Medical Corps of the Navy, subject to the qualification therefor as provided by law:

*John B. Baldwin
*Vincent D. Bradley
*William E. Byrd
*Donald W. Claeys
*Robert J. Clubb
*Orr M. Cobb, Jr.
*David "H" Deck
*Charles J. Donlan, Jr.
*James L. Gentry
Kenneth S. Gray
*Russle H. Harris
*James S. Hicks
*Victor E. Iacovoni
*Glenn R. Johnston
*James P. Jordan, Jr.
*James P. Jorgensen
*Edward W. Kane
*Steven A. Komadina
*Richard W. Lawson
*Alton L. Lightsey, Jr.
*William B. McHugh
*William E. May
*George J. Miller, Jr.
*Thomas E. Moeser
* Ralph E. Norton, Jr.
* John C. Phares
* Lawrence A. Rathbun, Jr.
* John P. Seward
* Donald A. Spencer
* Frederick C. Stidman, Jr.
* Norman W. Taylor
* Donald A. Vance
* Clayton W. Wickham
* Linder E. Wingo

* Richard B. Redmayne, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the line of the Navy, subject to the qualification therefor as provided by law.

* William A. Ingram, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the line of the Navy, subject to the qualification therefor as provided by law.

(Asterisk (*) indicates ad interim appointment issued.)

HOUSE OF REPRESENTATIVES—*Tuesday, October 12, 1971*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. O'NEILL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 12, 1971.

I hereby designate the Honorable THOMAS P. O'NEILL, Jr., to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

PRAYER

His Excellency, the Most Reverend Philip M. Hannan, archbishop of New Orleans, La., offered the following prayer:

O God, bless this House and make it a model assembly for the family of man. As Plato said, "Like man, like state," make us realize that the good of each means the common good, that national strength means the spiritual strength of each, and that law and order mean the reign of Your justice and charity in each heart.

May we see in the differences of color and culture Your design to enrich the family of man. May we merit the unbought grace of life by fulfilling the dignity of every fellow son of God as described by the psalmist:

"It was You who created my inmost self,
For all these mysteries I thank You:
For the wonder of myself, for the wonder of Your works.
O God, let Your love rest on us, as our trust rests in You."
Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

H.R. 8687. An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8687) entitled "An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. CANNON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL to be the conferees on the part of the Senate.

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. 2482. An act to authorize financial support for improvements in Indian education, and for other purposes.

The message also announced that the Senate had passed the following resolution:

S. RES. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James G. Fulton, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

HIS EXCELLENCY, THE MOST REVEREND PHILIP M. HANNAN, ARCHBISHOP OF NEW ORLEANS, LA.

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

Mr. HÉBERT. Mr. Speaker, we have been particularly honored and privileged this morning, through the cooperation of our Chaplain and the leadership of the House, in having our opening prayer said by His Excellency, the most reverend archbishop of New Orleans, Philip M. Hannan.

He is no newcomer to Washington. He is a native Washingtonian, and at this particular time he is here to participate in the official presentation of the portrait of the chairman of the Committee on Armed Services of the House this afternoon.

I think it is most interesting, too, that he is spending his time here with his 90-year-old mother who still lives in the Northwest section of Washington.

He will be remembered as Bishop Hannan of Washington who gave the eulogy at the funeral of the late President Jack Kennedy after his tragic death.

His credentials are those which one seldom finds in an individual in his particular calling, though they are most welcome at having been found there.

During World War II he was a jumper with the 82d Airborne Division in Europe as a chaplain and became very well known at that time.

It is with the deepest appreciation that I express to the archbishop my gratitude for having taken the time to come here this morning to honor us with his presence.

Those of us of New Orleans who have come to know him will soon honor him with a testimonial dinner from the Conference of Christians and Jews for the work that he has done in bringing together the various people of the city of New Orleans.

He came on the scene in very unquiet

times and immediately found his way into our hearts.

We are looking forward to the day when he becomes a Prince of the Church and receives a red hat.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 8, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on October 5, 1971, the Clerk received today the following messages from the Secretary of the Senate:

That the Senate passed without amendment House Joint Resolution 915, Making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

That the Senate passed without amendment House Joint Resolution 916, Making further continuing appropriations for the fiscal year 1972, and for other purposes.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, *Clerk,*
House of Representatives.
By W. RAYMOND CALLEY.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the authority granted to the Speaker on Tuesday, October 5, 1971, the Speaker did, during the adjournment, sign the following enrolled joint resolution of the House:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and referred to the Committee on Appropriations:

WASHINGTON, D.C., *October 6, 1971.*

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

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans transferred to you by executive communication and referred to this Committee. The work plans are:

WATERSHED, STATE, AND EXECUTIVE COMMUNICATION

Clarence Cannon Memorial, Missouri, 556, 92nd Congress.

Clear Creek, Nebraska, 2640, 91st Congress.

East Sector Whitewater River, Kansas, 556, 92nd Congress.

Oak-Middle Creek Tributaries of Salt Creek (Supplemental) Nebraska, 556, 92nd Congress.

Stone Corral, California, 1137, 92nd Congress.

As you will note in the attached Resolution concerning Stone Corral, California, the work plan is approved provided that officials of the Soil Conservation Service will revise the project to reduce the cost per acre from $206 per acre to $200 per acre.

Yours sincerely,

W. R. POAGE,
Chairman.

PRIVILEGES OF THE HOUSE—B. NOWLIN KEENER, JR., AGAINST THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 6, 1971.*

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: The Clerk of the House of Representatives received on this date from the U.S. Marshal by certified mail (738000) an unattested copy of the Summons in a Civil Action together with a copy of the complaint filed by B. Nowlin Keener, Jr. v. The Congress of the United States (naming The Honorable Carl Albert, Speaker of the House of Representatives as one of its three officers) in Civil Action File No. PCA 2419 in the United States District Court for the Northern District of Florida, Pensacola, Florida.

The summons requires The Congress of the United States to answer the complaint within sixty days after service.

The summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. P. JENNINGS,
Clerk, House of Representatives.

The SPEAKER pro tempore. The Chair would like to advise the House that the Clerk has communicated with the Attorney General and the U.S. attorney for the northern district of Florida at Pensacola requesting that appropriate action be taken in defense of this suit pursuant to the provisions of 2 United States Code 118.

DEPARTMENT OF AGRICULTURE TO FURTHER RESTRICT ELIGIBILITY STANDARDS FOR THE NATIONAL SCHOOL LUNCH PROGRAM

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

Mr. ROSTENKOWSKI. Mr. Speaker, last Wednesday Assistant Secretary of Agriculture Lyng announced that his Department would shortly begin to further restrict the eligibility standards for the national school lunch program. This latest in a long series of misguided administration decisions would limit Federal benefits to those children in the national free lunch program whose families annual income is less than $3,940 for four persons.

This crippling action will, in effect, eliminate more than 584,000 children from this most successful program. This decision, in my opinion, also runs contrary to the intent of the legislation recently passed by the Senate and pending in the House which would provide for a 45-cent per child subsidy to school lunch programs for underprivileged children.

I am vitally aware of the need for federally supplied free lunches for poor children throughout the Nation, and in my city of Chicago in particular. If this administration blunder is allowed to become precedent, I fear that up to 35,000 Chicago children could be affected. This figure could soar to 50,000 on a statewide level. I believe that to allow this directive to infringe on the action already taken by the Congress would seriously damage, if not destroy, the present free lunch program.

Mr. Speaker, I urge you and all of my distinguished colleagues to join with me in strongly recommending to the administration that the Department of Agriculture rescind its decision on this matter in order to allow the national free lunch program to operate in the manner that the Congress intended.

SELECTIVE SERVICE TO DELIVER 10,000 MORE BOYS TO THE ARMED FORCES

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

Mr. RONCALIO. Mr. Speaker, I hold in my hand a letter which I received in my office this morning from Mr. James A. Barlow, Jr., a geologist with offices at Casper, Wyo., which reads as follows:

DEAR TENO: I read this morning in the paper that Selective Service is to deliver 10,000 more boys to the armed forces. You would think we were dealing with apples or oranges or chickens or cows. Here in 1971 we (and I really mean you in the Congress) are still operating as we did when boys were kidnapped and delivered to the British sailing fleet for so much a head.

The consensus today (with all reasonable men, except you in Congress) is that the Viet Nam war is a ridiculous slaughter that is destroying the American people and must be stopped *now.*

This is a firm letter, but I want you to know exactly how I feel.

Very truly yours,

BARLOW & HAUN, INC.
JAMES A. BARLOW, Jr.

Mr. Speaker, I have just read it to the Members of Congress this morning. I agree with the letter. Later this week we shall be voting on the so-called Mansfield amendment. It is long past time we in the House vote to stop this ridiculous slaughter in Indochina.

THE PIRATES ARE FOR THE BIRDS

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

Mr. GARMATZ. Mr. Speaker, the Pittsburgh Pirates are for the birds—the Baltimore Orioles, that is. And on this I will wager a bushel of Chesapeake Bay oysters, which are also world champions.

I am proud to represent in Congress an important part of the great port city of Baltimore, which is the city of champions.

Our Baltimore Bullets basketball team, our Colts, and our Orioles have all been world beaters. At Pimlico Race Track each spring there is the contest of the second jewel in horse racing's greatest contest, the triple crown. Baltimore's sporting events can stock a hall of fame all their own.

The sporting world's eyes are glued at this moment on the national pastime's greatest event, the world series. For the fourth time in 6 years, our wonderful Orioles are providing half the competition—the interesting half, and the half that will be victorious in this series.

It was a glorious sight Saturday and yesterday at Memorial Stadium at the end of Oriole Boulevard in Baltimore. There were our Birds, resplendent in their gleaming white home uniforms, and the Pirates in their———they looked like pajamas.

The Pittsburgh Pirates are a fine baseball team. They would have to be to earn the right to compete with the Orioles in the world series. But the Birds will be an albatross around the Pirate's necks. Of this I am so confident, I will also agree to shuck those oysters if the Orioles lose. And the Orioles losing would be like the great rivers of Pittsburgh reversing their flow and that city's steel turning to clay. Beat 'em Birds.

U.S. FINANCIAL SUPPORT TO THE UNITED NATIONS

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

Mr. CRANE. Mr. Speaker, this morning's Washington Post carries a detailed report of a meeting between my distinguished colleague in the other body, Senator BUCKLEY, and the U.S. Ambassador to the United Nations, Mr. Bush.

In that story, the distinguished Senator was quoted as saying that "meaningful legislation" on the subject of U.S. financial support to the United Nations will be introduced in the House of Representatives today.

It is now my privilege, on behalf of my distinguished colleagues, the gentlemen from Louisiana (Mr. WAGGONNER), Illinois (Mr. MICHEL), and Mississippi (Mr. MONTGOMERY) to introduce that legislation.

Mr. Speaker, this is a very simple, straightforward bill. It reads:

A bill to limit United States contributions to the United Nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the aggregate amount of assessed and voluntary contributions by the United States to the United Nations and its affiliated agencies for any calendar year after 1971 shall not exceed an amount which bears the same ratio to the total budget of the United Nations and its affiliated agencies as the total population of the United States bears to the total population of all the member states of the United Nations.

I would also take this opportunity to advise those in positions of power, both in our own State Department and those representatives of other nations at the United Nations in New York, that there is a very deep feeling here in the Congress regarding the question of recognition of the Republic of China at the United Nations. This feeling has been expressed by the 316 Members who have signed the following statement:

We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

It is also represented by the considerable number of U.S. Senators who have expressed similar feelings on this subject.

Let me also add, in conclusion, that the four gentlemen who have agreed to initial cosponsorship of this measure will be seeking support from all of our colleagues when we reintroduce the bill within the next several days.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from Missouri, Mr. HUNGATE.

INCORPORATING PROFESSIONS IN THE DISTRICT OF COLUMBIA

Mr. HUNGATE. Mr. Speaker, I call up the bill (H.R. 10383), to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

Mr. HARSHA. Mr. Speaker, reserving the right to object, may I inquire of the chairman of the subcommittee whether H.R. 10383 now before this Chamber is the same bill that was reported out of the subcommittee to the full Committee on the District of Columbia?

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

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

Mr. HUNGATE. I will respond that the gentleman's statement is correct. An amendment was proposed, but it was not adopted. So the bill stands as the gentleman understands it.

Mr. HARSHA. That was to be my next question. The bill does not contain the proposed amendment we discussed in the subcommittee, and the bill which is now before this Chamber does preserve to those professionals that are not incorporated their present exemptions from the District of Columbia franchise tax?

Mr. HUNGATE. If the gentleman will yield further, the bill would permit professionals such as doctors, lawyers, architects, and the like, to incorporate, a right that they enjoy in 50 States at the present time. Under the present state of the District of Columbia law, those people who are professionals are not subject to what is known as a franchise tax. This bill would not change that situation. The bill merely offers an opportunity to incorporate, but does not make any change in the existing tax structure.

Mr. HARSHA. But it does preserve to those who do not incorporate their present exemption?

Mr. HUNGATE. That is correct. The gentleman is basically correct. Those incorporate would pay corporation taxes, but those professionals who do not would remain exempt.

Mr. HARSHA. I withdraw my reservation.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known and may be cited as the "District of Columbia Professional Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act, unless the context otherwise requires:

(a) The term "professional corporation" means a corporation organized under this Act solely for the specific purposes provided under this Act, and which has as its shareholders only individuals who themselves are duly licensed to render the same professional service as the corporation.

(b) The term "professional service" means any type of personal service to the public which may be lawfully rendered only pursuant to a license and which by laws, custom, standards of professional conduct or practice in the District of Columbia, before the effective date of this Act, could not be rendered by a corporation, including without limitation the services performed by certified public accountants, attorneys, architects, practitioners of the healing arts, dentists, optometrists, podiatrists, and professional engineers.

(c) The term "license" or "licensed" refers to a license, certification, certificate, or registration, or other legal authorization required by law as a condition precedent to the rendering of professional service within the District of Columbia.

(d) The term "Council" means the District of Columbia Council or the agent or agents designated by it to perform any function vested in the Council by this Act.

(e) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

EXEMPTION

SEC. 3. This Act shall not apply to any corporation now in existence or hereafter organized which may lawfully render professional services other than pursuant to this Act, nor shall anything herein contained alter or affect any existing or future right or privilege permitting or not prohibiting performance of professional services through the use of any form of business organization. Any corporation organized under the District of Columbia Business Corporation Act (D.C. Code, sec. 29–901 et seq.) may be brought within the provisions of this Act by complying with the provisions of this Act and filing amended or restated articles of incorporation meeting the requirements of section 6 of this Act.

CONSTRUCTION OF ACT

SEC. 4. The provisions of this Act shall not be construed as repealing, modifying, or restricting the applicable provisions of law re-

lating to corporations, or regulating the several professions covered by this Act, except insofar as such laws conflict with the provisions of this Act. Except as otherwise provided by this Act, the provisions of the District of Columbia Business Corporation Act shall be applicable to any professional corporation organized under this Act.

PURPOSE; POWERS

SEC. 5. (a) A professional corporation may be organized solely to render professional services through its shareholders, directors, officers, employees, or agents who are themselves duly licensed to render the particular service, and to render service ancillary thereto. A professional corporation may charge for such services, may collect such charges, and may compensate those who render such service. A professional corporation may employ persons who are not licensed, but such persons shall not perform professional services; and no license shall be required of any person who is employed by a professional corporation to perform services for which no license is otherwise required.

(b) No professional corporation may do any act which is prohibited to an individual licensed to render the professional service for which the corporation is organized.

(c) Nothwithstanding any provision of this Act, a professional corporation may—

(i) invest its funds in real estate, mortgages, stocks, bonds, or other type of investment;

(ii) own real estate or personal property; and

(iii) enter into partnership and other agreements with individuals (who may be shareholders, directors, employes, or agents of the professional corporation), partnerships, or professional corporations rendering the same type of professional services within or without the District of Columbia, to the same extent that an individual licensed to render the same professional service may enter into such partnership or other agreements pursuant to law, rules, regulations, or standards of professional conduct of the profession practiced through the professional corporation.

INCORPORATION

SEC. 6. One or more natural persons may incorporate a professional corporation by delivering articles of incorporation in duplicate originals to the Commissioner. The articles of incorporation shall meet the requirements of the District of Columbia Business Corporation Act and, in addition, shall set forth—

(a) the designation of the professional services to be rendered through the corporation;

(b) the names and addresses, including street and number, if any, of the original shareholders of the corporation; and

(c) a statement that each of the original shareholders and directors named in the articles of incorporation is licensed to render a professional service for which the corporation is to be organized.

NUMBER OF DIRECTORS

SEC. 7. A professional corporation shall have one or more directors, without regard to the number of shareholders..

QUALIFICATIONS OF SHAREHOLDER, DIRECTOR, AND OFFICER

SEC. 8. No person shall be a shareholder, director, or officer of a professional corporation or render professional services on its behalf unless he is an individual licensed to render a professional service for which the corporation is organized, except that if a professional corporation has only one shareholder, the secretary of the corporation need not be licensed to perform (and may not perform if not so licensed) such professional services. As used in this section, the term "officer" shall mean chairman of the board, president, vice president, treasurer, and secretary. Nothing in this Act shall require a shareholder or incorporator of a professional corporation to have a present or future employment relationship with the corporation or actively to participate in any capacity in the production of income of, or performance of professional service by, such corporation.

CORPORATE NAME

SEC. 9. The corporate name shall contain the words "professional corporation", or the abbreviation "P.C.", or the word "chartered", and shall not contain the word "company", "incorporated", "corporation", or "limited", or an abbreviation of one of such words. A professional corporation shall render professional services and exercise its authorized powers under its corporate name.

PROXY

SEC. 10. No shareholder of a professional corporation shall enter into a voting trust, proxy, or any other arrangement vesting another person (other than another shareholder of the same corporation) with the authority to exercise the voting power of any or all of his shares, and any such voting trust, proxy, or other arrangement shall be void.

PROFESSIONAL RELATIONSHIP; LIABILITIES

SEC. 11. (a) The provisions of this Act shall not be construed to alter or affect the professional relationship between an individual furnishing professional services and an individual receiving such service, either with respect to liability arising out of such professional service or the confidental relationship, if any, between the individual rendering, and the individual receiving such professional service. An individual shall be personally liable and accountable only for any negligent or wrongful acts or misconduct committed by him, or by any individual under his supervision and control in the rendering of professional service on behalf of a corporation organized under this Act. No individual shall be so personally liable and accountable merely because he is a director, officer, or manager of the professional corporation.

(b) The corporation shall be liable up to the full value of its assets for any negligent or wrongful acts or misconduct committed by any of its officers, shareholders, directors, agents, or employees in their rendering of professional services on behalf of the corporation. Except as otherwise provided in this section, the liabilities of a professional corporation and its shareholders shall be governed by the District of Columbia Business Corporation Act.

TRANSFER OF SHARES

SEC. 12. (a) Shares in a professional corporation may be transferred only to an individual who is eligible under this Act to be a shareholder of such corporation, or to such professional corporation, or may devolve by operation of law upon the personal representative or estate of a deceased or legally incompetent shareholder. The articles of incorporation, bylaws, or an agreement among its shareholders may provide that any such transfer shall be subject to the express approval of all, or of any lesser proportion of the remaining shareholders of the corporation, and may provide for the manner in which such consent shall be given. Any transfer made in violation of this section shall be void.

(b) A professional corporation may reacquire its own shares through purchase or redemption, and may cancel such shares if at least one share remains issued and outstanding, except when it is insolvent or the purchase or redemption would render it insolvent.

(c) The provisions of the District of Columbia Securities Act (D.C. Code, sec. 2-2401, et seq.), and of the Securities Act of 1933, shall not apply to the issuance or transfer of securities of a professional corporation. Every certificate for shares of a professional corporation shall contain on its face the following legend: "The ownership and transfer of these shares and the rights and obligations of shareholders are subject to the limitations of the District of Columbia Professional Corporation Act."

(d) In the event that shares of a professional corporation are attached for the individual debts of a shareholder, or are executed upon under any pledge or hypothecation thereof, the sole right of the creditor with respect to such shares shall be to obtain their redemption by such professional corporation within sixty days after serving written demand for redemption upon such corporation. The redemption price for such shares shall be (1) the amount to which the shareholder is entitled upon voluntary redemption of his shares by the provisions of the articles of incorporation, bylaws, or an agreement among its shareholders, or if there are no such provisions, (2) the book value of such shares at the end of the month immediately preceding the date of such demand, determined under generally accepted accounting methods consistent with the method of accounting used by the corporation for Federal income tax purposes, by an independent certified public accountant selected by the corporation, but paid by such creditor, for the purpose.

MERGER OR CONSOLIDATION

SEC. 13. A professional corporation may merge or consolidate only with another domestic professional corporation, and only if both corporations are organized to render the same professional services or professional services which, although not the same, could otherwise be rendered by a single professional corporation.

FOREIGN PROFESSIONAL CORPORATIONS

SEC. 14. Notwithstanding any other provision of this Act, a foreign professional corporation licensed in a jurisdiction other than the District of Columbia to perform a professional service of the type defined in section 2(b) of this Act, may apply for and obtain a certificate of authority to render such professional service in the District of Columbia under the following terms and conditions:

(a) The articles of incorporation shall meet the requirements of section 6 of this Act, and shall state the address of its registered office in the District of Columbia and the name of its registered agent in the District of Columbia.

(b) The name of the foreign professional corporation shall meet the requirements of section 9 of this Act and shall conform to any ethical standards applicable to the rendering of professional service in the District of Columbia.

(c) The powers of any foreign professional corporation admitted under this section shall not exceed the powers permitted to domestic professional corporations under section 5 of this Act.

(d) Any foreign professional corporation seeking admission to the District under the provisions of this section shall have at least one director or officer as resident agent for its registered office in the District. Additionally, such resident agent and any other shareholder, director, officer, employee, or agent who renders professional services within the District on behalf of the foreign professional corporation shall be licensed to render professional service in the District of Columbia.

(e) An annual report shall be filed in accordance with the requirements of section 19 of this Act.

(f) No certificate of authority shall be granted to a professional corporation incorporated in a jurisdiction which does not permit reciprocal admission of professional corporations incorporated under the laws of the District of Columbia.

DISQUALIFIED PROFESSIONAL

SEC. 15. If any individual rendering professional services on behalf of a professional corporation assumes a public office which prohibits his rendering of the professional services, or for any other reason is disqualified by law to render the professional services, he immediately shall sever all employment relationship in which he shares in the corporation's profits attributable to professional services rendered after such assumption of office or other disqualification. For the purposes of section 16 of this Act, he shall be referred to as a "disqualified shareholder".

STOCK OF DISQUALIFIED, DECEASED, LEGALLY INCOMPETENT SHAREHOLDER

SEC. 16. (a) Subject to the limitations of this section, a disqualified shareholder and personal representatives, legatees, or heirs of a deceased or legally incompetent shareholder may continue to own shares of a professional corporation but shall not be permitted to participate in any decisions concerning the rendering of professional services by the corporation. The articles of incorporation, bylaws, or an agreement among the shareholders of a professional corporation may provide, consistent with the provisions of this section, for the disposition of shares of a disqualified, deceased, or legally incompetent shareholder.

(b) The articles of incorporation, bylaws, or an agreement among shareholders may provide that, within ninety days (or any earlier date) after the date a shareholder becomes a disqualified shareholder, the disqualified shareholder shall sell and surrender, and the corporation or any individuals qualified to be shareholders shall purchase and receive, his shares of stock of the corporation. In the absence of any such provision, the disqualified shareholder shall sell and surrender, and the corporation shall purchase and receive, his shares of stock of the corporation within thirty days after the date he becomes a disqualified shareholder. Unless otherwise provided by the articles of incorporation, bylaws, or an agreement among the shareholders, payment for the shares of stock purchased pursuant to the provisions of this subsection shall be made in full no later than six months after the expiration of the period by which the purchase must be made.

(c) The articles of incorporation, bylaws, or an agreement among shareholders may provide that, within one year (or any earlier date) after the date of death of a shareholder, his personal representative, legatees, or heirs shall sell and surrender, and the corporation or any individuals qualified to be shareholders shall purchase and receive, the shares of stock of the corporation owned by the deceased shareholder. In the absence of any such provision, the personal representatives, legatees, or heirs shall sell and surrender, and the corporation shall purchase and receive, the shares of stock of the corporation within one hundred and eighty days after the date of death of the shareholder. Unless otherwise provided by the articles of incorporation, bylaws, or an agreement among the shareholders, payment for the shares of stock purchased pursuant to the provision of this subsection shall be made in full no later than one year after the date of death of the shareholder.

REDEMPTION PRICE

SEC. 17. In the event the articles of incorporation, bylaws or an agreement among the shareholders, do not fix the price at which the corporation or its shareholders may purchase the shares of a disqualified, deceased, legally incompetent, retired, or expelled shareholder, or does not provide a method of determining such price, then the price for such shares shall be the book value of such shares on the last day of the month immediately preceding the disqualification, death, adjudication of incompetence, retirement or expulsion of the shareholder, determined under generally accepted accounting methods, consistent with the method of accounting used by the corporation for Federal income tax purposes, by an independent certified public accountant employed by the corporation for the purpose.

PERPETUAL EXISTENCE; DISSOLUTION

SEC. 18. A professional corporation shall have perpetual existence, except that whenever all shareholders of a professional corporation cease at any time for any reason to be licensed to perform the professional services for which the corporation was organized, the professional corporation shall be treated as converted into a corporation organized under the District of Columbia Business Corporation Act. Unless the holders of all of the outstanding shares of the corporation unanimously amend the articles of incorporation to adopt purposes consistent with the District of Columbia Business Corporation Act within sixty days after the date on which the last shareholder of the corporation ceased to be licensed to perform those professional services, the dissolution of the corporation shall be deemed to have been authorized by the act of the corporation and any shareholder may at any time thereafter file with the Commissioner, on behalf of the corporation, a statement of intent to dissolve.

ANNUAL REPORT

SEC. 19. The annual reports of a professional corporation shall meet the requirements of the District of Columbia Business Corporation Act and, in addition, shall set forth—

(a) the names and addresses, including street and number, if any, of all shareholders of the corporation; and

(b) a statement that each shareholder, director, and officer of the corporation is currently licensed to render a professional service for which the corporation is organized.

NONCOMPLIANCE; PENALTIES

SEC. 20. The failure of a professional corporation to comply, or to require compliance with any provision of this Act, shall be a ground for the involuntary dissolution of such corporation. Any person, including a corporation, who violates any provision of this Act or who fails to comply with any provision thereof, for which violation or failure no penalty is provided therein or elsewhere in the laws of the District of Columbia, shall be deemed guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined not more than $500 for each violation or failure.

AMENDMENT TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

SEC. 21. The second sentence of section 1 of title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1547) is amended to read as follows: "The words 'unincorporated business' do not include any trade or business which by law, customs, or ethics cannot be incorporated, any trade, business, or profession which can be incorporated only under the District of Columbia Professional Corporation Act, or any trade or business in which more than 80 per centum of the gross income is derived from the personal services actually rendered by the individual or members of the partnership or other entity in the conducting or carrying on of any trade or business and in which capital is not a material income-producing factor.".

Mr. HUNGATE. Mr. Speaker, the purpose of this bill (H.R. 10383) is to authorize individuals in the District of Columbia rendering professional services which under existing law, custom, or standards of professional conduct of practice, may not be rendered through a corporate structure, including without limitation, services performed by certified public accountants, attorneys, architects, physicians, dentists, optometrists, podiatrists and professional engineers, to join in the formation of a corporation.

The bill does not require professionals to incorporate. It simply provides them with the opportunity to incorporate and defines the structure which results from that incorporation.

Our committee believes that professionals in the District of Columbia should be given the privilege now accorded to all businessmen; namely, the right to incorporate.

Professionals are now authorized to incorporate in every State of these United States. Through the encouragement of doctors, dentists, lawyers, architects, accountants, engineers, and other professionals, all the 50 State legislative bodies have adopted legislation authorizing the incorporation of such professionals. Prior to this authorization, professionals had to resort to partnerships as their vehicles of combination. In a number of respects, partnerships, as compared to corporations are ungainly and complicated.

ADVANTAGES OF INCORPORATION

Several basic attributes of professional corporations give them value over a partnership structure. A corporation has a greater degree of centralization of management. A corporation limits the liability of a stockholder when an officer of the corporation properly acts within the authority given him by the Board of Directors. However, in a professional corporation the professional still bears the responsibility for his own malpractice. A professional corporation has perpetual existence; whereas, a partnership comes to an end upon the death of any partner. Finally, a professional corporation has greater flexibility with respect to transfer of interests than does a partnership.

As a general matter, the laws regarding corporations are much more clearly defined than as to the partnerships. The guidelines for corporate activities, responsibilities, and relationships are well known. Partnership agreements by necessity become long and cumbersome because the partners are unable to resort to the large body of statutory and case law which define the corporate concept.

THE DISTRICT OF COLUMBIA AND FEDERAL TAX CONSIDERATIONS

There are a number of tax advantages under Federal tax laws to professional individuals operating in the corporate form. Probably the most significant advantages at the present time stem from the disparities in the Federal tax treatments of qualified retirement plans of corporate employees and of qualified retirement plans for self-employed individuals. Broadly speaking, the Federal income tax treatment of all such qualified plans consists of a deferral of the Federal income tax with respect to contributions made on behalf of employees, including

self-employed individuals, until distribution of the employees' benefits and the deferral, for the same period, of the Federal income tax on the earnings from investment of all contributions made under the plan.

Another benefit which is available to corporate employees which is not available to self-employed individuals is the opportunity to receive one's account entirely in the year of retirement and have a portion thereof taxed at capital gains rate. A lump-sum distribution to a self-employed individual is taxable ordinary income, subject to a special averaging rule in certain cases.

Lastly, the present Federal estate tax and gift tax exclusions available with respect to contributions to qualified retirement plans by corporate employers are not available with respect to contributions under H.R. 10 plans.

BENEFITS TO THE DISTRICT

While as stated, there will be significant tax incentives and advantages to incorporated professionals and their employees to be derived by the enactment of a professional corporation statute for the District of Columbia, the testimony developed that there would be benefits to the District of Columbia, and to the Federal Government, as well as to society as a whole.

The first source of revenue from passage of H.R. 10383 would be the fees to incorporate. If only a few thousand of the professionals of the District of Columbia would avail themselves of the opportunity to incorporate, the fees, it is estimated, to the District would be about $300,000.00 in 1971 or 1972, based an average corporate fee of $150.

In addition, each professional corporation will become subject to the annual payment of the District corporate income and franchise tax—District of Columbia Income and Franchise Tax Act of 1947. At present, the unincorporated professional practices are subject only to the payment of the professional license fee, while the income derived from such professional services is taxed only by the jurisdiction of residence of the professional. If the professional practice should be incorporated in the District, the salaries of the employee-shareholders will also become subject to the District and Federal Unemployment Compensation taxes, as well as a higher total Social Security—FICA—tax rate.

The second source of revenue would be the corporate income tax that would be forthcoming. Because corporations do not die with the death of an owner, the corporate tax would provide a greater stability in income tax revenues.

The third source of revenue would be the additional insurance premium taxes which would be collected on corporate purchases of employee benefits, such as pension plans and profit sharing plans and group life and health insurance. Since premiums are deductible for Federal income tax purposes, corporate employers would be encouraged to provide better benefits needed by their employees.

But even if the added sources of revenue were not as direly needed by the District of Columbia, the concept of allowing professionals to incorporate would still be valid. Every State now has legislation enabling professionals to incorporate. The District of Columbia should not prohibit professionals to incorporate for to do so would risk the flight of the professional to the suburbs with result in serious loss in revenues.

The District will reap incorporation fees, additional corporate and franchise taxes, and the like upon the enactment of the legislation.

CONCLUSION

It is undisputed that there is widespread interest in and endorsement of such legislation, not only in the District, but also throughout the country as is indicated by the enactment in all 50 States of similar legislation.

Our committee considers that H.R. 10383 will be of major benefit to the professional groups in Washington, as well as to the Federal and District governments in taxes, and hence recommends the favorable approval by the Congress of H.R. 10383 as reported.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 10383, of which I am a cosponsor.

The purpose of this bill is to enable professional firms in the District of Columbia to obtain the benefits of corporate organization. At present, this incorporation of professional groups is authorized by the laws of every State in the Union, and denied only in the District of Columbia.

At the present time, therefore, professionals in the District of Columbia—physicians, dentists, lawyers, architects, accountants, engineers, and others—may resort only to partnerships as vehicles of combination into professional groups. In many respects, however, such partnerships are not as desirable for professional participation as corporations would be.

One such advantage of a corporation over a partnership is that the corporation provides a greater degree of centralization of management. Also, a corporation limits the liability of a stockholder when an officer of the corporation acts properly within the authority given him by the board of directors. It should be emphasized, however, that the corporate identity authorized in this bill will not offer a protection of the individual professional for his own malpractice. It is true, however, that malpractice by one or more members of a professional corporation will not subject any other professional members to personal liability. Also, the professional corporation will be liable up to the full value of its assets for negligent or wrongful acts of its officers, shareholders, directors, or agents in rendering professional services on behalf of the corporation. I wish to point out also that the professional corporation will in no way diminish the confidentiality of the relationship between the professional member and the client or patient.

Other advantages of the corporation as compared to the partnership are that the corporation has perpetual existence, whereas the partnership comes to an end upon the death of any partner; and also, a professional corporation has a greater degree of flexibility with respect to the transfer of interests than does a partnership.

I wish to point out at this point that the provisions of H.R. 10383 will not require professionals to incorporate. It will merely enable those professionals who wish to do so to join in such corporations—the same privilege now accorded all businessmen in the District, as well as to all professional persons in all the States.

It has been brought to my attention that this privilege of professional incorporation will result in benefits to the public as well as to the members of these corporations. With respect to corporations of physicians, for example, it has been pointed out that this will encourage the formation of new group practices and health maintenance organizations, which will improve the distribution and availability of medical services to the citizens of the District. Such a corporation will also facilitate the admission of new physicians, and their withdrawal if necessary, from a practicing group. Similar benefits will accrue, of course, as a result of the incorporation of other professional groups as well.

This bill will also eliminate the present discrimination against professionals and professional groups who, as opposed to employees and executives of other organizations, have been denied the benefits of group life, disability, health insurance, and retirement plans, in addition to limitations on business liability.

I wish to point out that under the provisions of H.R. 10383, professionals practicing in the District of Columbia who do not elect to join a professional corporation will continue to be exempt from the District of Columbia unincorporated business tax, as they are at present. This is essential to the bill, in my opinion, because the loss of this exemption on the part of individual professionals would, in effect, subject those professionals who reside in Virginia or Maryland, but engage in practice in the District of Columbia, to discriminatory double taxation. This is true because if this present exemption were not maintained, although all professionals with offices in the District would be required to pay the District of Columbia unincorporated business tax of 6 percent on net taxable income, the professional who is a resident of the District of Columbia would receive a credit to the extent of this tax on his District of Columbia income tax and, therefore, would in effect not pay the 6 percent business tax at all; however, the professional who resides in Virginia or Maryland would receive no credit for this District of Columbia tax as far as his Virginia or Maryland income tax is concerned, and thus would pay a substantial additional tax, relieved only to the extent of a relatively small deduction on his Federal income tax.

There is not the slightest question in my mind that this added tax would give added impetus to the movement of professional offices from the District of Columbia into nearby Virginia and Maryland, with a consequent substantial loss of needed services, especially in the field

of medicine, in the District of Columbia, as well as an ultimate loss of tax revenues to the District.

As the only feasible alternative to relocating their offices into Virginia or Maryland, the only obvious recourse for the nonresident professionals practicing in the District of Columbia, if this exemption from the District of Columbia unincorporated business tax were denied them, would be to join the professional corporations available to them in the District itself. Many professionals do not desire to incorporate, however, simply because they do not wish to practice in corporate form. It is my opinion that they should have complete freedom of choice in the matter, with no such economic pressure to influence such a decision.

Mr. Speaker, this bill is supported by the District of Columbia Bar Association, the District of Columbia Medical Society, the District of Columbia Dental Association, and other local professional organizations. I am strongly of the opinion that this proposed legislation, which will afford the professionals in the Nation's Capital the same opportunity to incorporate as is offered in all 50 States, should be enacted into law, and I urge such action.

Mr. FUQUA. Mr. Speaker, I rise in support of H.R. 10383, to authorize the incorporation of professional individuals and firms in the District of Columbia.

I was privileged to be the initial sponsor of this legislation in the last Congress and again in this Congress, and I am pleased that the District of Columbia Committee has approved this proposal, which if enacted into law will give the professionals in the District of Columbia the same benefits they now enjoy in all 50 States.

The bill authorizes doctors, lawyers, and other professional practitioners to organize "professional corporations" for the conduct and dispensation of their professional business and services.

Its most significant immediate contribution upon enactment is the substantial encouragement it gives to the realization of the highly desired "group professional practice" which is extolled by many as the most direct and effective means of supplying needed professional services to the economically disadvantaged at a cost within their income and means.

Permitting professional persons to incorporate would endow their association with the corporate characteristics of centralized management and continuing. The formal attributes of incorporation are lacking in the sole proprietorship and partnership forms of doing business that are currently employed by persons actively engaged in a professional practice.

These attributes of a corporation are vital to the stimulation of professional group practice on a large scale; and this fact can best be illustrated by noting the difficulties inherent in the partnership form currently utilized by group practitioners. As the partnership group practice grows in size, its management becomes cumbersome because of the general necessity for the partners' consent to various details of the management and business of the group. Likewise, partnership continuity is constantly interrupted by the death or resignation of old members and the addition of new ones. An additional problem attendant upon this frequent dissolution and reorganization of the partnership is that of attracting young professional men to the partnership group. That is, as the partnership size and business increases, the capital contributions required to purchase interest in the partnership also becomes increasingly larger and out of the financial reach of the young professional who is just embarking on the practice of his life's profession.

Additional stimulus to the effectuation of group practice is embodied in the liability provisions of the bill. Under the partnership form of group practice, each partner is personally liable for the negligent acts and omissions of his partners. Under the bill, shareholders would continue to be personally responsible for their own negligence and misconduct, as well as that of corporate employees under their supervision and control; but, the theory of liability in a partnership could not be invoked to impose a like liability on the remaining or other shareholders of the corporation.

A section-by-section analysis of the bill is as follows:

SECTION-BY-SECTION ANALYSIS

Section 2—Defines the general coverage of the Act.

Section 3—Makes it clear that professionals are not required to incorporate.

Section 4—Sets forth the inter-relationships between the Act, the existing rules governing the professions, and the Business Corporation Act.

Section 5—Provides that the major activity of a professional corporation will be the rendering of professional services. However, the professional corporation may employ non-professionals (non-professionals may not render professional services), may invest its surplus funds, and may enter into partnership agreements with individuals or firms in other jurisdictions.

Section 6—The form of articles of incorporation differs somewhat from the requirements of the Business Corporation Act.

Section 7—In order to avoid artificialities and to afford flexibility in the management of the small professional corporations, the number of directors may be one or more.

Section 8—Shareholders, officers and directors of professional corporations must be licensed professionals, but shareholders need not be active. Thus retired or disabled partners can continue to have an interest in the firm.

Section 9—The names permitted to be used by professional corporations will distinguish them from commercial businesses.

Section 10—This section, and sections 12, 13, 15, 16 and 17 establish control relationships within the professional corporation which recognize that professional corporation are closed corporations which must have great latitude in placing restrictions on the transfer and voting of shares.

Section 11—Establishes that corporate identity will not protect the individual professional from liability for his own malpractice, and will not diminish the confidentiality of the relationship between the professional and the client/patient. However, malpractice by one or more professionals in a professional corporation will not subject any other professional to personal liability. The professional corporation is liable up to the full value of its assets for negligent or wrongful acts of officers, shareholders, directors, agents in rendering professional services on behalf of the professional corporation.

Section 12—Permits professional corporations to place restrictions on the transfer of shares. Recognizing that stock of professional corporations will be owned by professionals and cannot be made available to the public, the section also exempts the issuance and transfer of stock of professional corporations from the D.C. Securities law and from the Federal Securities Act of 1933. Subsection (4) is intended to minimize the disruptive effect of professional corporation shares falling into the hands of an individual creditor of a stockholder.

