgetary problems. It is also because there are conditions relating to the welfare and well-being of your people with which you cannot deal effectively.

Revenue sharing and welfare reform are essential, even necessary. But they are not ends in themselves. Rather, they reflect our commitment to make the effort, to take the first steps, inadequate as they may be, to achieve in our society the kind of mobility which will permit every American to seek opportunity wherever it may be, or wherever he may see it—the kind of mobility which will permit his children to receive a good education, wherever that may be—the kind of mobility which will enable every American to get a decent job, and to own a decent home, in a decent and safe neighborhood, wherever that may be—the kind of mobility

to focus our resources in our States and cities on the high priority needs of our people.

In 1955 and 1960, we were talking about a revolution of rising expectations in the underdeveloped world. Are we now ready to accept a time of declining expectations in our own country?

It is our obligation—yours and mine—to build something better than that. And I believe we can do it—if we look into our history and grasp again the tools of our heritage and take up the work which must be done.

Thirteen men sit in this room tonight as direct heirs of our proudest tradition. Each of them is the latest successor of an unbroken line of governors stretching back before the time when there was a union of States.

Those thirteen men—from as far away as Vermont and Georgia—are a reminder of thirteen little colonies that made themselves into a country charged with greatness and the potential for greatness. And, as we approach the 200th anniversary of that beginning, perhaps the best way for us to move forward is to pause for a moment and look back.

If the first Americans could declare for liberty in 1776, can it be so hard for us to declare for equality in 1971?

If a weak alliance of three million people on the edge of this vast continent could design a Constitution to outlast every other government alive at America's birth, can it be so hard for us to strengthen our Federal system . . . to put more of our money where most of our people's problems are?

For a long time, we have concentrated on the mechanics of celebrating this Nation's 200th year. Now we must work to insure that what we are celebrating in 1976 is an America worthy of the first Americans.

Only ye can make it so.

And we must begin in 1971.

Let us do that much—and then together we can do so much more.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. SCHWENGEL, for 10 minutes, today.

Mr. MIZELL, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks, and to include extraneous matter:)

Mr. ASPIN, today, for 10 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. ADAMS, today, for 10 minutes.

Mr. WOLFF, today, for 5 minutes.

Mr. ST GERMAIN, today, for 5 minutes.

Mr. LENNON, today, for 10 minutes.

Mr. REUSS, on September 21, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mrs. GREEN of Oregon, to revise and extend her remarks, and to include extraneous material just prior to the vote on the Erlenborn substitute.

(The following Members (at the request of Mr. YOUNG of Florida) and to include extraneous matter:)

Mr. SPRINGER in two instances.

Mr. BROOMFIELD.

Mr. SCHMITZ in two instances.

Mr. COLLIER in five instances.

Mr. RAILSBACK.

Mr. DERWINSKI in three instances.

Mr. VEYSEY.

Mr. SCHWENGEL.

Mr. MILLER of Ohio.

Mr. BROTZMAN.

Mr. LANDGREBE.

Mr. GROSS.

Mr. PRICE of Texas.

Mr. WYMAN in two instances.

Mr. HOSMER in two instances.

Mr. COUGHLIN.

Mr. PELLY in three instances.

Mr. MATHIAS of California.

Mr. MCCLORY.

Mr. MIZELL in five instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. ROUSSELOT.

Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. ADDABBO.

Mr. CASEY of Texas.

Mr. FRASER in 10 instances.

Mr. HARRINGTON in two instances.

Mr. CORMAN.

Mr. RARICK in three instances.

Mr. NEDZI in two instances.

Mr. BRINKLEY.

Mr. SMITH of Iowa.

Mr. BURKE of Massachusetts.

Mr. JAMES V. STANTON in three instances.

Mr. EDWARDS of California.

Mr. MINISH.

Mr. EVINS of Tennessee in three instances.

Mr. ROUSH in two instances.

Mr. ANNUNZIO.

Mr. WILLIAM D. FORD in two instances.

Mr. DE LA GARZA in two instances.

Mr. HAGAN in two instances.

Mr. RODINO in two instances.

Mr. KYROS in two instances.

Mr. TIERNAN.

Mr. EDMONDSON in two instances.

Mrs. HICKS of Massachusetts.

Mr. FASCELL in three instances.

Mr. BADILLO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2495. An act to amend the District of Columbia Election Act, and for other purposes, to the committee on the District of Columbia.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, September 20, 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:

1137. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a plan for works of improvement in the Stone Corral watershed, California, providing less than 4,000 acre-feet of total capacity, pursuant to 10 U.S.C. 1005; to the Committee on Agriculture.

1138. A letter from the Secretary of the Air Force, transmitting a report on Air Force military construction contracts awarded without formal advertisement for the period January 1 through June 30, 1971, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

1139. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on Federal contributions—program equipment and facilities—for the quarter ended June 30, 1971, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1140. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on Federal contributions—personnel and administration—for fiscal year 1971, pursuant to section 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1141. A letter from the Secretary of Transportation, transmitting the final report and recommendations of the Department of Transportation's Northeast Corridor transportation project; to the Committee on Interstate and Foreign Commerce.

1142. A letter from the executive director, Military Chaplains Association of the U.S.A., transmitting the audit of the association for calendar year 1970; to the Committee on the Judiciary.

1143. A letter from the chairman, executive committee, Eleanor Roosevelt Memorial Foundation, transmitting the eighth annual report of the foundation, pursuant to Public Law 88–11; to the Committee on the Judiciary.