Section 13—This section recognizes that the rendering of professional services in D.C. should be conducted as a separate activity and not intermixed with other businesses. Out-of-state arrangements with other professionals are adequately provided for by Section 5. This provision is consistent with most state laws, which would also prohibit mergers of domestic and foreign professional corporations. The section implicitly recognizes that a single professional corporation may conduct two or more professional activities when such combinations are not prohibited by rules regulating the profession.

Section 14—Foreign professional corporations licensed in a jurisdiction other than the District of Columbia may perform professional services in the District of Columbia if they meet certain requirements by obtaining a certificate of authority under this provision.

Sections 15, 16, 17—These sections provide a method of retiring stock of deceased, disabled or disqualified shareholders.

Sections 18, 19—These are essentially administrative provisions.

Section 20—This section provides penalties—fine of not over $500—for failure to comply with the provisions of this Act.

Section 21—This section amends the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, tit. 47 sec. 1574), in order to maintain for unincorporated professional associations the unincorporated business tax exemption which these associations presently have under that Act.

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

GENERAL LEAVE TO EXTEND

Mr. HUNGATE. 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 Missouri?

There was no objection.

TAX-EXEMPT PROPERTY OF THE RESERVE OFFICERS ASSOCIATION

Mr. CABELL. Mr. Speaker, I call up the bill (H.R. 456), to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the Reserve Officers Association of the United States, a corporation chartered by the Act of June 30, 1950 (36 U.S.C. 221–239), shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon) which is described as lot 10 in square 726.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as that property is owned by the Reserve Officers Association of the United States and is not used for any commercial purpose. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this Act, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act. (D.C. Code, sec. 47–801e).

With the following committee amendment:

Page 2, after line 18, insert the following:

"SEC. 2. In addition to the annual payment to the District of Columbia authorized by section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a), there is authorized to be appropriated to the District of Columbia for the fiscal year ending June 30, 1972, and for each fiscal year thereafter an amount equal to the amount that persons who are specifically exempted from District of Columbia real property taxes by an Act of Congress other than the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, secs. 47–801a—47–801f), and who are not otherwise exempt from such taxes under such Act would have paid to the District of Columbia in such fiscal year."

POINT OF ORDER

Mr. ABERNETHY. Mr. Speaker, I make a point of order against the amendment on the ground that the amendment is not germane to the bill. This amendment deals with an entirely different matter from the subject matter of the bill. The subject matter of the bill is exemption of property in the District of Columbia from District of Columbia taxes. This amendment has to do with the size of the Federal payment to the District of Columbia.

The SPEAKER pro tempore. Does the gentleman from Texas desire to be heard on the point of order?

Mr. CABELL. Mr. Speaker, I will ask if the author of the amendment, the gentleman from Virginia (Mr. BROYHILL), would like to speak to this.

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

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

Mr. BROYHILL of Virginia. Mr. Speaker, the purpose of the amendment was to provide for a Federal payment to replace the funds that would be lost to the District of Columbia as a result of the pending legislation. Over a period of years we have exempted by similar legislation 33 pieces of property from real property taxation in the District of Columbia. Since this legislation also exempts another piece of property from taxation, the amendment to provide for replacement of that taxation loss through a Federal payment, I believe, is germane and consistent with the main thrust of the legislation.

The SPEAKER pro tempore. Does the gentleman from Texas desire to be heard on the point of order?

Mr. CABELL. No further comments, Mr. Speaker.

The SPEAKER pro tempore. The Chair is ready to rule. The gentleman from Mississippi (Mr. ABERNETHY) has raised a point of order against the committee amendment on the grounds that it is not germane.

The Chair has listened to the statements on the point of order and has had occasion to examine the bill and the committee amendment.

The bill proposes to exempt the Reserve Officers Association of the United States from paying real property taxes in the District of Columbia. The amendment proposed by the committee would authorize appropriations for the District of Columbia of amounts equal to real property tax exemptions granted by any act of Congress other than the act of December 24, 1942.

Since the bill is for the relief of an individual corporation, the amendment, which is general in scope, is not germane.

The Chair sustains the point of order.

Mr. CABELL. Mr. Speaker, I move to strike the last word, and I yield to the gentleman from Florida (Mr. SIKES), the author of the bill, for such comments as he may wish to make.

Mr. SIKES. Mr. Speaker, without reservation, I support H.R. 456 to provide exemption from District of Columbia real property taxes for the Reserve Officers Association.

Similar congressional actions have granted such exemptions for some 40 organizations over the years and ROA is among those richly deserving to be considered for this right.

The property under discussion is the ROA's living memorial—the Minute Man Memorial Building on Capitol Hill. Significantly, the address is 1 Constitution Avenue NE, directly across from the New Senate Office Building.

There have been arguments put forth that the Federal Government is placing undue hardship on the District of Columbia Government by the granting of these tax exemptions, but a study of the record proves that the Federal Government much more than makes up for these losses by providing lands and properties to the District at no cost to District taxpayers.

In the case of ROA, we are talking about $20,000 annual taxes. But I would mention to Members that millions of dollars worth of property now under the exclusive control of the District is actually owned by the United States. In fact, the total dollar value of such lands is conservatively estimated at $50 million and includes schools, playgrounds, fire and police department facilities, libraries, child health centers, and many others.

Now let us look at the work of the organization. Let us see what ROA stands for. For 50 years, the Reserve Officers Association has stood foursquare in support of a strong national defense and this Nation's all important Reserve Forces. It provides an outstanding example of patriotic devotion to America's ideals as a land of freedom and opportunity.

ROA is a good neighbor in the District of Columbia. In addition, ROA contributes to the economy of the area through the 1,000-member ROA midwinter conference held in the District and by other conferences during the year which bring people to the District from the entire country. The monetary benefits of these are many and meaningful to the business community. These provide monetary returns to hotels, taxis, and restaurants. Staff salaries are expended in the area and local taxes collected therefrom.

The current tax assessment on the ROA property is not a startling sum nor even a significant one with respect to the budget for the District of Columbia. But it is a significant sum to ROA which depends entirely for its existence on the dues—$10 per year—paid by its some 65,000 members. It is a nonprofit organization.

Certainly, this kind of organization is worthy of being granted an exemption from District taxes.

Therefore, Mr. Speaker, I fully support H.R. 456 to grant the tax exemption to the Reserve Officers Association.

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

Mr. CABELL. Mr. Speaker, the purposes of H.R. 456, as amended and reported by your committee, are twofold, as follows:

First. To exempt from District of Columbia taxation certain real property in the city owned by the Reserve Officers Association of the United States.

This property is described as lot 10 in square 726, and is located at First Street and Constitution Avenue N.E. The property, together with its improvements, is currently valued at $663,728, and the annual real property tax on the property is presently $20,575.

Second. To authorize, in addition to the annual payment to the District of Columbia authorized by section 1 of article VI of the District of Columbia Revenue Act of 1947—District of Columbia Code, section 47–2501a—the appropriation to the District of Columbia, for fiscal year 1972 and each fiscal year thereafter, of an amount equal to the total amount that persons exempted from District of Columbia real property taxes by special acts of Congress, other than the Act entitled "An act to define the real property exempt from taxation in the District of Columbia," approved December 24, 1942—District of Columbia Code, sections 47–801a—48–801f—and who would

not otherwise be exempt from such taxes by that Act of 1942, would have paid to the District of Columbia in real property taxes during that fiscal year.

REASONS FOR LEGISLATION

I. TAX EXEMPTION FOR REAL PROPERTY OF THE RESERVE OFFICERS ASSOCIATION NATURE OF THE ORGANIZATION

The Reserve Officers Association of the United States consists of some 55 departments, located in all 50 States and the District of Columbia, as well as in Europe, the Far East, the Canal Zone, and Puerto Rico. Under each department are various numbers of chapters, representing all the military services. Altogether, the organization comprises some 900 to 1,000 chapters, 12 of which are located in the District of Columbia.

The membership of the Reserve Officers Association is approximately 57,000 persons. These members are officers in either the Reserves or Regular Service, active or retired. Membership is open also to senior ROTC students, several thousand of whom belong to the organization. Annual dues to the organization amount to $10 per year for officer members, and $1 for ROTC members.

Although the Reserve Officers Association has been in existence since 1922, it did not seek a charter until 1950, at which time it was chartered by an act of Congress.

Members of ROA are mostly reserve officers who are citizen leaders throughout the country. Many are leaders in economic areas, and many in political life.

HEADQUARTERS OF THE ORGANIZATION

The national headquarters of this far-flung organization is the handsome, five-story structure located at First Street and Constitution Avenue NE. This building, the subject of this proposed legislation, is known as the Minute Man Memorial Building. It was completed in 1968, and its architecture and structure are in keeping with the magnificent Capitol structures to which it is in close proximity.

This building is truly a "living memorial," as half its space is utilized as a memorial to dramatize the Nation's military service tradition. The first floor, glass on three sides, contains a striking Minute Man statue, behind which are displayed the flags of the 50 States of our Union. The fifth floor—the Congressional Hall of Honor—is a most attractive room which is used not only for ROA activities but also for congressional receptions.

The second and third floors are used exclusively for the business operation of the organization, as is a part of the fourth floor. In addition to office space, however, the fourth floor contains the Henry J. Reilly Library, a splendid collection of books on military history, and a chapel as well.

It is the opinion of this committee that it is fitting that the Minute Man Memorial Building should be spared from taxation by the Government which it seeks to defend. The Reserve Officers Association of the United States seeks no unusual favor, nor any unjust concession.

Over a period of years, 31 other charitable, religious, patriotic, and other organizations of a nonprofit nature have been exempted from District of Columbia taxation by special acts of Congress; and in addition, 10 other such organizations were so exempted by being specifically named in Public Law 77–846, approved December 24, 1942.

According to the latest available figures, the amount of the tax exemptions on these properties is approximately $1.2 million per year.

It should be pointed out that in past years, these tax losses actually have been paid to the District of Columbia by the Federal Government. This is true because the Federal Government each year has paid the District a regular Federal payment, sufficient in amount to provide funds, in addition to the city's own revenues, for the operation of the District of Columbia government. Had these tax exemptions not existed, then of course the District's own revenues would have been enhanced each year by the total of these real property tax revenues, and consequently the Federal payment each year would have been reduced by that same amount.

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

REGULATING THE PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, on behalf of the Committee on the District of Columbia, I call up the bill (H.R. 10738) 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, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Dental Practice Act of 1971".

DEFINITIONS

SEC. 2. As used in the Act:

(1) The term "Commissioner" means the Commissioner of the District of Columbia.

(2) The term "Council" means the District of Columbia Council.

(3) The term "Board" means the District of Columbia Board of Dental Examiners.

(4) The terms "practice of dentistry" or "to practice dentistry" mean undertaking, or offering or claiming to undertake, by any means or method, to diagnose, treat, prescribe medication or treatment for, or perform any surgical operation with respect to, any condition, disease, or malformation of the human teeth, alveolar processes, gums, or jaws, and the adjacent tissues and structures; directing, restricting or altering the treatment of dental patients; or installing or adjusting any such dental appliance, device or restoration except on the written dental laboratory work authorization executed by a dentist licensed and registered under this Act, supplying, constructing, reproducing, or repairing any restoration, dental appliance, device, or bridge to be used or worn in or about the human mouth in connection with the treatment or correction of any disease or condition of the human teeth, alveolar processes, gums, or jaws, and the adjacent tissues and structures.

(5) The term "dentist" means any person who is licensed to engage in the practice of dentistry in the District of Columbia or any other jurisdiction of the United States.

(6) The term "dental hygienist" means any person who is licensed under this Act to perform, under the general direction and supervision of a dentist who is available in person on the premises where such dental hygienist is performing, (A) procedures with respect to removing calcareous deposits, accretions, or stains from the surface of human teeth; and (B) other procedures as may be determined by the Board to be appropriate.

(7) The term "dental laboratory services" means the construction, alteration, or repair of any dental appliance, device, or restoration to be worn in or about the human mouth.

(8) The term "dental laboratory work authorization" means a detailed written description for construction, alteration, or repair of any dental appliance, device, or restoration to be worn in or about the human mouth.

(9) The term "person" means any natural person, corporation, association, company, firm, partnership, or society.

(10) The term "dental assistant" means any person who, under the general direction and supervision of a dentist, who is available in person on the premises where such dental assistant is performing, performs those procedures with respect to the treatment of dental patients as may be determined by the Board to be appropriate.

(11) The term "license" means a license issued by the Board of Dental Examiners to practice dentistry or to practice as a dental hygienist in the District of Columbia.

DECLARATION OF POLICY

SEC. 3. The practice of dentistry in the District of Columbia is declared to affect the public health and welfare and therefore must be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified licensed dentists and dental hygienists be permitted to practice in the District of Columbia. All provisions of this Act shall be construed in accordance with this declaration of policy.

LICENSE REQUIRED

SEC. 4. (a) No person shall engage in the practice of dentistry in the District of Columbia unless he holds a license issued under section 7 of this Act, and a current annual renewal certificate issued under section 9 of this Act.

(b) No person shall practice as a dental hygienist in the District of Columbia unless he holds a license issued under section 8 of this Act, and a current annual renewal certificate issued under section 9 of this Act.

(c) Any person licensed to engage in the practice of dentistry, or to practice as a dental hygienist, in the District of Columbia under the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892 (D.C. Code, sec. 2–301, et seq.), shall be considered to be holding a license issued under this Act.

CREATION OF BOARD

SEC. 5. (a) There is created the District of Columbia Board of Dental Examiners which shall promulgate the rules, regulations, and procedures it deems necessary and appropriate relating to the professional and tech-

nical aspects of the examining, licensing, registration, and regulation of dentists, dental hygienists, dental assistants, and the practice of dentistry in the District of Columbia.

(b) The Board, after notice and opportunity for hearing, is authorized to prescribe and adopt, from time to time, such rules and regulations as may be necessary to enable the Board to carry into effect the provisions of this Act. Before any rule or regulation is adopted or amended by the Board, notice of such proposed adoption or amendment shall be sent by registered mail to each dentist licensed in the District of Columbia, mailed to the last known address of such dentist.

POWER OF COMMISSIONER

SEC. 6. (a) With respect to the Board, the Commissioner is authorized to determine from time to time—

(1) the number of Board members, which shall be not less than five;

(2) length of terms for Board members; and

(3) the amount of compensation to be paid Board members.

The Commissioner may remove any member of the Board for neglect of duty or other sufficient cause, after reasonable notice and opportunity for hearing.

(b) The Commissioner of the District of Columbia shall appoint each member of the Board from a list of not less than three nor more than seven nominees selected by the constituent society of the American Dental Association in the District of Columbia from among those persons who are engaged full time in the practice of dentistry in the District of Columbia, or are officers or members of the faculty of any dental school or college in the District of Columbia.

ISSUANCE OF LICENSE TO DENTIST

SEC. 7. (a) The Board shall, upon payment of the requisite fees, issue a license to engage in the practice of dentistry in the District of Columbia to any person who—

(1) is a citizen of the United States or has duly declared his intention to become a citizen of the United States;

(2) is at least twenty-one years of age;

(3) is of good moral character;

(4) is a graduate of a dental college approved by the Board and by the accrediting body of the American Dental Association; and

(5) has passed a clinical examination, or such other examination as may be prescribed by the Board, to determine his competence to engage in the practice of dentistry.

(b) The Board may waive the examination required by paragraph (5) of subsection (a) and may, upon payment of the requisite fees, issue a license to any person who—

(1) has been duly licensed as a dentist, by examination, in any State or territory of the United States wherein the requirements for licensure are substantially the same as those in effect in the District of Columbia (as determined by the Board),

(2) is currently holding a license in good standing as a dentist in any State or territory of the United States, and

(3) meets the qualifications specified in paragraphs (1), (2), (3), and (4) of subsection (a).

(c) The Board may, upon payment of the requisite fees, issue a special license to practice dentistry in the District of Columbia under such limitations as the Board shall set forth in the license to any person—

(1) who holds a current valid license to engage in the practice of dentistry in any State or territory of the United States;

(2) who has not had any such license revoked or suspended;

(3) who is a graduate of a dental college approved by the Board and by the accrediting body of the American Dental Association; and

(4) who has successfully completed any practical or theoretical examination which the Board may require.

DENTAL HYGIENIST LICENSE

SEC. 8. (a) The Board shall, upon payment of the requisite fees, issue a license to practice as a dental hygienist in the District of Columbia to any person who—

(1) is a citizen of the United States or has duly declared his intention to become a citizen of the United States;

(2) is at least eighteen years of age;

(3) is of good moral character;

(4) is a graduate of a training school for dental hygienists approved by the Board and by the accrediting body of the American Dental Association; and

(5) has passed a clinical examination, or such other examination as may be prescribed by the Board, to determine his competence to practice as a dental hygienist.

(b) The Board may waive the examination required by paragraph (5) of subsection (a) and may, upon payment of the requisite fees, issue a license to practice as a dental hygienist in the District of Columbia to any person who—

(1) has been duly licensed to practice as a dental hygienist by examination in any State or territory of the United States wherein the requirements for licensure are substantially the same as those in effect in the District of Columbia (as determined by the Board),

(2) is currently holding a license in good standing as a dental hygienist in any State or territory of the United States, and

(3) meets the qualifications specified in paragraphs (1), (2), (3), and (4) of subsection (a).

ANNUAL RENEWAL CERTIFICATE

SEC. 9. (a) As a condition to the issuance of an annual renewal certificate to any person holding a license to engage in the practice of dentistry in the District of Columbia, or to practice as a dental hygienist, and who is currently practicing as a dentist or dental hygienist in the District of Columbia, the Board may require evidence indicating that that person has obtained, during the year, continuing education not to exceed that prescribed and approved by the American Dental Association for a person engaged in that profession, and such other information as the Board may deem necessary.

(b) As a condition of the issuance of an annual renewal certificate to any person holding a license to engage in the practice of dentistry, or to practice as a dental hygienist, in the District of Columbia, and who is not currently engaged in such practice in the District of Columbia, the Board may require evidence showing that—

(1) such person has not engaged in any conduct which would warrant suspension or revocation of such license under this Act;

(2) such person has maintained such a professional skill and knowledge as is required of current applicants for such license; and

(3) such person is not physically or mentally incompetent to engage in such practice.

REGISTRATION OF DENTAL INTERNS

SEC. 10. The Board may require the registration of, and prescribe regulations relating to the professional conduct of, dental interns and dental residents in the District of Columbia.

STUDIES AND INVESTIGATIONS

SEC. 11. The Board may make such studies and investigations and obtain or require the furnishing of such information under oath or affirmation or otherwise, as it deems necessary or proper to assist it in establishing any regulation or order under this Act, or in the administration or enforcement of this Act and regulations and orders thereunder. For such purposes, the Board may administer oaths and affirmations, may require by subpena or otherwise, the attendance and testimony of witnesses and the production of documents at any designated place. Upon the failure of any person to attend as a witness, when duly subpenaed, or to produce documents when duly directed by the Board, the Board shall have power to refer the matter to any judge of the Superior Court of the District of Columbia, who may order the attendance of such witness, or the production of such documents, or require such witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such documents, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpena issued or to testify in a case pending before such court. Witnesses who have been subpenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the Superior Court of the District of Columbia.

PRESCRIPTION DRUGS

SEC. 12. A dentist licensed under this Act shall have the right to prescribe drugs and medicine and to administer general or local anesthetics. In addition, a duly licensed dentist shall have the right, in the course of his professional practice, to prescribe, administer, and dispense narcotic drugs and dangerous drugs, in compliance with all existing and applicable laws. For the purpose of this Act, the definition of narcotic drugs shall be the same as contained in the first section of the Act entitled "An Act to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia", approved June 20, 1938 (D.C. Code, sec. 33-401).

SUSPENDING; REVOKING LICENSES

SEC. 13. (a) The Board may refuse to issue, renew, or restore, or may suspend or revoke, any license issued under this Act if the Board finds that the applicant or holder thereof—

(1) has engaged in any fraud or deceit in procuring or attempting to procure any license provided for in this Act;

(2) has been convicted of a crime involving moral turpitude;

(3) has willfully violated any provision of this Act or any of the rules or regulations promulgated by the Board under this Act;

(4) is an intemperate consumer of intoxicating liquors or is addicted to the use of habit-forming drugs;

(5) has engaged in any professional or personal conduct which disqualifies him to practice with safety to the public;

(6) has advertised professional superiority or the performance of professional services in a superior manner; advertised prices for professional services; advertised by means of large display, glaring light sign, or a display containing as a part thereof the representation of a tooth, teeth, dental restoration, or any portion of the human head; advertised in a manner that might mislead or deceive the public; advertised any free dental service, or free examination; or advertised to guarantee any dental service or to perform any dental operation painlessly; or has (directly or indirectly) employed or made use of solicitors or free publicity press agents;

(7) has employed any person who is not a licensed dentist in the District of Columbia to practice dentistry, or permitted such a person to practice dentistry, in his office;

(8) is mentally incompetent; or

(9) has engaged in any unprofessional conduct.

(b) For purposes of this section, unprofessional conduct shall include:

(1) practicing while his license is suspended;

(2) willfully deceiving or attempting to deceive the Board with reference to any matter under investigation by the Board;

(3) advertising in any manner other than the carrying or publishing of a modest professional card or the display of a modest

window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, telephone connections, and, if his practice is limited, his field of limitation; or announcing a change of address or the starting of a practice by use of the usual size card of announcement may be used (the size of cards and the size and number of signs to be designated by the Board);

(4) failing, when prescribing dental laboratory services for a patient, to properly execute and retain on file for at least two years from the date appearing thereon, an official written dental laboratory work authorization except in the case of a dentist who performs or personally directs dental laboratory services in his own dental office for one of his own patients;

(5) practicing dentistry under a false or assumed name, clinic name, any name other than a partnership name containing the names of the partners, or the name in which he is licensed by the Board;

(6) violating this Act, or aiding any person to violate this Act, or violating, or aiding any person to knowingly violate, the dental practice law of any jurisdiction;

(7) practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner; and

(8) dividing or agreeing to divide the fees received for dental service with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the knowledge of the patient or his legal representative, except where two or more licensees who practice their profession as copartners and charge or collect compensation for any professional service, or where a licensee who employs another licensee and chargcs or collects compensation for the professional services rendered by the employee licensee.

This specification of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct or as authorizing or permitting the performance of other or similar acts not named, or as limiting or restricting the Board from holding that other or similar acts also constitute unprofessional conduct.

(c) Any denial, suspension, or revocation under this section shall be made only upon specific charges in writing and after a hearing. A certified copy of any such charge shall be sent by registered mail to the last known address of the licensee concerned at least twenty days before the hearing held to consider such charges.

(d) Upon application in writing after an opportunity for a hearing, the Board may reinstate a license which has previously been revoked. No such application for reinstatement of a license shall be accepted for consideration by the Board before the expiration of at least one year following the date on which the applicant's license was revoked.

BOARD SEAL; REGISTRY

SEC. 14. (a) The Board shall design and adopt a seal to be used for authenticating records and papers relating to the regulation of dentists, dental hygienists, and the practice of dentistry in the District of Columbia. Copies of all records and papers certified and authenticated by such seal shall be received in evidence in all courts equally and with like effect as the original. Records kept by the Board relating to the licensing and regulation of dentists, dental hygienists, and the practice of dentistry and dental laboratory services in the District of Columbia shall be open to public inspection under reasonable rules and regulations to be prescribed by the Board.

(b) The Board shall issue annually a printed register of the names and addresses of all persons holding a license provided for in this Act, together with such other information as may be deemed of interest to the dental profession. A copy of such register shall be mailed to the last known address of each licensee.

FEES

SEC. 15. The Board, after notice and opportunity for hearing, may establish, abolish, increase, or decrease, from time to time, fees and charges necessary to defray the approximate cost of administering the provisions of this Act. All funds derived from fees and charges collected relevant to the administration of this Act shall be paid into the Treasury of the United States to the credit of the District of Columbia.

REVIEW AND HEARING

SEC. 16. (a) A person aggrieved by any final decision or final order of the Board denying, suspending, or revoking any license or renewal of a license issued or applied for under this Act may obtain a review thereof in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

(b) The Board may adopt and establish, from time to time, after public hearing, such administrative procedures for public hearings concerned with the denial, suspension, or revocation of a license issued under the provisions of this Act, as may be necessary.

NUMBER OF ASSISTANTS; HYGIENISTS

SEC. 17. The Board may designate the number of dental assistants and dental hygienists to whom duties may be delegated by a dentist engaged in the private practice of dentistry.

NONPROFIT CORPORATION

SEC. 18. Notwithstanding the provisions of this Act, a nonprofit corporation may be formed pursuant to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, secs. 29–1001, et seq.) for the purposes of underwriting dental programs by defraying or assuming the costs of professional services of persons licensed under this Act, but may not engage directly or indirectly in the performance of any of the corporate purposes or objects unless all of the following requirements are met:

(1) At least one-fourth of all licensees in private active practice in the District of Columbia become members.

(2) Membership in the corporation and an opportunity to render professional services upon a uniform basis be continuously available to all licensees in private active practice in the District of Columbia.

(3) Voting by proxy and cumulative voting be prohibited.

(4) All incorporators be licensed under this Act.

(5) No part of the net earnings of such corporation shall inure to the benefit of any member, private shareholder, or individual.

(6) The objects and purposes of the corporation be limited to acting as an administrative agency between those wishing to purchase dental health care under a uniform plan and the members of the corporation.

(7) Any subscriber for dental health care administered by the corporation shall have freedom to choose any licensee member and, conversely, any licensee member shall have the final decision as to whether or not to render such service to the subscriber.

(8) The majority of the members of the board of trustees of any such corporation shall consist of active members of constituent societies of either the American Dental Association or the National Dental Association and shall also be members of the corporation.

(9) Upon dissolution of any such corporation, no part of its funds or property shall be distributed to, or among, its members, trustees, officers, or employees, but after payment of all indebtedness of any such corporation its surplus funds and properties shall be used for dental education and dental research as the then corporate trustees shall direct.

(10) A certificate be issued to the corporation by the Board finding compliance with the requirements of paragraphs (1) through (8) and provision to meet the requirement of paragraph (9).

EXCEPTIONS

SEC. 19. Nothing in this Act shall be construed as applying to—

(1) a bona fide student of dentistry under the direct supervision of a member of the faculty of any dental college in the District of Columbia approved by the Board;

(2) a qualified anesthetist, physician, or nurse, employed to give an anesthetic for a dental operation under the direct supervision of a licensed dentist;

(3) a dental surgeon of the United States Armed Forces, United States Public Health Service, Veterans' Administration, or other Federal agency, when engaged in the discharge of his official duties;

(4) a lawful practitioner of dentistry of another State or territory making a clinical demonstration before a dental society, convention, association of dentists, or dental college;

(5) a lawful practitioner of dentistry of another State or territory performing his duties in connection with a specific case on which he may have been called to the District of Columbia, when authorized by the Board; or doing clinical work on nonpaying patients and without remuneration of any kind in a hospital or charitable clinic of the District of Columbia after written application for such privilege has been granted by the Board; or

(6) except as provided in section 10, a dental intern or dental resident who is a graduate of a dental school while in the performance of his official duties while on the staff of an American Hospital Association accredited hospital.

PROHIBITIONS

SEC. 20. It shall be unlawful for any person—

(1) to practice or offer to practice dentistry, in the District of Columbia, under any name except the name in which he is licensed by the Board;

(2) to use the name of any company, association, clinic, trade name, or business name in connection with the practice of dentistry, in the District of Columbia;

(3) to engage in the practice of dentistry, in the District of Columbia, without having his license and current annual renewal card conspicuously displayed in the office in which he practices, in a manner so that it can be easily seen and read;

(4) to sell or offer to sell, in the District of Columbia, a diploma conferring a dental degree or a certificate granted for postgraduate work, or a license granted pursuant to authority contained in this Act;

(5) in the District of Columbia, to fraudulently procure a diploma, certificate, or any other evidence of satisfactory completion of the then required educational or professional training for becoming a licensee under this Act, or to use such fraudulently acquired document in order to obtain a license to engage in the practice of dentistry in the District of Columbia;

(6) in the District of Columbia, to alter, with fraudulent intent, any diploma, certificate, license, or any other evidence of satisfactory completion of the required educational or professional training for becoming a licentiate under this Act, or to use such a fraudulently altered document in order to obtain a license to engage in the practice of dentistry in the District of Columbia;

(7) to practice dentistry in the District of Columbia under a false name, or to assume a title, or append or prefix to his name

letters which falsely represent him as having a degree from a dental school, or make use of the words "dental college" or "school" as equivalent words when not lawfully authorized so to do;

(8) to impersonate another at any examination held by the Board, or knowingly make a false application or a false representation in connection with such examination;

(9) to perform, in the District of Columbia, any phase of dental laboratory services except as prescribed on an official written dental laboratory work authorization approved by the Board and signed by a licensed dentist unless such person is a licensed dentist in the District of Columbia who, in his own dental office, performs or personally directs any phase of dental laboratory service for one of his own patients;

(10) in the District of Columbia, to accept any fee, rebate, refund, commission, or unearned discount, whether in the form of money or otherwise, as compensation for referring patients to any person in connection with the furnishing of dental care, diagnosis, treatment, medication, appliance, or service;

(11) who is a dentist licensed under this Act, to request or order dental laboratory services in the District of Columbia, without first properly executing and delivering to the dental laboratory an official written laboratory work authorization for such dental laboratory services, and to not retain on file for at least two years from the date of execution, a copy of every such dental laboratory work authorization, or

APPROVAL OF PROPRIETARY SCHOOLS

SEC. 21. No person shall, unless under the auspices of a medical or dental college registered under chapter 9 of title 31 of the District of Columbia Code, conduct or operate, in the District of Columbia, any class, school, or other means of instruction, for the training of dental hygienists, dental assistants, dental technicians, or any other auxiliary dental personnel, without the approval of the Board.

PENALTIES

SEC. 22. (a) Any person who violates paragraph (1) or (2) of section 20 of this Act shall be fined for the first offense not less than $500 nor more than $1,000, and upon a second or subsequent conviction thereof, shall be fined not less than $1,000. Upon conviction his license may be suspended or revoked.

(b) Any person who violates paragraph (3) of section 20 of this Act shall be fined not more than $50.

(c) Any person who violates section 4 of this Act, or paragraph (4), (5), (6), (7), (8), or (9) of section 20 of this Act, shall be fined for the first offense not less than $500 nor more than $1,000, and upon a second or subsequent conviction thereof, shall be fined $1,000 or imprisoned not less than six months or more than one year, or both.

(d) Any person who violates paragraph (10) or (11) of section 20 of this Act shall be fined not more than $500.

(e) Any person who violates section 21 of this Act shall be fined not less than $500 nor more than $1,000 or imprisoned for not more than one year, or both.

(f) Whoever, being otherwise subject to this Act, with respect to any matter within the jurisdiction of the Board, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

PROSECUTIONS

SEC. 23. (a) Prosecutions for violations of any provision of this Act shall be conducted in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel.

(b) It shall be necessary to prove in any prosecution or hearing under this Act, only a single act prohibited by law, without proving a general course of conduct, in order to constitute a violation.

INJUNCTIONS

SEC. 24. Whenever in the judgment of the Board any person has engaged in or is about to engage in any act or practice which constitutes, or will constitute, a violation of any provision of this Act, the Board may make application to the District of Columbia Court of Appeals for an order enjoining such act or practice, and upon showing by the Board that such person has engaged in or is about to engage in any such act or practice, an injunction, restraining order, or such other order as may be appropriate shall be granted by the court without bond.

AUTHORIZATION

SEC. 25. There is authorized to be appropriated out of the revenues of the District of Columbia such funds as may be necessary to pay the expense of administering and carrying out the provisions of this Act.

REPEALED

SEC. 26. The Act of June 6, 1892 (D.C. Code, secs. 2–301 et seq.) is hereby repealed.

EFFECTIVE DATE

SEC. 27. This Act shall take effect ninety days after the date of its enactment.

With the following committee amendments:

Page 14, strike out line 11 and insert in lieu thereof the following: "of any means or device other than the usual size card of announcement".

Page 15, line 11, strike out "who".

Page 15, line 13, strike out "who".

The committee amendments were agreed to.

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

The purpose of the bill H.R. 10738, which will be cited as the "District of Columbia Dental Practice Act of 1971," is to repeal the present law regarding the practice of dentistry in the District of Columbia—District of Columbia Code, section 2–301 et seq.—and to replace it with a new body of law regulating the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists in the city. Thus, the bill is actually an up-dating of the 1892 act on this subject, as amended by the act of July 2, 1940 (54 Stat. 717).

NEW PROVISIONS

The principal changes which this bill will make as compared to the present law are as follows:

First, The bill will make the District of Columbia Board of Dental Examiners a statutory board, with broad powers to promulgate rules and regulations concerning the examination, licensure, registration, and regulation of dentists and dental hygienists. They will also be empowered to prescribe rules and regulations for the overall administration of the entire act, and also to set and establish fees and charges necessary to defray the approximate cost of administering the act.

Such statutory boards of dental examiners exist today in 35 States, as follows:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Second. The Board of Dental Examiners will be authorized to determine the duties which auxiliary dental personnel—dental hygienists and dental assistants—may perform, under the general direction and supervision of a licensed dentist who is available in person on the premises where such duties are performed, and also to designate the number of such personnel to whom these duties may be assigned in any dental office. This will provide a new flexibility of authority, as these duties and numbers of employees authorized are specifically spelled out in the present law.

Third. As a condition for the issuance of an annual renewal certificate to a dentist or dental hygienist holding a license under this act, the Board of Dental Examiners will be authorized to require evidence of continuing education on the part of the licensee during the preceding year, not to exceed that prescribed and approved by the American Dental Association. This provision is designed to assure the public of up-to-date and high quality dental services.

Fourth. In the matter of licensing dentists and dental hygienists in the District of Columbia, without written examination, who are licensed in other States or territories where the qualifications for such licensure are substantially the same as those in the District, the bill will eliminate the restriction in the present law that such licensure without examination be extended only to dentists and dental hygienists who are licensed in States or territories which practice a policy of reciprocity with the District of Columbia with respect to such licensure.

This same provision in connection with the licensing of physicians in the District of Columbia without written examination was written into the bill H.R. 8589, to amend the District of Columbia Healing Arts Practice Act, which was approved by the House on June 14 of this year.

The opinion of your committee regarding these provisions is that the District of Columbia needs qualified, experienced professional personnel with proven competence and skill in the medical and dental arts, and that meaningless barriers should not be raised against any such persons who wish to come into the District to practice.

Fifth. Section 18 of the bill authorizes the establishment of a nonprofit corporation, pursuant to the provisions of the District of Columbia Nonprofit Corporation Act—District of Columbia Code, section 29–1001 et seq.—for the purpose of underwriting prepaid dental programs in the District of Columbia. This corporation, which would be required to include as members at least one-fourth of the licensees in private dental practice in the city, would be empowered to function like Group Health

and other such organizations which assure medical services to subscribers under a uniform plan, in that citizens and citizen groups would be offered the opportunity to subscribe to the plan offered by the corporation by making regular payments thereto, in return for which they would be entitled to dental services from the members of the corporation, either free of further charge or at greatly reduced charges. Thus, the purpose of the corporation would be to administer programs of prepaid dental care, by defraying or assuming the cost of dental services to its subscribers.

Sixth. The Commissioner of the District of Columbia will be authorized to determine the number of members of the District of Columbia Board of Dental Examiners—though a minimum of five members is prescribed—as well as the length of terms of such members and their compensation.

Seventh. Officers and members of the faculty of any dental school or college in the District of Columbia will be eligible for appointment to the Board, as well as licensees engaged in full-time private practice of dentistry in the District.

Eighth. A new provision will require the filing of all dental laboratory authorization slips for a period of not less than 2 years. These authorization slips are written, detailed descriptions for the construction or repair of any dental restoration or appliance. This new requirement is obviously for the mutual protection of both the patient and the dentist, and is a good example of the need for this legislation to update the present law governing the practice of dentistry in the District of Columbia.

Ninth. Section 21 of the bill makes it unlawful for any person, unless under the auspices of a medical or dental college registered under chapter 9 of title 31 of the District of Columbia Code, to operate a school in the District of Columbia for the training of dental hygienists, dental assistants, dental technicians, or any other auxiliary dental personnel, without the approval of the Board.

Tenth. The penalties for violations of the various provisions of this act, while similar to those in the present law, are somewhat more severe. For example, the present law imposes a penalty of not more than $1,000 for practicing dentistry in the District without a license. This bill would authorize a penalty of not less than $500 nor more than $1,000 for the first such offense, and upon a second or subsequent conviction the penalty is $1,000 fine or imprisonment for a period of 6 months to 1 year, or both. Other penalties are similarly stiffened.

This bill represents the culmination of some 8 years of intensive study and consideration on the part of the District of Columbia Dental Association. Our committee is strongly of the opinion that the provisions of H.R. 10738 are constructive and essential for the continued ability of the dental profession in the District of Columbia to provide modern and adequate dental care services to the citizens of this city. For this reason, we urge the approval of this proposed legislation in the public interest.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BROYHILL), the author of the bill, for such comments as he may wish to make on the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to urge the support of my colleagues for the bill, 10783, of which I am pleased to be the author.

This bill, which is the culmination of nearly 10 years of study and work on the part of the leading dentists in the District of Columbia, is designed to replace the outmoded District of Columbia Dental Practice Act of 1940, and thus to provide an up-to-date, viable law governing the examination, licensure, registration, and regulation of dentists and dental hygienists in the District of Columbia.

During the 31 years which have passed since the present law regulating the practice of dentistry in the District of Columbia was enacted, broad and sweeping changes in the nationwide concept of health care have had a profound effect on the laws of this country with respect to health care services. The overall effect has been to increase the availability of modern health care services for citizens in all walks of life, and also to provide a far greater degree of protection to the public against abuses in the field of medical services.

Dentistry is certainly one of the most rapidly changing professions in the United States today. Programs of public education have increased materially the public awareness of the necessity for continual dental care as a vital part of general health maintenance, with the result that an ever-increasing number of patients are seeking dental services. It has not been possible to increase the number of practicing dentists to any appreciable degree in response to this growing demand for increased dental services, so the dentists must turn to his auxiliaries on the dental health team—the dental hygienists, dental assistants, and dental nurses—to increase his capacity for service. For this reason, the role of auxiliary dental personnel is constantly being reexamined and reevaluated. However, it is impossible to amend existing laws frequently enough in this vital area to keep the dental profession both completely legal and at the same time completely competent. Therefore, it is imperative that an element of flexibility be provided to boards of dental examiners, whereby the duties and functions permissible for auxiliary dental personnel may be altered from time to time by regulation, thus eliminating the need for frequent amendatory legislation in this area. This flexibility has been accomplished in the laws of most of our States, and will be provided for the District of Columbia, for the first time, by certain provisions of H.R. 10738.

I am pleased to offer this bill in response to a real and growing need for legislation which will bring to the dental profession in the District of Columbia an up-to-date regulatory system, responsive to the many changes which have occurred in this profession in the past three decades since the present law was written.

I should like at this point to comment briefly on the more important innovations which H.R. 10738 will provide, and which are not present in the existing law.

Perhaps the broadest and most comprehensive change which H.R. 10738 will produce is to make the District of Columbia Board of Dental Examiners a statutory board, with power to promulgate rules and regulations concerning the examination, licensure, registration, and regulation of dentists and dental hygienists, as well as rules and regulations for the overall administration of the entire act. The Board also will have authority to set fees and charges to defray the costs of administering the act, in contrast to the present fee schedule which is spelled out in the law, and will also be empowered to restore licenses. These are all powers of a statutory board, such as exists today in 35 States, including my own State of Virginia, for the regulation of the practice of dentistry, as contrasted with the present District of Columbia Board of Dental Examiners which is essentially a licensing board, a creature of the District of Columbia Commissioner, with little or no authority to regulate the profession.

I wish to point particularly to the provisions of this bill which authorize the Board to determine the duties which auxiliary dental personnel shall be permitted to perform, in a dentist's office and under his personal supervision. Also, the Board may designate the number of such personnel to whom these duties may be assigned in any given office. This is the extremely important flexible authority which the Board must have with regard to such dental hygienists and dental assistants, to which I referred in some detail earlier in this text.

Section 9(a) of the bill provides that as a condition for issuing an annual renewal certificate to any licensee, the Board may require evidence of continuing education during the year on the part of the licensee. This is a new provision, designed to assure the public the best and most modern dental treatment.

Another extremely important innovation in this bill is section 18, which authorizes the establishment of a nonprofit corporation in the District for the purpose of administering programs to defray or assure the cost of dental services to its subscribers. This corporation, which would be required to include at least one-fourth of all licensed dentists in active private practice in the city as members, would be similar to group health and other such organizations which assure medical services to citizen subscribers under a uniform plan.

Such nonprofit corporations for the purpose of administering prepaid programs of dental services exist today in many States. Several years ago, such an organization, entitled the Dental Services Corp. of the District of Columbia, was incorporated here for this purpose. However, the District of Columbia Corporation Counsel ruled that this organization could not administer prepaid dental programs in the District because this would violate existing District of Columbia law which prohibits a corporation from engaging in the practice of dentistry here. Hence, this provision in H.R. 10738 is essential for the functioning of such a corporation in the District today. Such a corporation would provide a whole new dimension to dental health care in

the District of Columbia, as the costs of dental services continue to rise and such expenses are not covered to any extent under the medical expense insurance programs to which most people subscribe, by providing a means of assurance of such dental costs to the public at large.

While it is true that Group Hospitalization, Inc., is planning to launch such a program in the city in the near future, in cooperation with the dental profession here, this provision of H.R. 10738 is none the less very important, as it will assure the Dental Services Corp. the authortiy to underwrite and administer this program should this become necessary or advisable.

I wish also to call attention to sections 7(b) and 8(b) of the bill, regarding the licensing of dentists and dental hygienists in the District without written examination, provided they are licensed in other States and otherwise meet all the requirements for District of Columbia licensure. The language in these sections will eliminate a provision in the present law, which restricts such licensing without examination only to those applicants who are licensed in other States which reciprocate with the District of Columbia in regard to such licensure.

In the bill H.R. 8589, to amend the present law with respect to licensing of physicians in the District of Columbia, which was reported by this committee and approved by the House on June 14 of this year, we eliminated this same restriction on the licensing of physicians, without examination, who are licensed in other States. We did this because we were convinced that such a limitation serves no useful purpose, and that we should encourage qualified, experienced physicians to enter into practice here in the Nation's Capital. I feel strongly that this same philosophy should apply in the case of dentists and dental hygienists who have proved their qualifications and their competence in practice in other States, and who wish to practice in the District. Such professional personnel should be welcomed to this city, and I feel that this restriction in the present law is unrealistic and should be eliminated.

Another important provision of H.R. 10738 is section 21 of the bill, which states that no person may conduct a school for the training of auxiliary dental personnel in the District of Columbia without the approval of the Board of Dental Examiners.

At present, there is no requirement for operating such a training school in the District except to obtain the necessary building occupancy permit. Thus, there is no licensing or other policing authority governing such schools in the city today. Some of my colleagues may recall a recent series of newspaper articles which pointed an accusing finger at certain such career schools here in the Nation's Capital, which they said engaged in certain practices which apparently are fraudulent, such as failing to provide adequate training, failure to obtain promised jobs for students, going abruptly out of business without refund of tuition fees, and generally acting in bad faith with their students. Such practices, which are said to exist elsewhere as well as in the District, have been called the last legalized con game in America. The Federal Trade Commission has held hearings on this situation, and received a flood of accusatory testimony. They have proposed some guidelines for regulating such schools on a nationwide basis.

Some of these local schools which have been the target of these criticisms offer training programs for dental hygienists, dental assistants, and dental technicians, and the District of Columbia Dental Association is quite concerned about the problems which such inadequate training courses and institutions may impose upon the dental profession and the public alike in the District of Columbia. It is for this reason that the Dental Association has requested this policing authority in regard to such schools which offer training courses for dental personnel, in order that the newly created Board of Dental Examiners may perform a badly needed service by protecting the profession and the public from the operation of such unscrupulous enterprises purporting to train persons for auxiliary dental service. I quite agree that this is a most salutary step in the right direction.

I note with interest that the District of Columbia City Council took action on September 21, to require licensing by the city and bonding in the amount of $10,000 for such proprietary, career schools. I am pleased at this action, which cannot become effective, however, for 120 days; but I do not regard this as negating the need for section 21 of H.R. 10738, as this will add the weight of the dental profession in this policing of such schools which directly affect that profession.

Other new provisions of somewhat lesser importance are the definitions of terms in section 2, some of which were not is use in 1940, and the authority provided in section 6 whereby the District of Columbia Commissioner can determine the number of members of the Board—although a minimum of five members is required—as well as the length of terms of such members and their compensation. The Commissioner is also empowered to remove any member from the Board for cause. Also, section 20 requires the filing of dental laboratory authorization slips for a period of not less than 2 years, which is a precaution to protect both the dentists and their patients. Finally, the penalties for violations of the act, spelled out in section 22, although similar to those in the present law, are somewhat more severe and therefore more realistic.

H.R. 10738 is a much needed piece of legislation which will enable some of our most capable and dedicated members of the health team in the District of Columbia to serve their community more effectively. I introduced this same measure as H.R. 17694 in the 91st Congress, but there was not sufficient time to consider the bill at that time. I urge that we now give this proposed legislation our prompt and favorable support, in the public interest.

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

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

Mr. KYL. I should like to direct a question to the gentleman from Virginia.

Is this bill primarily designed to facilitate the practice of dentistry in the District of Columbia for District residents or for those living in the surrounding territory? I do not see the Representative for the District of Columbia here, so I have to ask the question of the gentleman from Virginia.

Mr. BROYHILL of Virginia. It only pertains to the practice of dentistry in the District of Columbia.

Mr. KYL. It is considered primarily of benefit to the District of Columbia, rather than the outside areas?

Mr. BROYHILL of Virginia. It improves the practice of dentistry in the District of Columbia, yes.

Mr. KYL. I thank the gentleman.

Mr. CABELL. Mr. Speaker, I move the adoption of H.R. 10738, as amended.

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

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 291]

Abourezk	Erlenborn	Mills, Md.
Anderson, Ill.	Foley	Minish
Anderson, Tenn.	Ford, Gerald R.	Morgan
Arends	Galifianakis	Morse
Ashley	Gettys	Murphy, N.Y.
Aspin	Giaimo	O'Hara
Aspinall	Goldwater	Pelly
Badillo	Grasso	Peyser
Baker	Gray	Pike
Baring	Green, Oreg.	Railsback
Bell	Halpern	Reid, N.Y.
Biaggi	Hansen, Idaho	Riegle
Blatnik	Hawkins	Rodino
Boggs	Hébert	Rooney, Pa.
Bow	Helstoski	Rosenthal
Bray	Hillis	Runnels
Celler	Kee	Scheuer
Chamberlain	Koch	Schwengel
Clancy	Landgrebe	Shriver
Clark	Leggett	Sisk
Clausen, Don H.	Lent	Smith, Calif.
Clay	Lloyd	Smith, N.Y.
Collier	Long, La.	Springer
Cotter	McCloskey	Steiger, Wis.
Davis, Wis.	McClure	Stuckey
de la Garza	McEwen	Teague, Tex.
Dellums	McKinney	Thompson, N.J.
Derwinski	Macdonald, Mass.	Thone
Dulski	Mahon	Waggonner
Edmondson	Mailliard	Wilson, Charles H.
Edwards, La.	Miller, Calif.	Wylie

The SPEAKER pro tempore. On this rollcall 336 Members have answered to their names, a quorum.

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

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the District bills just passed.

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

There was no objection.

ORDER OF BUSINESS

The SPEAKER pro tempore. Does the gentleman from South Carolina have any further District business?

Mr. McMILLAN. No, Mr. Speaker. This concludes the business for the District of Columbia today.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. EDWARDS of California. 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 joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution House Joint Resolution 208, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, October 6, 1971, the first Committee amendment as printed in the reported joint resolution was pending. Without objection, the Clerk will again report the first Committee amendment.

There was no objection.

The Clerk read as follows:

Committee amendment: On page 2, line 2, after the word "rights" insert the following: "of any person".

Mr. WIGGINS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, this is the first committee amendment. It is the first so-called crippling amendment that Members have all heard about.

This amendment offers three words to the proposal by our distinguished colleague from Michigan. It offers the three words "of any person" following the word "rights" in the first sentence of the amendment.

In other words, as proposed by the committee the language would be "Equality of rights of any person . . ."

Now, why is the amendment necessary? I assure every Member of the House that this amendment is offered in good faith, with an intent to improve the amendment, to improve its style, to make it consistent with other provisions of the Constitution.

As many Members of the House know, the Constitution treats differently the rights of citizens and the rights of noncitizens.

The question arose during the hearings on this measure whether or not it was the intent of its author to extend its coverage to citizens only or whether its coverage should be extended to persons who may not be citizens.

Whatever the answer, Mr. Chairman, how can we be sure? The amendment was absolutely silent in this regard and therefore was ambiguous.

The sole purpose of the committee amendment was to remove that ambiguity and to make it absolutely clear that the amendment extended to all persons and not just to citizens.

Let me point up the difference in other sections of the Constitution, Mr. Chairman. For example, in the 14th amendment to the Constitution, the "privileges and immunities" section extends only to citizens, not noncitizens. The "equal protection" provisions of the 14th amendment extend to persons, citizens as well as noncitizens.

In other provisions of the Constitution the difference in treatment of citizens and noncitizens is made explicitly clear.

In article I, the first article of amendment of the Bill of Rights, the right to peaceably assemble extends to the "people." In article II, the "people" are expressly mentioned. In article IV, "people" are expressly mentioned. In the fifth article of amendment to the Constitution, the "due process" clause extends to "persons."

Mr. Chairman, once again let me assure all of the Members that the intent of this amendment is to be constructive and, indeed, it is constructive. It removes a patent ambiguity from the original language and should be supported by the Members, whatever their attitude may be with respect to the draft and so-called protective legislation.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

The substantial majority of the subcommittee of the Judiciary Committee handling this bill voted this amendment down.

The gentleman from California (Mr. WIGGINS) suggests that it is important as a clarifying amendment. I am afraid it was really of importance to the gentleman from California (Mr. WIGGINS), because he was the only one who brought it up during the hearings.

A great majority of the subcommittee feels that the amendment is superfluous and unnecessarily confusing of the basic issues before us today.

Mrs. GRIFFITHS' House Joint Resolution 208 perfectly clearly refers to human rights and only pertains to people. As much as I admire and respect the gentleman from California, I cannot accept his argument. At the hearings, which were extensive, it was brought up by Mr. WIGGINS. He argued some totally new concept of equality. Under this bill he said equality could be applied to animals as well as to women. On page 71 he expressed the fear that the equal rights amendment would invalidate the rights of dogs and that we would treat male and female dogs differently. Later he argued that hunting laws would be able no longer to draw distinctions between does and bucks. There is no legal precedent in the history of our Constitution for giving animals treatment like humans, and every time this issue was brought up before some of our honored legal constitutional experts, Mr. WIGGINS' amendment was rejected as unnecessary.

I might add that some groups were offended and regarded this amendment as frivolous. To create further confusion the proponents of this amendment argued that the original Griffiths text might result in discrimination against women noncitizens. This argument, I submit, is likewise without merit, and the proponents can cite no legal authority for it whatsoever.

I think it is significant even the few legal scholars who are in opposition to the equal rights amendment, namely, Professors Kurland and Freund, have not suggested any danger at all that the courts might foolishly apply this conception of equality as broadly as to include animals or foreign women.

Mr. Chairman, there is no need for this amendment. It purports to cure a nonexisting defect in the original text that has been unchanged since 1941. The arguments have no legal merit and appear to be frivolous at best.

Arguments are made that it would destroy the equal rights amendment as Mr. WIGGINS' other proposal would do.

Mr. Chairman, the substance and subject of the amendment is not constructive and only causes confusion.

Therefore, I urge the defeat of the amendment.

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

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

Mr. Chairman, I would not want to sit silently by and let this amendment be described as frivolous. It serves a real purpose. It is a clarifying amendment. It merely defines the scope of this amendment as to include any person.

I cannot believe that in any line of inquiry during the hearings the gentleman from California (Mr. WIGGINS) was talking about the rights of animals. We are not concerned here about the rights of animals. We are concerned about the rights of people.

Now, Mr. Chairman, I yield further to the gentleman from California in order that he might clarify for the record his purpose in that line of questioning.

Mr. WIGGINS. I thank the gentleman for yielding.

Mr. Chairman, I hope the Members do not feel that the questions asked during the extensive committee hearings are in all cases representative of the views of the person who asked the question.

Our purpose is to develop the arguments; to determine the scope of an amendment; and to pose hypothetical equations testing its effect.

I did raise a question during the hearings as to whether or not it was possible to extend the concept of the equality of rights to the rights of human beings in animals. That question was prompted by an account which I read in the newspapers in which a young lady stated that

her female dog was charged a higher license fee than that for a male dog. That was apparently important to her, and she made an equal rights argument out of it.

I asked the question if the equal rights amendment might not effect this problem since it is not clear that it extends to persons or animals.

Mr. Chairman, one other question needs to be clarified. There were no separate votes in the subcommittee on any amendment. The subcommittee voted up or down the original proposal by Mrs. GRIFFITHS and that original proposal carried by an unrecorded voice vote, but which we all understood was 6 to 4.

These amendments were offered in the full committee when the full Committee on the Judiciary considered this subject. The full committee, composed of the lawyers of the House, adopted this clarifying amendment.

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

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

One of the bases for this proposed amendment is constitutional draftsmanship.

It seems to me that the most fundamental rule of constitutional draftsmanship is to state constitutional principles in the fewest number of words necessary. The intention in this case is certainly clear and unequivocal.

The form of the amendment has been recognized by women's groups and others who support this measure and who have supported it for many years. It is in the form which was presented to the committee and which was considered by the committee. To add these words, according to the proponents, would do no harm. If one of the main arguments is that this will do no harm, why put it in—if it is redundant, unnecessary, and superfluous?

I think we all know what is intended by this equal rights amendment.

I am struck by the fact that the strongest opponents of the equal rights amendment are also supporting this and the other amendment which will be proposed.

So, I think those who support the equal rights amendment in the form of House Joint Resolution 208 should reject this amendment and should reject all amendments to the original proposal.

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

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

Mr. Chairman, I have long been intrigued by these words in the preamble to this resolution: "Proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

Would the gentleman from California (Mr. EDWARDS) care to tell me what rights I have been deprived of, and what rights I would be given under this resolution?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I will yield to the gentleman from California.

Mr. EDWARDS of California. I must advise the gentleman from Iowa that a great many rights that are being deprived of women today are also deprived where men are concerned.

Mr. GROSS. Well, give me an example or two.

Mr. EDWARDS of California. The various weight protection laws.

Mr. GROSS. Weight protection laws. W-e-i-g-h-t?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Weight protection laws?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. What is a "weight protection law?" You mean that I weigh too much, or too little, or something of this kind, in comparison with women? What do you mean?

Mr. EDWARDS of California. There are a number of States that have laws that preclude women from lifting weights in excess of a certain number of pounds. These apply only to women, and they have been viewed to discriminate against women. However, if they are of benefit in a certain jurisdiction then it is entirely possible that these laws could apply also to men.

Mr. GROSS. Does the gentleman from California mean to say that if this resolution is passed that I can no longer go on weight lifting if I am a weight lifter—if I want to become a "Mr. Atlas," or something of that kind—I am going to be thwarted in my ambition to lift weights?

Mr. EDWARDS of California. No. The gentleman from Iowa can assure his friends in Iowa who are interested in that sport that they are unaffected by this particular constitutional amendment.

Mr. GROSS. What rights, then, will this resolution give me that I do not already have, since it is an equal rights for men as well as for women amendment?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I will yield.

Mr. EDWARDS of California. There are a number of areas in the laws of custody, marriage and divorce, where certain males have certain disadvantages. For example, in some States if a woman is being divorced, or is divorcing her husband, she has a preference in the custody of their children. And the husband has the presumption that he must support the wife, even though the wife may be working, and the husband entirely indigent.

All of this would be equalized, and the husband and wife in cases where children are involved would go into the court under an equal status, and then the court would decide who the appropriate person would be to have custody of the children, and who was the appropriate person to support the other and support the children.

Mr. GROSS. They do that now, do they not?

Mr. EDWARDS of California. That is not necessarily correct. In many jurisdictions there are presumptions that work against the husband.

Mr. GROSS. There are presumptions that work against the husband?

Mr. EDWARDS of California. That is right.

Mr. GROSS. Then if my wife sues me for divorce, and obtains a decree, under the terms of this resolution I might not have to pay her any alimony? I could just say "You have had it," or something of that kind?

Mr. EDWARDS of California. That is entirely up to the court. The court will examine both sides of the case, and if in fact you should unfortunately happen to be destitute, and ill, and your wife has a good job, and a considerable amount of money, then under this constitutional amendment the court could determine that she protect and provide for you.

Mr. GROSS. After 43 years of married life to one woman, that is something to contemplate, I would say. You are making real progress here. She might even pay me alimony if she brought a divorce action against me—my wife, that is—she might even be paying me alimony.

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Well, that is wonderful. It is something to contemplate for the future.

The CHAIRMAN. The question is on the committee amendment.

TELLER VOTE WITH CLERKS

Mr. WIGGINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. WIGGINS, EDWARDS of California, CONYERS, and KEATING.

The Committee divided, and the tellers reported that there were—ayes 104, noes 254, not voting 72, as follows:

[Roll No. 292]

[Recorded Teller Vote]

AYES—104

Abbitt	Gubser	Powell
Abernethy	Hagan	Quillen
Alexander	Hall	Rooney, N.Y.
Andrews, Ala.	Harsha	Rousselot
Arends	Hays	Sandman
Ashbrook	Hogan	Scherle
Belcher	Hosmer	Schmitz
Betts	Hull	Scott
Biester	Hutchinson	Sebelius
Brooks	Ichord	Shoup
Brown, Ohio	Johnson, Pa.	Skubitz
Burke, Fla.	Jonas	Slack
Byrnes, Wis.	Keating	Smith, Iowa
Camp	King	Smith, N.Y.
Celler	Kyl	Spence
Chappell	Latta	Stanton,
Clawson, Del	Lent	J. William
Colmer	McCulloch	Steiger, Ariz.
Coughlin	McEwen	Sullivan
Davis, Ga.	McKay	Talcott
Dellenback	McMillan	Teague, Calif.
Dennis	Mann	Thompson, Ga.
Devine	Martin	Thomson, Wis.
Dickinson	Mathias, Calif.	Veysey
Dingell	Mayne	Wampler
Dorn	Miller, Ohio	Ware
Dowdy	Minshall	Whalen
Edwards, Ala.	Mizell	White
Evans, Colo.	Monagan	Whitehurst
Fish	Montgomery	Whitten
Flynt	Nedzi	Wiggins
Garmatz	Nichols	Williams
Goodling	O'Konski	Wright
Gross	Passman	Wydler
Grover	Poff	Wyman

NOES—254

Abzug	Frelinghuysen	Nix
Adams	Frenzel	Obey
Addabbo	Frey	O'Neill
Albert	Fulton, Tenn.	Patman
Anderson, Calif.	Fuqua	Patten
	Galifianakis	Pepper
Andrews, N. Dak.	Gallagher	Perkins
	Gaydos	Pettis
Annunzio	Gibbons	Peyser
Archer	Goldwater	Pickle
Ashley	Gonzalez	Pike
Baker	Grasso	Pirnie
Barrett	Gray	Podell
Begich	Green, Pa.	Preyer, N.C.
Bennett	Griffin	Price, Ill.
Bergland	Griffiths	Price, Tex.
Bevill	Gude	Pucinski
Biaggi	Haley	Purcell
Bingham	Hamilton	Quie
Blanton	Hammer-schmidt	Randall
Blatnik		Rangel
Boggs	Hanley	Rarick
Boland	Hanna	Rees
Brademas	Hansen, Wash.	Reuss
Brasco	Harrington	Rhodes
Brinkley	Harvey	Roberts
Broomfield	Hastings	Robinson, Va.
Brotzman	Hathaway	Robison, N.Y.
Brown, Mich.	Hechler, W. Va.	Rodino
Broyhill, N.C.	Heckler, Mass.	Roe
Broyhill, Va.	Helstoski	Rogers
Buchanan	Henderson	Roncalio
Burke, Mass.	Hicks, Mass.	Rosenthal
Burleson, Tex.	Hicks, Wash.	Rostenkowski
Burlison, Mo.	Holifield	Roush
Burton	Horton	Roy
Byrne, Pa.	Howard	Roybal
Byron	Hungate	Ruppe
Cabell	Hunt	Ruth
Caffery	Jarman	Ryan
Carey, N.Y.	Johnson, Calif.	St Germain
Carney	Jones, Tenn.	Sarbanes
Carter	Karth	Satterfield
Casey, Tex.	Kastenmeier	Saylor
Cederberg	Kazen	Scheuer
Chisholm	Keith	Schneebeli
Clay	Kemp	Seiberling
Cleveland	Kluczynski	Shipley
Collins, Ill.	Koch	Sikes
Collins, Tex.	Kuykendall	Snyder
Conable	Kyros	Springer
Conte	Landrum	Staggers
Conyers	Link	Stanton, James V.
Corman	Long, Md.	
Cotter	Lujan	Steed
Crane	McClory	Steele
Culver	McCollister	Stephens
Daniel, Va.	McCormack	Stokes
Daniels, N.J.	McDade	Stratton
Danielson	McDonald, Mich.	Stubblefield
Davis, S.C.		Symington
Delaney	McFall	Taylor
Denholm	McKevitt	Terry
Dent	Madden	Thompson, N.J.
Diggs	Mahon	Tiernan
Donohue	Mathis, Ga.	Udall
Dow	Matsunaga	Ullman
Downing	Mazzoli	Van Deerlin
Drinan	Meeds	Vander Jagt
Duncan	Melcher	Vanik
du Pont	Metcalfe	Vigorito
Dwyer	Michel	Waldie
Eckhardt	Mikva	Whalley
Edwards, Calif.	Mills, Ark.	Widnall
Eilberg	Minish	Wilson, Charles H.
Esch	Mink	
Evins, Tenn.	Mitchell	Winn
Fascell	Mollohan	Wolff
Findley	Morgan	Wyatt
Fisher	Morse	Wylie
Flood	Mosher	Yates
Flowers	Moss	Yatron
Ford, William D.	Murphy, Ill.	Young, Fla.
	Murphy, N.Y.	Young, Tex.
Forsythe	Myers	Zablocki
Fountain	Natcher	Zion
Fraser	Nelsen	Zwach

NOT VOTING—72

Abourezk	Clancy	Foley
Anderson, Ill.	Clark	Ford, Gerald R.
Anderson, Tenn.	Clausen, Don H.	Gettys
		Giaimo
Aspin	Collier	Green, Oreg.
Aspinall	Davis, Wis.	Halpern
Badillo	de la Garza	Hansen, Idaho
Baring	Dellums	Hawkins
Bell	Derwinski	Hébert
Blackburn	Dulski	Hillis
Bolling	Edmondson	Jacobs
Bow	Edwards, La.	Jones, Ala.
Bray	Erlenborn	Jones, N.C.
Chamberlain	Eshleman	Kee
Landgrebe	Miller, Calif.	Runnels
Leggett	Mills, Md.	Schwengel
Lennon	Moorhead	Shriver
Lloyd	O'Hara	Sisk
Long, La.	Pelly	Smith, Calif.
McCloskey	Poage	Steiger, Wis.
McClure	Pryor, Ark.	Stuckey
McKinney	Railsback	Teague, Tex.
Macdonald, Mass.	Reid	Thone
	Riegle	Waggonner
Mailliard	Rooney, Pa.	Wilson, Bob

So the committee amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee Amendment: On page 2, following line 4, insert the following new section 2 and redesignate section "2" and section "3" as section "3" and section "4", respectively:

"SEC. 2. This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

Mr. WIGGINS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, the second committee amendment was added because simple commonsense dictated that it be done. To reject the committee amendment is to turn away from commonsense and to accept the irrational consequences of identical treatment of men and women in all cases.

It has been said that the committee amendments introduce a qualified form of equality to our Constitution. This is, of course, legal nonsense. The 14th amendment now declares that all persons are entitled to the equal protection of the law. But this amendment has never been interpreted to require the absolute identical treatment of human beings. Reasonable classifications have always been tolerated. We treat juveniles differently than adults, for example; the rich are accorded different treatment than the poor, for another.

And so it was that the Supreme Court provoked this entire controversy many years ago in Muller against Oregon—a "museum piece" in constitutional history—by holding that classifications solely on the basis of sex were reasonable. The committee rejected the holding in Muller and devised a standard which will forbid distinctions solely on the basis of sex, but will tolerate a different treatment of men and women if the difference in treatment is reasonably designed to promote the health and safety of the people. And this is only commonsense, if we seek to avoid chaos.

Take the matter of the draft. At the present time, Congress may draft women but it has not elected to do so. This is an unequal treatment of men and women which must be corrected if the committee amendment is disapproved. The choices are: No draft at all, or women shall be drafted on identical terms with men. Reflect upon all that this may mean now, and in the uncertain future. Approximately 52 percent of all draftees would be women. The entire composition of our Armed Forces would be changed. The women could not be assigned to "ladylike" tasks, for that would be unequal treatment and thus unconstitutional. Total integration by sex in all branches of the military would result, apparently not separated by sex in its facilities. Could we expect a lessening of the capacity of our Military Establishment to provide for the defense of this country? Of course.

Where does the national interest lie in this matter? Which is the commonsense decision for which you shall be recorded in a few minutes?

Other examples of different treatment between men and women exist which should not be struck down arbitrarily. Take, for example, the unequal treatment of men and women in the social security laws. This difference in eligibility requirements, and survivors benefits which favor women, must be corrected. Domestic relations laws in the several States could be reduced to a shambles. Legislation to protect working women, earned after many years by organized labor, would be reduced to a nullity. If you do not believe such laws are needed, you have not followed the oppressive rules imposed upon factory women by employers when limitations upon hours of work have been lifted in Michigan and California, for instance.

Finally, Mr. Chairman, as this decision is about to be made, let me observe that it may be based upon political considerations as perceived by the individual Members. I hope this is not true. There never can be any excuse for interjecting political considerations into a constitutional question.

This issue should be decided on its merits. Commonsense is on the side of the committee amendments. If they are retained, we can all honor our commitment to equal rights for men and women. If they are stricken, the resulting amendment is contrary to the national interest and is unworthy of your support.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is the Wiggins amendment that the Judiciary Committee as well as women's groups, the National Republican Party, and the Democratic Party are asking the House Members to reject.

If you approve the amendment, the bill is scuttled. Some might even say this amendment was designed specifically to kill the equal rights amendment. We might recall that statements were made after the committee added the amendment to the effect that it was "the kiss of death" and "this kills the bill." So let us make it perfectly clear a vote for this amendment is a vote against equal rights.

Our distinguished friend, the gentleman from California (Mr. WIGGINS), discussed the draft. I would remind you that the first President to make an equal rights amendment a part of his legislative program was General Eisenhower. Yet proponents of this amendment would have us believe that the equal rights amendment will hamper the military effort and threaten the Army and Navy.

That is not giving President Eisenhower very much credit.

We had a group of young women from George Washington University who testified before the subcommittee and were asked "How many women do you know who want to be drafted?" Their answer was "Just as many as the number of men who want to be drafted." These young women wondered about Congressmen who agreed that the draft must end and yet used the draft to defeat equal rights for men and women. They said, "Do not deny women the opportunity to be directly involved in our greatest issue." They say "No, thank you," to protection by the male establishment when that protection is just additional discrimination. And, of course, the equal rights amendment does not require that men and women be treated equally for the purposes of the draft. It is no more true than that all men are treated equally in the draft. Physical differences will still determine.

Women will not be required to serve where they are not fitted, just as men are not required to serve where they are not fitted today.

This argument is the tactic of fear of a Selective Service System where we have a national commitment to get rid of the draft. Out of this specter of drafting young mothers when we know that under ordinary deferment rules this will not happen.

At the same time, we have 40,000 women serving honorably and well in the armed services.

Yet, we would be telling them this—we men will protect them as an under class from these same armed services; we will deny them the opportunity to carry their full share of the defense of themselves, their families, their homes, their country and the world.

Now, Mr. Chairman, the Wiggins amendment also includes these health and safety laws enacted in the 19th century and the early 20th century. In recent years there has been this growing realization that they are more discriminatory than protective. They are going down the drain today because title VII of the 1964 Civil Rights Act outlaws discrimination in employment because of sex. Title VII is nationwide in striking down these laws that discriminate and making them apply to men as well as women protective laws that really protect women.

Mr. Chairman, especially distressing is the part of the Wiggins amendment that would repeal an important portion of title VII. Any time a State or local government wanted to discriminate against women they could just add this caveat, it reasonably protects health and safety.

For example, a State law, if this became a part of the Constitution, could say that women with pre-school children could not be stewardesses because it reasonably protects their health and safety.

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

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Is it not correct that there was no testimony from anyone from the Defense Department, the Pentagon, or any of the military branches of the service on this question?

Mr. EDWARDS of California. That is right. We had no testimony, no letters, no communication from Secretary of Defense Laird or anyone in the military establishment that this would be detrimental. Rather, it was pointed out that 85 percent of the jobs in the military services are noncombat.

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

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

Mr. Chairman I quote testimony of the representative from the Department of Justice before our subcommittee:

> The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel.

It is clear as a flag staff that if a constitutional amendment is to be approved by the Congress, its potential scope must be circumscribed.

We must not approve what Professor Freund has called a broad-spectrum drug with unwanted and uncertain side effects. This is what the Judiciary Committee amendment is all about, the Wiggins amendment.

Mr. Chairman, the Wiggins committee amendment reserves to the Congress and the President the right to determine, through the enactment of law at any particular time, the desirability of requiring women to serve in our Armed Forces. It does not place the Government in a straitjacket by etching in cement a prohibition against draft exemptions for women; neither does it require that they be drafted. It leaves that question for a decision in the light of the circumstances which may prevail at any given time in our history. While it is true that the present draft law may soon be ended, that is no argument that women may not be drafted in the future.

The needs for our national safety and existence might at some future time demand a draft. No one can foretell.

Women represent motherhood and creation. Wars are for destruction. Women, integrated with men in the carnage and slaughter of battle—on land, at sea or in the air—is unthinkable. Yet, under the original amendment, identical treatment must be accorded both sexes. Otherwise the word "equal" has lost its meaning. Men could refuse to serve and sacrifice in the butchery of war if women are exempt. Can you imagine women trained by a drill sergeant to charge the enemy with fixed bayonets, and bombs? If, in a draft, married fathers were drafted, married mothers could not be exempt.

War is Death's feast. It is enough that men attend.

Incidentally, in a Roper poll earlier this year, 77 percent of the women indicated opposition to the drafting of women.

The committee amendment recognizes that Congress and the States should be permitted to consider differences between the sexes in enacting laws which reasonably promote health and safety. This amendment would preserve gains already made, and would permit further advances in the years to come.

The family structure, as it has developed through the years, will not in one fell swoop be torn asunder. It will be protected and permitted to endure.

Similarly, the primary jurisdiction of the States over domestic relations matters will continue unabated, and the Federal Government will not intrude unnecessarily.

In summary, I am convinced that the modifications proposed by the Committee on the Judiciary must be incorporated in any constitutional amendment which is approved. These modifications will protect us against abandonment of the progress we have made, and can make, based upon health and safety factors.

Indeed, amended House Joint Resolution 208 will be a sounder support on which to build continued efforts to eliminate discrimination based on sex. At least, it will permit us intelligently to deal with subjects such as hiring and promotion policies, equal pay for equal work, discriminations under our social security and tax laws, equal treatment in the housing field, and equal treatment in public accommodations and the financial world. The old cliche "don't throw out the baby with the bath" is pertinent here. Let us not move backward, giving up our hard-gotten gains, in order to move forward toward our very worthwhile goal.

Mr. Chairman, I urge support of the pending amendment.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in rising in opposition to the so-called Wiggins amendment I want to call attention to the fact that the use of the expression "committee amendment" and "Wiggins amendment" are identical. The amendment we are talking about is the one that is commonly known as the Wiggins amendment. It is offered here as the committee amendment, and as such it will have to be approved by a majority vote of the membership of this body to be added to the proposed constitutional amendment, House Joint Resolution 208.

What seems to characterize most of the arguments in support of the Wiggins amendment—as well as the equally strenuous pleas against this entire proposal for equal rights for men and women—is the irrelevancy of these arguments in our modern day society.

The various State health and safety laws to which the main part of the Wiggins amendment is addressed—were the result of the sweatshop, the 80-hour week. Most of the laws limiting hours of work—and against lifting of weights—have virtually no application today. So-called protective laws are—in fact—discriminatory laws. They are neither reasonable nor rational. But the Wiggins

amendment by specifically exempting any such law which "reasonably promotes the health and safety of the people" would seem to revive an era of patronizing discrimination—which simply does not exist.

I realize that laws against women being employed as bartenders, night elevator operators, and in virtually every trade and occupation where lifting of weights is required—were popular at one time. But those laws belong to another era.

Today, you are not too surprised to find a woman as a taxi driver, a service station attendant, a factory machine operator. Soon, you may see women jockeys and airline pilots—even truck drivers and equipment operators.

It should be recalled that when the equal rights amendment passed the other body in 1950 and 1953, it had attached to it the so-called Hayden rider providing simply that the amendment should not "impair any rights, benefits or exemptions now or hereafter conferred by law upon persons of the female sex."

In the explanation of the Wiggins amendment as presented to the committee—and these are about the only words of that explanation which are omitted from the committee report—it is stated:

> The new language is an attempt to improve the "Hayden Rider" idea.

Several other paragraphs are needed to explain that the Wiggins amendment does not freeze all exemptions by constitutional fiat. It merely freezes those that are reasonable—and which bear some relation to health and safety.

The "Hayden rider" did not even refer to compulsory military service—nor did the second so-called Ervin amendment in the last Congress. But both of those amendments were effective devices for killing the bill. So is the Wiggins amendment. It was originally rejected by the committee on a tie vote. Then, after the catchall word "welfare" was dropped, it was adopted by a 19 to 16 margin.

But it is the same old device—it belongs to another period in our history—not in a period when we are endeavoring to free ourselves of archaic prejudices based on color or sex.

All this constitutional change will do—is to guarantee to women equal legal rights. The Constitution does not say that now. In fact the only right specifically guaranteed to women—is the right to vote. It is about time—in 1971—to constitutionally guarantee equality of rights to men and women—on all subjects.

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

Mr. McCLORY. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman for his very forthright and kind statement and I would like to join him in his statement.

Mr. Chairman, I feel honored to have this opportunity to stand and voice my strong support for House Joint Resolution 208, proposing an amendment to the Constitution relative to equal rights for men and women.

America was founded on the principle that all men are created equal, and the ideal of a democracy cannot be met so long as there are arbitrary class distinctions and privileges. There are few women in the United States who have not endured some sort of injustice because of their sex, and there are countless numbers that are forced to bear it today in the most blatant forms—every college graduate who can only find secretarial jobs while her male classmates land quality jobs in the field of their study, the constant drive to have to prove oneself or the battle many women experience trying to get a promotion which inevitably goes to the man—all these women know what I mean and the list is endless.

Women are not the frail, dependent creatures they were once thought to be but rather strong independent human beings capable of the duties and entitled to the rights which are exercised by men. It is time for Congress to recognize the equality of men and women by adopting this principle into the supreme law of the land.

The idea that women need special laws for their protection has unfortunately been used to create laws which are "protective" in name but which in reality provide a basis for depriving women of equal opportunity.

Under this amendment, the law would no longer perpetuate outmoded conceptions of how people belonging to a particular category should be treated, but could allow for the needs and aspirations of the individual. Take heavy lifting as one example—no one, man or woman, should be expected to lift a load heavier than they can manage. It is irrelevant that perhaps more men than women are able to lift heavier loads. The man of slight build should not be required to lift what he cannot handle; in the same vein, the strong woman should not be denied a day's pay because of a law which "protects" her from lifting that which she can handle with ease.

Let me address one additional point. I realize that the draft is a main issue of concern and some favor including a draft exemption for women as part of the amendment. Such an amendment is an outgrowth of the doctrine that women are in special need of "protection." If the draft is viewed as a burdensome duty, then exempting women is discrimination against men.

Since war has come to be more a matter of efficient use of technological strength rather than a match of brute strength, the traditional role of women in the military should be reexamined. Can it justifiably be said that a young woman without children has less of a duty to serve her country than a young man in the same situation.

Furthermore, the potential results of a constitutional amendment exempting women from the military, as some of my colleagues have proposed, could well be disasterous. During World War II there was a critical shortage of nurses—so critical that a bill drafting nurses was passed by the House and reported favorably by the Senate; however, the war ended before it reached a final vote in the Senate. As we all know, the amendment process is time consuming. If the needs of war ever became great enough to require drafting women, and it well could in such a vital area as nursing, could the Constitution be amended quickly enough to meet the need?

I believe that House Joint Resolution 208 provides a firm legal framework for changes in laws discriminating against women. Mr. Chairman, I certainly realize that it is not a panacea that will rid this nation of its prejudices built up over the years, but it can and will change that which is governed by law. The 19th amendment, women's suffrage, was the first step in bringing the women of America in this society as persons in their own right—after 50 years it is time to take another step.

Mr. McCLORY. Mr. Chairman, I thank the gentleman.

I want to add that there were, I believe, 14 or 15 representatives of a like number of women's organizations who appeared before the committee and that all but two of them support this amendment. All of them were asked whether they understood that a possible future compulsory military service law would apply to women and they all understood that it would. They want it that way. It seems to me we should respect their rights. There would be nothing more degrading to women than to suggest to them that they are not qualified to participate in our national security. They feel they are—I feel they are.

Mr. Chairman, I hope that the Wiggins amendment will be defeated.

Mr. DENNIS. Mr. Chairman, I move to strike out the last word and rise in support of the committee amendment.

Mr. Chariman, there are a great many things we could say about this important matter, but there are just two joints I want to make at this time and which I suggest we keep in mind.

One is that if the committee amendment is not adopted, we would strike down every protective piece of legislation in the 50 States of the Union adopted in the past 50 years which protect the rights of women on the basis of a reasonable classification, and particularly in the field of labor and factory legislation.

If you think that is not relevant today, as my friend, the gentleman from Illinois, has suggested—I suggest that you read again the very strong letter which I received, and which I think most of you received last week, from the Amalgamated Clothing Workers Union which points out their views on this matter and which supports the Wiggins amendment for that reason.

The second thing is that if we strike out the committee amendment, we put ourselves in the position, by writing House Joint Resolution 208 into the Constitution of the United States, that if we ever, under any circumstances, again want to draft men into military service, we have no option; we also have to draft women. And if we ever again, under any circumstances, want to draft fathers into

the military services, we have to draft mothers. Now, that is the effect of not adopting the committee amendment—exactly the effect.

We are talking about the Constitution here. We can draft mothers tomorrow if we want to pass a bill. If the women of the country want that, they can come in here and lobby for that, and maybe get it passed. But if we put it into the Constitution, it means that anytime we feel that in this country we have to have a draft of men for military duty, or of fathers for military duty, we have no choice. We have no option. We have to draft women. We have to draft mothers, too. It is going to be very hard to pass a draft law if we ever need to under those circumstances, and if we do it, at the same time we go into a draft law, we are going to completely change, overturn, and revolutionize American society for the worse.

All I say is, at least leave ourselves an option. Let us not put ourselves in the position, by tampering with the Constitution of the United States, where a future Congress, if it ever faces that problem, has no option and cannot decide at that time whether they want to draft women along with men or not.

There is a lot of lobbying behind this amendment but, let me tell you, most women do not want to be subjected to the draft. Seventy-five percent of the people in my district, men and women, do not want to subject women to the draft. That is what the people think. And I say it is ridiculous—pardon the expression; I do not wish to be rude to anybody—but it does not make sense to write into the Constitution of the United States a proposition which means that if we ever have to draft men, we have to draft women, and if we ever have to draft fathers, we have to draft mothers.

To state that proposition is to refute it; and yet that is exactly what happens unless you adopt this committee amendment, which has been called the Wiggins amendment, after its author, the distinguished gentleman from California.

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

Mr. Chairman, I enter the well, if not as a convert, at least as one who, like Saul on the road to Damascus, had seen the light. I must say my position was, before I saw the light, somewhat like that of the agnostic who attends church in order to get the business patronage of the other members of the congregation. But I have now seen what the basis of this women's rights amendment is, and it is exactly the opposite of the Wiggins amendment.

I saw the light when I read the excellent summary of the history of the entire constitutional question, put into the RECORD by the distinguished gentleman from California on October 6, 1971. I had thought that the language had better be written, "There shall be no invidious discrimination against women," rather than that, there shall be "equality rights." But I find from the decisions that that is presently protected by the equal rights provision of the 14th amendment. The case of Goesaert against Cleary is cited in this study, and it points out that even at the present time, if there is a discrimination against women which is invidious, it is unconstitutional.

But what is sought here by this provision is to require that women be treated in the eyes of the law in precisely the same way that men are. Their rights, Mr. Chairman, must be equally respected. If a man is physically weak and a woman is physically weak, they will be treated the same way. If a man is physically strong, and a woman is physically weak, they will be treated differently, not because one is a man and one is a woman, but because of the actual fact of difference.

I was somewhat persuaded along the lines the Chairman indicated that there was a real reason why women should not be brought into the draft, and perhaps there was in the Franco-Prussian War or the First World War or even the second. There was a time, of course, when the destruction of a mass of females would have affected the population. Today the kind of war we are confronted with would not be of that nature. It is not a threat to just women or to just men. There is a threat to everyone.

There is no reason today why a distinction should be made in the eyes of the law between men and women with respect to their rights. I suggest to the Members if we pass the Wiggins amendment, we do kill the bill, because the rights extended under the 14th amendment's equal protection of law provision are substantially as extensive as what would be covered by this bill if the Wiggins amendment were added.

Here is what the court said in White against Crook. A three-judge Federal court in Alabama said the effect of the equal protection clause is to prohibit "prejudicial disparities" in the law. If we add the Wiggins amendment, all we do is prevent such prejudicial disparities.

This constitutional amendment does more than that. It says we may not take into account, standing alone, the question of sex in determining the rights of men and women. If we do not do that—if we pass the Wiggins amendment—we fall right back to the result in Goessaert against Cleary. In that case a State decided that no female could tend bar unless she were the wife or the child of the proprietor of the establishment. The Supreme Court said that is constitutional. That is a distinction made on the basis of sex, and it is true that if the constitutional amendment here offered passes without the Wiggins amendment, it would reverse Goessaert against Cleary, and it should reverse it, because there is no reason why men and women should be treated differently just because of sex.

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

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

Mr. CELLER. Mr. Chairman, do I gather from the gentleman's argument that all we need is the 14th amendment, that we do not need this equal rights amendment? Is that correct?

Mr. ECKHARDT. The distinguished gentleman misunderstands me. Under Goessaert against Cleary, the court held we could say to women only, not to men, that if one is the wife or child of the owner of the establishment, one can work as a bartender, but if one is not, then she cannot work as a bartender. It did not say that in order for a male to work as a bartender, one has to be the son or the husband of the owner of the establishment.

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

Mr. Chairman, first I regret that I find myself in opposition to one of my friends in the House, the gentlewoman from Michigan (Mrs. GRIFFITHS). As a gentleman, or at least as one who attempts to be a gentleman, I am against this resolution.

May I call to the attention of the House the fact that this proposed resolution has been before the Senate on several occasions. In each instance, the Senate, where there is unlimited debate, and where they can have an opportunity to go into all ramifications of this resolution, has adopted an amendment comparable to the Wiggins amendment.

It can be looked upon as a bit of courage and bravery for women to say that they want to be drafted. But suppose they were drafted. Do you believe that they are going to be put in the front of the battle lines with men? Do you believe that they are going to be treated the same as men in the armed services? Do you believe they really want to be treated the same as men who are fighting the wars?

I received a letter the other day from a very courageous woman residing in a western State, who after referring to me as a southern gentleman—and I appreciate the comment—indicated that women wanted to be drafted just as men are. But I know they do not. And, indeed, they should not.

I know it is no answer to this issue to say that pretty soon the draft will be done away with. But, Mr. Chairman, it will be back. There will be other times in the history of this country when there will be more draft bills.

With all deference to the courage, the beauty, the charm, and the sacrifices that have been made by American women, how many of you believe that this country can be made safe with women standing in times of war at the triggers of cannons? I am not going to be responsible for attempting to put them there.

I have had a little experience with the principal supporters of this amendment, which is the National Womans Party. With all deference to these ladies, most all of them who have been to see me are women who are in pretty good financial circumstances. They do not have the responsibilities of the average American woman. Most of them are without children. And they own and are occupying a magnificient building over here, in the shadow of this Capitol, from which they lobby this Hill day after day. On this building they sought and gained an exemption from the payment of taxes.

They were willing to have the police protection of the city. They were willing to use the streets that are paved by the District of Columbia and the Government. They accept all municipal services. But they do not want the equal right of helping to maintain these services. They got their bill passed and operate in their tax free headquarters.

I am not willing to repeal these laws that protect the women of this country. If some of them do not want protection, that is all right with me. But the lady to whom I happen to be married, and most others like her, wants them. I am not going to be a party to taking them away.

Last year I was requested to write an article for the American Legion magazine, which goes into millions of homes in this country—not just a few, but millions. Do you know how many letters I got in opposition to this article, although it went into millions of homes and undoubtedly was read by millions of women? I had three letters opposing my position. There were just three saying that they would like to see this amendment passed. The remainder, bushels of them—and they are in my office, if you want to see them—said, "Do not pass this resolution."

Do not kid yourselves. I was one of 15, only 15 in this House last year or the year before, whenever it was, who voted against this resolution. Do you know how many letters I received in criticism of my vote? Two. Just two.

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

(By unanimous consent, Mr. ABERNETHY was allowed to proceed for 3 additional minutes.)

Mr. ABERNETHY. There were just two.

Do not kid yourselves, my friends, that the women of this country are for this resolution without the Wiggins amendment. They are just not for it. I know they are not, because if they were they would have been giving the one now addressing you you-know-what for the vote he cast last year and for the statement which he wrote and which was published in the American Legion magazine.

In the child custody cases the court gives the mother preference.

The woman, the mother, is regarded as the natural guardian of the child. The moment the suit is instituted it begins with the presumption that the woman will have custody of the children. Is that not the way it should be? Do you want to wipe that out? Do you want to wipe out the presumption that the mother should have custody of the child?

Under the laws of many if not all of the States, when the husband dies, even though his estate may be insolvent, and although ordinarily the widow and children—if there be children—would be left destitute, the laws provide that the executor of the will or the administrator of the estate must set aside a portion of that estate sufficient to maintain that woman and her children for a period of 1 year in the same state and station of life to which she and the children were accustomed to live while her husband was alive. Do you want to wipe that out? If you do, vote against the Wiggins amendment and for his resolution. Then find out how the women at home feel about it.

Under the laws of most of your States, when the husband passes away and leaves a widow and children, the widow cannot be ejected from the home by the children. She cannot be forced to sell that property for division among the heirs. The law provides that she is entitled to occupy that home as the surviving spouse for as long as she lives. Do you want to wipe that out? Do you want to go back and wipe that out?

Why wipe out all of these things that have been put on the statute books and have remained there up to 190 years? Why is all of this excitement all of a sudden with people saying that we will wipe the slate clean and put women back in the streets as laborers and in the trenches. Why? What is all of this about? I just cannot understand it. It amazes me. I strongly urge you to go along with the Wiggins amendment. This is the very least we should do.

I will not be a party to drafting women. I am not going to be a party to taking away from the mother the presumption that she should have custody of the children. I am not going to be a party to taking away her homestead. I am not going to be a party to removing the social rights which she has now in the statutes of our States and the Nation.

I favor equal rights for equal pay. I favor women being treated as equal in all respects. But this does not mean that we should wipe out the protective and social laws that have been placed on our statute books for or on behalf of women.

If there are laws in your States which discriminate against women then repeal them. Let us not clutter up the Constitution with something that is unnecessary in order to get rid of such laws as there are that actually discriminate against women. This can be done by simple repealer. And when I used the word "discriminate" I am not speaking of social laws, of protective laws. In my judgment women are more than equal. And this is reason enough to favor the retention of these laws.

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

Mr. Chairman, I do not want to take all of my time, but I merely want to point out that my wife ordered me to vote against this constitutional amendment whether the Wiggins amendment passed or not because she refuses to have her status lowered to that of equality.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say that I do not come here under instructions from my husband as to how to vote today.

Mr. Chairman, we women in the House are in a very anomalous position, for we are hearing a number of our colleagues say, in effect, that we do not know what is good for us and that they will protect us whether we like it or not.

Let me address myself very briefly to the question of protective labor laws. As one of the previous speakers opposing the Wiggins amendment indicated, these laws were put on the books some time ago, when our society worked in a very different way. We have to face the social realities of the present. These protective labor laws protect women from only one thing—from participating effectively in society, despite the fact that many are compelled by economic conditions to work and participate. Believe it or not, my friends, some of us even choose to work and participate.

We have found that the protective work laws have acted to prevent women from enjoying the full fruits of their labor. In spite of the fact that women are not allowed to run elevators—considered lucrative night work—we are allowed to clean up the floors, to clean up the desks, and to empty the wastepaper baskets at night while our "protectors" are safely asleep in their beds.

The real thrust of the protective labor laws is to prevent women from utilizing their energies in the more lucrative jobs, thereby hampering their capacity to make a living. On the average, a working woman earns 60 cents for every dollar earned by a working man. According to one union, the average woman worker in manufacturing is paid $3,864 a year less than her male counterpart, resulting in $22 billion extra profit per year for the companies.

If these State labor laws do afford protection to women by limiting weight lifting requirements and number of hours worked then the equal rights amendment would extend to the protection to men as well. No true benefit to women will be eliminated; instead, the scope of protection will be extended to men.

Mr. Chairman, there has been a great deal said about compulsory military service for women. As you know I am opposed to the draft. I think that neither men nor women should be subject to the draft. However, I object to the suggestion that women are second-class citizens who should be less concerned with the affairs of the world than men. As much as I oppose the draft, I am equally adamant in my resolve not to stand by and see the equal rights amendment weakened or defeated by those who do not believe in the concept of full equality for America's women. These foes of sexual equality have seized upon the issue of the draft as their best means of defeating this measure. They propose that because women would be made subject to the draft, we should not give women equal rights under an amendment to the Constitution.

Men and women should play a joint role as partners in determining the course of history.

Men and women must participate side by side when real questions of the safety and security of the Nation are involved.

An equal rights amendment would make voluntary, as well as compulsory military service, available to women and men on the same basis.

Although it has long been recognized that the military service has served as the "poor boy's college," little thought

has been given to what has happened to the poor boy's sister while he has found a road out of his cycle of poverty and despair. The equal rights amendment would insure that the real and substantial benefits available through military service are available to women on the same basis as men.

Mr. Chairman, there has been a great deal of argument here to the effect that women are incapable of combat duty. History is replete with examples of women who have fought side by side with men in defense of their homes and countries, if there is a unified national purpose.

It seems to me that the other topic that has been discussed here that is likewise erroneous in the body of laws which supposedly confer benefits upon women. These benefits are ridiculously slight—some States require that women, unlike men, be given chairs for rest periods but I want any Member to show me what States provide a guarantee of security for maternity leave so that women will have jobs to return to after giving birth.

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

(By unanimous consent (at the request of Mr. ECKHARDT), Mrs. ABZUG was allowed to proceed for 2 additional minutes.)

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

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

Mr. ECKHARDT. There was a discussion here about this amendment wiping out these labor law preferences for women and I noted in the brief that was filed by the author of this amendment, a memorandum that I referred to earlier, that says that the question of the number of jobs a female can participate in and the types of employment prohibited are legally no longer relevant because such sex classification would not be permitted under the 1964 Civil Rights Act which requires that persons of like qualifications be given employment opportunities, irrespective of sex.

Now, does the gentlewoman not agree with me that the situation with respect to labor conditions and the laws which affect labor in interstate commerce—and most all of it does affect interstate commerce—have presently been dealt with in precisely the same way that this constitutional amendment would deal with that situation if it is passed?

Mrs. ABZUG. I believe that with regard to the question of work and hours other working conditions title VII has eliminated discriminatory legislation except that it has a very limited scope. For instance, it does not afford protection to Federal employees, employees of educational institutions, or employees of employers of less than 20 people. What we are discussing in the amendment is the elimination of these and other acts of discrimination against women not covered by title VII.

Mr. ECKHARDT. I understand what the gentlewoman is seeking, and I think the gentlewoman is right, but I think that all of the argument here that labor laws would be weakened by this amendment are completely destroyed by the fact that we have already enacted in law a provision that men and women must be treated alike, so that argument, it seems to me, goes out the window as an argument against the constitutional amendment.

Mrs. ABZUG. There are two points that arise here. One is title VII has largely either eliminated protective legislation affecting only women or has extended the protection to men. Any laws which continue to discriminate against women would be covered by the Equal Rights Amendment. Thus, with respect to the question of weightlifting, for example, the Equal Rights Amendment would require the test to be not whether one is a man or a woman, but whether one is physically able to lift the weight.

Let us look at the argument made here repeatedly last week that the Equal Rights Amendment would destroy the "superior" treatment and protections that women presently have in the field of domestic relations law. Married women suffer inferior treatment under the law in numerous ways: for example, the right to engage in business, the right to determine domicile, automatic name change, contractual incapacity, management of her property and the marital estate, criminal law, and grounds for divorce.

I have heard none of these inferior legal rights of married women mentioned on the floor. What I have heard is the argument that men will no longer be required to support their children and their divorced and deserted wives if the Equal Rights Amendment is passed. This is not so. No obligations would be eradicated in the area of domestic relations law. To the contrary, obligations, such as support for dependent children, will be extended where it is reasonable to do so.

State laws and court decisions have already begun to change in this field to allow for more equitable and flexible treatment of all the parties. For instance, in a recently reported decision in Baltimore, the judge ordered the mother of a child to pay the father child support. The parents were divorced, the father had custody of the child, and the mother earned $3,000 more per year than the father. Who can quarrel with this result? It is based on a rational assessment of the capacity of the individuals involved, rather than a prejudiced adherence to outmoded and stereotyped sex roles.

Another so-called problem that some Members see is in the area of alimony. The equal rights amendment is not going to eliminate the obligation of a spouse to pay alimony under certain circumstances, but it will extend that obligation to the wife if the circumstances of the case justify.

For example, a judge would be justified in using his discretion to award a man alimony if he is unable to support himself due to incapacity, and his wife is employed and earning a good salary. The test here must be individual need measured against the circumstances of the marriage, and the requirements must be categorical, not sex-based.

I have heard much discussion on the floor today about the terrible plight of widows who will be denied their just inheritance which is now protected under estate law. The widow's share will not be eliminated by the equal rights amendment. Instead, the same protection, where it does not already exist in State laws, will be extended to the widower. Who can quarrel with the just result of extending the same protection to the widowed man which the widowed woman now enjoys?

This legislative body cannot let itself be deceived into denying equal rights to half the population of this country by arguments which are based on discriminatory judgments that women are weak and need strong men; that women enjoy "superior" treatment in family law, when in fact they suffer numerous legal incapacities; and that society will somehow crumble if women are allowed to define their roles for themselves, rather than occupy roles defined for them by male-dominated legislatures.

We must realize that this body would be succumbing to a terrible arrogance of power if it decides that women should not serve in the military, and that women need special protections, but women do not need a constitutional guarantee of their rights as full citizens.

We need the equal rights amendment. We do not need the Wiggins amendment changes.

The CHAIRMAN. The time of the gentlewoman has again expired.

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

Mr. Chairman, I would like to direct one or two questions to the gentleman from Texas (Mr. ECKHARDT) and hope that the gentleman will be prepared to respond to them.

As I listened to the analysis which I thought the gentleman made rather well, it seemed to me that it strikes at the heart of two points, and I would like to see if I have them clearly in my mind.

In the first instance, the gentleman was trying to make clear that there is a difference, in fact, a very big distinction, between pursuing the question as to whether someone has been discriminated against on the one side, and as to whether that person has a position of equality on the other.

Mr. ECKHARDT. Exactly.

Mr. HANNA. In other words, if we were talking about the problem of discrimination we would be talking in terms of what is covered under the 14th amendment.

Mr. ECKHARDT. Correct.

Mr. HANNA. And if we are talking about equality we are talking about the point made in the resolution before us.

Mr. ECKHARDT. That is right, absolutely equality.

Mr. HANNA. But it seems to me that this leads to the second point that I thought the gentleman was trying to make, and that is that in the instance that there are laws which address themselves to conditions in society that may

involve either men or women that with the passage of this constitutional amendment those laws will be predicated upon facts other than sex, which support the rationale for such laws.

Mr. ECKHARDT. That is exactly correct.

Mr. HANNA. Then if you were talking, for instance, in terms of what would happen to children in a divorce that the enactment of this law would not summarily be decided upon the basis of which sex will have custody of the child, but rather upon the welfare of the child.

Mr. ECKHARDT. Exactly. As a matter of fact, the court would take into account who bore the child, and who took care of the child as an infant, and what is best for the child, all those things would be considered by the court.

Mr. HANNA. And these factors would likewise be operative in the cases concerning being in the military, or many of these other bugaboos that I have heard raised here.

Mr. ECKHARDT. Oh, yes, entirely.

Mr. HANNA. I want to thank the gentleman from Texas for clarifying my views on this.

Mr. ECKHARDT. If the gentleman will yield further, may I point out one other thing: that what the women very properly are concerned about is that as long as discrimination such as that rests in the hands of the State legislative bodies, under that long line of decisions so well enunciated by Holms, Brandeis, and Cordova, the Supreme Court has recognized legislative determinations as valid where there has been a reasonable basis. If the constitutional amendment as proposed is passed, any discrimination based on sex cannot be made even though the Supreme Court would otherwise uphold the reasonableness of the State's determination.

Mr. HANNA. Then the questions that would be raised would be more apt to go to the merits of the operative facts.

Mr. ECKHARDT. Precisely.

Mr. HANNA. I think that would be an improvement, as I think the gentleman from Texas would agree.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for another question to the gentleman from Texas?

Mr. HANNA. I would prefer not to yield third hand—I do not even like to yield first hand. But I will be glad to yield to the gentleman from Missouri for a question.

Mr. ICHORD. Mr. Chairman, would the gentleman care to comment on what would be the effect upon the point raised by the gentleman from Mississippi, as to the difference in the homestead laws if the amendment were adopted?

Mr. HANNA. I yield to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I thank the gentleman very much.

What it would really do is to extend to the man the same rights that the woman now has. If she had the right to live for a year in the home, this would extend to the man that right, if the wife had that right.

Mr. ICHORD. Then you consider that the constitutional amendment would void all State law making a distinction between widow and widower?

Mrs. GRIFFITHS. No, no, it would not void them. If the widow received the benefit, then the widower would also receive that benefit. If the widower did not have a benefit that applied to the widow, then the widower would receive it. But if it were a law that merely discriminated against the man, then that law would fail.

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

Mr. SANDMAN. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

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

Mr. SANDMAN. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, the gentleman from New Jersey is a distinguished member of the Committee on the Judiciary on which I am also privileged to serve and he was a witness to all the deliberations in the committee.

Let me ask the gentleman, is it not his understanding that the current situation as to social security wherein a widow receives benefits at the age of 62 and the man commences receiving benefits at the age of 65 would be negated if this constitutional amendment were passed without the Wiggins provision in it?

Mr. SANDMAN. That is absolutely correct. It means either that the man is going to come down to the age of 62 or it means women will go up to 65, as I understand the law.

Mr. HOGAN. I would like to ask the gentleman one additional question.

My son is about to turn 16 and we are concerned with buying insurance for him. I recall that my daughter at that same age, we bought her insurance at a considerably lower rate because young girls have fewer accidents than young boys.

Is it your understanding further, that if the constitutional amendment is approved without the Wiggins provision that this rate discrimination against young men will have to be changed by the insurance companies?

Mr. SANDMAN. It is, and it certainly is discrimination against another sex. It would put the whole contract in jeopardy. I do not know of any responsible lawyer who would disagree with that.

Mr. HOGAN. I thank the gentleman.

Mr. SANDMAN. Mr. Chairman, I do not intend to take up the entire 5 minutes because I am absolutely intrigued by the vote on the last amendment.

When I see responsible people vote as they did on the previous amendment—all that the previous amendment did—and let us face it—is that it added two very horrible words "any person." That is all it added—"any person"—and it was soundly trounced by a vote of 254 to 104. Why? Why was that so horrible? I heard a few of my colleagues right here in the well explain to each other why Mr. WIGGINS put that in. What do you think they said? They said that this is put in here by Mr. WIGGINS so we will not confuse cats and dogs with people. This is absolutely not true. Mr. WIGGINS added it for a very good reason. He added it because he wanted to protect all people. He wanted it so that this would not be confused, to protect only citizens of the United States. That is why he added "any person" and I think that was a good amendment. But, it was trounced by a vote of 2½ to 1.

So I do not have a whole lot of hope for this one either.

If you want to be popular, if you do not want to be misinterpreted, if you want to be for motherhood and everything that is good, then the thing for you to do is to willy-nilly vote for this amendment as you did last year. And I was one of those people last year who did not know the facts.

Let me tell the gentleman from Texas, who said he saw the light, that I have seen the light. This measure is going to open a can of worms that you wish you never had anything to do with. It is not going to give equal rights to women. It is going to take them away. It is that simple.

Let me refer to a large editorial in the morning newspaper of one of the most responsible and largest newspapers in the Nation with more than 1 million circulation. It is the Philadelphia Inquirer in the city of Philadelphia. I think it bears reading before you cast your vote on this amendment as you did last year 350 to 15. I am not going to read the whole editorial, but one of the things that the editor says is—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State or account of sex.

That is a quotation taken from this joint resolution. The editor states—

> That sounds very nice. Who but a hard-shelled male chauvinist would disagree with it? Yet the amendment raises some serious questions which suggest that, beautiful as the idea is in principle, the amendment itself is at best unnecessary and at worst dangerous. * * * Granted that women have not yet won the full equality to which they are entitled in our society; not granted, however, that their advance is in any way stifled by the Constitution as it stands.

That is something to think about. There is not anything in the Constitution of the United States that sets women back or make them unequal. In my opinion, the 14th amendment gives them every right that it gives to a man.

The editor goes on—

> The Constitution is the basic charter of our government, of our rights and of our liberties. Amending it is a solemn matter and ought not to be embarked upon unless it can be demonstrated beyond question that no other means can assure the desired changes. That cannot be done in this instance.

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

(By unanimous consent, Mr. SANDMAN was allowed to proceed for 3 additional minutes.)

Mr. SANDMAN. The last thing the editor says, which I think is very good—and this is the Philadelphia Inquirer speaking now, referring to a similar amendment—

> We raised these same questions in opposing a Pennsylvania equal rights amendment

on the ballot last spring. The voters, in their wisdom, chose to support it, but we have subsequently noticed no improvement in the condition of women as a result of the constitutional change—

Speaking of amending the constitution of the State of Pennsylvania.

We do not believe that amending the Federal Constitution will meet with any higher degree of accomplishment.

The popular thing to do is to vote for this measure willy-nilly. Maybe you think it is going to get you some more votes in the next election. But I can tell you this much, after you have considered what you did here today, if you vote that way, it is going to be one of the votes that you cast in this House that you are going to try to hide at future dates.

I urge adoption of the Wiggins amendment. The only thing the Wiggins amendment does is exactly what he says: It allows the Congress of the United States, if it chooses to pass a law which exempts women from the military service, and this is entirely proper. It does not take away any of the guaranteed rights that the gentlewoman from Michigan has worked so hard to get for women, and I believe they should have those rights. But they should have them in a safe way.

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

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

Mr. ICHORD. Mr. Chairman, I want to ask the gentleman what his views are of the colloquy I have had with the gentlewoman from Michigan (Mrs. GRIFFITHS). The gentleman is aware that several States have statutes granting homestead exemptions to widows. As I understood the statement of the gentlewoman from Michigan, she said this constitutional amendment would have the effect of reading into the statutes "also widowers." Does the gentleman concur?

Mr. SANDMAN. That is absolutely untrue. That could not happen.

If we are going to give away the public money, which we are doing with tax exemption statutes, all the laws of the States say very clearly if we are going to allow an exemption, it must be spelled out precisely and without question. If that is the case, how can the gentlewoman from Michigan be correct in that instance?

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

Mr. Chairman, I oppose the committee amendment to House Joint Resolution 208, which is known as the Wiggins amendment. I voted against it in the meeting of the full Judiciary Committee, and my views are expressed in the separate views filed by some 14 members of the Judiicary Committee, in connection with the report (Rept. No. 92-359 at pp. 5–8).

I should like to commend the chairman of the subcommittee, the gentlemanf rom California (Mr. EDWARDS), for his leadership on this issue and also I applaud the efforts of our distinguished colleague, the gentlewoman from Michigan (Mrs. GRIFFITHS), who throughout her career in Congress has fought to bring the equal rights amendments before this body. She succeeded last year and will, I am sure, succeed today in having the House vote to eliminate discrimination on the basis of sex.

The amendment, as written, is very clear. It states simply that—

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It has a very simple purpose: the elimination of discrimination against wommen, which everyone in this debate has conceded still exists in one form or another.

The Wiggins amendment would modify the equality which House Joint Resolution 208 seeks to guarantee, qualifying it by exempting Federal and State laws which assume the cloak of being for the purpose of promoting health and safety. That simply is subterfuge language which has as its purpose the defeat of the clear intent of the constitutional amendment.

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

Mr. RYAN. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I think it is appropriate in this debate on this legislation to reflect on the fact that the State of Wyoming is the State which first gave women the right to vote as a right of equal suffrage. In the debate in our territorial legislature in 1869 in Cheyenne, Wyo., years ago, following passage of the act which gave women the right to vote, the lawmakers assembled gave a toast and said: Here is to women: God knows they have been much our superiors before now. From here on they are our equals.

Mr. RYAN. May I ask the gentleman what year that was?

Mr. RONCALIO. In 1869, during our territorial days.

Mr. RYAN. And here we are, in 1971 in the Congress of the United States still debating equal rights for women.

To summarize, the Wiggins amendment guts the equality of rights for men and women proposed in House Joint Resolution 208. It would allow retention of barriers that deny women better paying and more challenging jobs, and which deny them full participation in the opportunities and responsibilities of citizenship.

The need for strong and explicit legislative action to eliminate discrimination against women is apparent. At the present time, in many States women are prevented from engaging in certain types of work and are denied equal access to education. Often they do not have the same property rights as men, are restricted in their ability to serve on juries, and are subject to more severe criminal penalties than men. Under the Wiggins amendment, the States could retain these laws by justifying them as protective of "the health and safety." Although many of these laws were originally enacted with good intent, and at a time when the mores and needs of our society were quite different, too often they have resulted not in protection, but in unfair discrimination against women.

Every year more women find their way into the labor force, disproportionately at the lower end of the wage scale. In addition, statistics have shown that most working women are not motivated by housewifely boredom, but have to work as the sole or contributing supporter of their families. Protective labor laws, ostensibly enacted to protect women from excessively heavy work or long hours, are largely unenforced, and where used, they tend to keep women at low status and low paying jobs. Laws which are legitimately protective of persons should be, and have been, extended to men in suits brought by the EEOC under title VII of the 1964 Civil Rights Act. Laws which restrict conditions or types of employment strictly on the basis of sex should be struck down.

An argument which has been made against the original language of the equal rights amendment is that it would violate common sense and public standards by prohibiting the separation of sexes in the sleeping quarters of such public institutions as coeducational colleges, prisons, and military barracks, or even in public toilets. The basic principle underlying the equal rights amendment is that legal rights must be determined by the actual attributes of an individual, not by sex. This principle does not preclude legitimate differentiation based on the unique physical characteristics of the sexes. The constitutionally guaranteed right to privacy affords grounds for reasonable separation of the sexes in these instances.

Let me again emphasize that the equal rights amendment must not be encumbered by crippling provisions that attempt to qualify the guiding principles of our Nation—equal justice under law.

At this point in the RECORD I include the separate views which we filed with the report (Rept. No. 92–359) accompanying House Joint Resolution 208:

SEPARATE VIEWS

We are as strongly in favor of House Joint Resolution 208 as originally introduced by Representative Martha Griffiths as we are opposed to the Wiggins amendment—which was added by the full Committee on the Judiciary by a close vote of 19 to 16. In noting our opposition to the Wiggins amendment, we want to emphasize that a substantial majority of the Members of Subcommittee No. 4 who personally heard the testimony for and against the proposal supported this measure in its original form.

In our view the Wiggins amendment is completely unacceptable, not only because of its refusal to grant full equality to women but also because it does violence to the concept of equality itself. During the course of the Committee's deliberations, proponents of the Wiggins amendment argued strenuously against the use of the word "equality" in the Equal Rights Amendment. The Wiggins amendment has as its avowed purpose a qualification of "equality". Its proponents argue that such qualification is "reasonably" necessary because of considerations of "health and safety" or because of military considerations.

Throughout history whenever one group of people has sought supremacy over another, it has rationalized its actions as necessary to attain "reasonable" objectives. Invariably the form of this rationalization corresponds in one way or another to the form of the Wiggins amendment. Invariably

those who assert the superiority of their own group argue that discrimination is justifiable if it has as its avowed purpose the protection of the health and safety of its victims or serves some military objective.

Essentially the concept of a qualified form of "equality" runs counter to the basic principle of democracy that is currently enshrined in the Equal Protection Clause of the 14th Amendment to our Constitution. Although proponents of the Wiggins amendment candidly admit that the Supreme Court has to date failed to afford women the full benefit of the Equal Protection Clause, their candor is not coupled with a real effort to promote equality between men and women.

The fact that the Wiggins amendment does not represent an acceptable effort to eliminate sex discrimination is obvious from even a cursory review of the hearings held in this Congress by Subcommittee No. 4. Those hearings established beyond dispute that women as a group are the victims of a wide variety of discriminatory laws which would not only be retained under the Wiggins amendment, but would in some cases actually be strengthened.

In every State, women are denied educational opportunities equal to those of men. In many States, a woman cannot manage or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Some community-property States do not vest in the wife the property rights that her husband enjoys. In a number of States, restrictive work laws, which purport to protect women, actually result in discrimination in the employment of women by making it more burdensome for employers to hire a woman than a man.

These are only a few of the types of discrimination that Subcommittee No. 4 found, without dispute, to exist in the United States. Rather than remedy these types of discrimination, the Wiggins amendment would sanction each of them whenever a Federal, state, or local governmental body declared in its legislative findings that their avowed purpose was to protect "health and safety." In addition, by sanctioning discrimination when related to "health and safety" the Wiggins amendment would also substantially weaken Title 7 of the Civil Rights Act of 1964 which currently prohibits sex discrimination in employment. Obviously, these effects would represent a step backwards in our efforts to eliminate sex discrimination.

The fact that the Wiggins amendment is not a real effort to remedy sex discrimination is also clear from the failure of any of the groups of women who testified before Subcommittee No. 4 to endorse the Wiggins approach. Even those witnesses who represented women's groups in opposition to Mrs. Griffiths' proposals did not advocate the placing in our Constitution of the qualified form of equality that is embodied in the Wiggins amendment.

The plain and simple fact is that the Wiggins amendment has as its purpose the ultimate defeat of any effective constitutional amendment to provide equal rights for men and women.

The need for an effective constitutional amendment is clear; it is also clear that to be at all effective a constitutional amendment must be in the form in which House Joint Resolution 208 was originally introduced by Representative Martha Griffiths.

The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.

The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast overclassification by sex.

The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The Equal Rights Amendment as proposed by Mrs. Griffiths embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.

The legal principle underlying the Equal Rights Amendment as proposed by Mrs. Griffiths is that the law must deal with the individual attributes of the particular person and not with stereotypes or overclassification based on sex. However, the original resolution does not require that women must be treated in all respects the same as men. "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based on characteristics that are unique to one sex. For example, a law providing for payment of the medical costs of child bearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.

Just as the principle of equality does not mean that the sexes must be regarded as identical, so too it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral legal principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.

Another collateral legal principle flows from the constitutional right of privacy established by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). This right would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions.

With respect to other constitutional considerations, it should be noted that Mrs. Griffiths' proposal would apply only to governmental action, and not to private or individual action. In this regard, as well as in some of its other features, Mrs. Griffiths' text is similar to those provisions of the 14th Amendment which are directed against racial, ethnic, and religious discrimination. Thus, in interpreting the Griffiths text, the courts would have available a substantial body of case law which could be used as a guide when relevant. At the same time, much as the struggle of women for equality is comparable to that of racial, ethnic, and religious minorities, there are some differences which the courts could also take into account in appropriate cases.

It should also be noted that opponents of Mrs. Griffiths' original text suggest that the Griffiths resolution would require equal treatment of men and women for purposes of compulsory military service. As pointed out by the report of the Senate Judiciary Committee which considered that question carefully in 1964:

This is no more true than that all men are treated equally for purposes of military duty. Differences in physical abilities among all persons would continue to be a material factor. It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the government would not require that women serve where they are not fitted just as men with physical defects are utilized in special capacities, if at all.

Finally, we would like again to emphasize that the primary argument of the proponents of the Wiggins amendment is based on the assertion that the use of the unqualified word "equality" is perplexing, is beyond legal definition, and would lead to chaos is strictly construed by the courts. We believe that Congress should vigorously reject that argument.

"Equality" is perhaps the one word which more than any other challenges our Government to fulfill its constitutional amendments to all of our people. Because it is a symbolic word, and not a technical term, its enshrinement in the Equal Rights Amendment is consistent with our Nation's view of the Constitution as a living, dynamic document. Until now the concept of a qualified form of equality—of an equality that can be abridged so long as a suitable rationalization can be found—has been repugnant to our Constitution.

In our view "equality" can only be soiled by qualification. The Wiggins amendment should be totally rejected.

Don Edwards, Peter Rodino, Abner J. Mikva, John F. Seiberling, Jim Abourezk, Robert F. Drinan, Jerome R. Waldie, Robert W. Kastenmeier, Edwin Edwards, William F. Ryan, John Conyers, Jr., Paul Sarbanes, Andrew Jacobs, Jr., Joshua Eilberg.

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

Mr. HOGAN. Mr. Chairman, the equal rights amendment has been pending in the Congress for 48 years. Seeking to establish as a fundamental principle of American government the full legal equality of women, the amendment has never received the approval of both the House of Representatives and the Senate.

There is no doubt that sex discrimination exists in America today, and nowhere is it more apparent than in the field of employment. Fifty years ago, women represented only 20 percent of the American labor force. Most of the women who worked were young women who had not yet married. Today's working woman is more likely to be a married woman who is working out of necessity. Forty-nine percent of all women between the ages of 18 and 64 are employed, and women represent 38 percent of the American labor force. Yet the earnings of women in 1968 represented only 58.2 percent of that of men. This figure is all the more shocking when we realize that it is a smaller percentage than in 1955, when women earned 63.9 percent as much as men.

Legislation to assure job equality to women has been passed at the Federal and State levels. The Equal Pay Act of 1963 was an amendment to the Fair La-

bor Standards Act which assures women equal pay for equal work. However, since many employees are not covered under the act, 36 States have enacted equal pay laws, and five others and the District of Columbia have fair employment practices laws prohibiting discrimination in pay based on sex. Title VII of the Federal Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sex, and 23 States and the District of Columbia have a similar prohibition.

Despite these steps forward, however, there is a great deal to be accomplished in order to improve women's rights and status. Failure to grant women equal opportunities in terms of job training, educational programs, occupational entrance, advancement, and pay creates severe economic hardship, even poverty, for many women and for their families.

Furthermore, failure to utilize fully the talents and abilities of women diminishes our total productive effort, deprives the economy of workers needed for vital domestic programs, and has a depressing effect on the whole job structure. In these troubled times, our Nation must utilize all its resources, both human and material, in order to build for a secure and happy future.

According to the Women's Bureau of the U.S. Department of Labor—

> Occupationally women are more disadvantaged, compared with men, than they were 30 years ago. In 1940 they held 45 percent of all professional and technical positions. In 1969, they held only 37 percent of such jobs. This deterioration in their role in career fields relative to men has occurred despite the increase in womens' share of total employment over the same period. On the other hand, the proportion of women among all service workers (except private household) has increased since 1940—rising from 40 to 59 percent.

It is obvious that some solution must be found to the problem of sex discrimination. Many people, concerned about the condition of women in the United States, turn to the equal rights amendment as the logical solution to the problem. Upon initial reading, the constitutional amendment sounds simple, comprehensive, and to the point. Its unamended version provided:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

But, if the amendment were as simple, comprehensive, and direct as it sounds, why has no Congress, in 48 years, seen fit to pass it? If it is the answer to the problem of sex discrimination then why, when the House of Representatives passed the measure last year, did it not breeze through the other body where more than 80 Senators had sponsored the amendment? And if it will truly benefit the women of America, then why are the great majority of those women still unable to give the measure their full support?

There are two major objections to the equal rights amendment in its unamended form. First, it is expected that passage will result in extensive confusion in State and Federal law. Chaos in the courts may well be the result of ratification. This is a consideration of great import at a time when one of our most serious problems is crowded court dockets. We don't need further confusion in the courts of America, that is certain.

There is another serious objection to the amendment. It is feared that the proposed amendment would adversely affect the present status of women under the law by repealing important labor laws, permitting the drafting of women into the armed forces, interfering with alimony and child custody cases, etc. Some supporters of the amendment have suggested that they do not wish to be treated differently than men—that they would as soon be drafted as men are and forced to work long hours and lift heavy objects as men do. But I do not believe that all, or even most, of the women in the United States favor repealing legislation that protects them.

Testifying at hearings on the equal rights amendment last year, Myra Wolfgang of the AFL–CIO pointed out the fears shared by many people for the welfare of some women workers. She said—

> There are various kinds of protection for women workers provided by State laws and regulations: (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest period; (4) equal pay; (5) industrial homework; (6) employment before and after childbirth; (7) occupational limitations; and (8) other standards, such as seating and washroom facilities and weight-lifting limitations. It would be desirable for some of these laws to be extended to men, but the practical fact is that an equal rights amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes.

Many women are not ready to give up the thousands of laws, rules, regulations, and directives which now protect them, and consider these laws, which are the result of years of research and debate, to be absolutely necessary.

Mr. Chairman, since my vote in committee in support of the Wiggins amendment to House Joint Resolution 208, I have received numerous letters and telephone calls from women, most of whom are members of the leading women's rights organizations, trying to convince me that all American women share their willingness to sacrifice their exemption from the draft or their employment protections after childbirth, for example, in the interest of guaranteeing women equal rights with men.

After taking into consideration the views of these women's organizations which claim to speak for the majority of American women, I spoke with some of the women's groups and clubs as well as numerous individual women in my congressional district to see just how prevalent the feelings of inequality among the female population are.

What I learned, Mr. Chairman, gives me the impression that my intuitive assessment of the equality problems of my female constituency is not too far wrong. These women—housewives, mothers, employees, singles, marrieds, divorcees—for the most part, agree with the view that there is discrimination against women, particularly in the employment area. But they are not quite willing to agree that they should be drafted along with their husbands and male friends; nor do they want to lose the protection afforded them through the years under the labor laws; nor are they willing to see a change in the present law which allows women to receive social security payments at age 62 while men must wait until 65; nor do they want motor vehicle insurance for their minor daughters to be raised to the extremely high level which must be paid for their minor sons; nor do they went to lose the preferential status they receive in alimony and child custody cases.

I also fear that the rights of dower and the homestead laws which give preferential treatment to widows will be nullified. For these reasons and others, I voted with the majority of the Judiciary Committee for the Wiggins amendment and will support it today.

Certainly, all women should be given equal treatment with men, just as blacks and Chicanos and Indians