1144. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; to the Committee on Science and Astronautics.

1145. A letter from the Secretary of Commerce, transmitting the 10th in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards; to the Committee on Science and Astronautics.

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. PIKE: Committee on Armed Services. H.R. 10670. A bill to amend chapter 73 of title

10, United States Code, to establish a survivor benefit plan, and for other purposes (Rept. No. 92–481). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 10714. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's associations for certain purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 10715. A bill to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities; to the Committee on Merchant Marine and Fisheries.

H.R. 10716. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOMFIELD:

H.R. 10717. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 10718. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mrs. CHISHOLM:

H.R. 10719. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. CLANCY:

H.R. 10720. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. BUCHANAN, Mr. BEVILL, Mr. FLOWERS, and Mr. NICHOLS):

H.R. 10721. A bill to provide that the reservoir formed by the lock and dam referred to as the Jones Bluff lock and dam on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

By Mr. ESCH:

H.R. 10722. 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. FREY:

H.R. 10723. A bill to amend section 121 of the Internal Revenue Code of 1954 to provide that the exclusion from gross income of gain on the sale of a principal residence held for more than 5 years provided by that section will be available without regard to the age of the taxpayer; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 10724. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 10725. A bill to amend the Internal Revenue Code of 1954 to allow deduction for income tax purposes of expenses incurred by an individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 10726. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. KASTENMEIER:

H.R. 10727. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 10728. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. BELCHER, Mr. GOODLING, Mr. BERGLAND, and Mr. SISK):

H.R. 10729. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. ROUSH:

H.R. 10730. 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. SCHWENGEL:

H.R. 10731. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. THONE:

H.R. 10732. 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.

H.R. 10733. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 10734. A bill to reduce the cost and duration of campaigns, to limit campaign expenditures and contributions, to provide Federal funds for general election campaigns of candidates for President and Vice President and Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 10735. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. BINGHAM (for himself, Mr. BURTON, and Mrs. CHISHOLM):

H.R. 10736. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 10737. A bill to amend title II of the Social Security Act to provide that no action shall be taken by the Secretary of Health, Education, and Welfare to recover any overpayment made thereunder, by withholding or decreasing benefits or otherwise until he has determined the most appropriate and equitable method of effecting such recovery and has notified the overpaid individual thereof; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 10738. A bill to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FISH:

H.R. 10739. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. KING (for himself, Mr. DEVINE, and Mr. GOODLING):

H.R. 10740. A bill to provide incentive for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. PIKE (for himself, Mr. GROVER, Mr. WOLFF, Mr. LENT, Mr. CAREY of New York, Mr. DELANEY, and Mr. MURPHY of New York):

H.R. 10741. A bill to authorize the Secretary of the Interior to establish the Gardiners Island National Monument in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 10742. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. WAGGONNER, Mr. PASSMAN, Mr. LONG, of Louisiana, Mr. ABBITT, Mr. ANDREWS of Alabama, Mr. BARING, Mr. BURLESON of Texas, Mr. FOUNTAIN, Mr. ICHORD, Mr. MCMILLAN, Mr. WHITTEN, Mr. ABERNETHY, Mr. BENNETT, Mr. CABELL, Mr. DAVIS of Georgia, Mr. FLOWERS, Mr. FLYNT, Mr. GETTYS, Mr. HAGAN, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. JONES of Tennessee, Mr. LENNON, and Mr. MATHIS of Georgia):

H.R. 10743. A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 10744. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 10745. A bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal year 1972, 1973, and succeeding fiscal years in order to carry out the purposes of the act; to the Committee on Interstate and Foreign Commerce.

H.R. 10746. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 10747. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 10748. A bill to amend title XVIII of the Social Security Act to provide payment

under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 10749. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 10750. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. ASPINALL):

H.R. 10751. A bill to establish the Pennsylvania Avenue Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. LATTA, and Mr. MAILLIARD):

H.R. 10752. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 10753. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10754. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section; to the Committee on Agriculture.

By Mr. BLACKBURN:

H.J. Res. 873. Joint resolution amending section 5(b) of the Endangered Species Conservation Act of 1969 relating to worldwide conservation of endangered species; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 874. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 876. 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. STUCKEY:

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with respect to the application of the cargo preference laws to military cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H. Res. 601. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. ECKHARDT:

H. Res. 602. Resolution requesting the President to designate "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10755. A bill for the relief of Masayasu Sadanaga; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10756. A bill for the relief of Tommaso Prestigiacomo; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10757. A bill for the relief of Corp. Kenneth M. Schmitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

132. Mr. UDALL presented a petition of 811 active "duty enlisted men and women and officers at Fort Huachuca, Ariz., demanding an immediate end to U.S. intervention in Southeast Asia and stating the war is clearly not in the interests of either the Indochinese or the American people, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, September 16, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, we pause to open our hearts and minds to Thy presence. Come to us this day to assure us we do not go alone but that we walk and work with Thee. Keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Arm the people of this Nation with the sinews of the spirit, with virtue and nobility, with high patriotism and pure religion. Grant us strength of character and purity of life to match the responsibilities of our days. May our duties, so solemn and so many, never push us from Thy presence and may we never be so harassed by many things that we miss the pull of the stars. Lead us over the highway of justice and peace to that kingdom whose builder and maker Thou art. In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 15, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.N. SESSION REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations of the U.N. session representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

REPEAL OF THE EMERGENCY DETENTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, H.R. 234, and that it be laid down and made the pending business.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows: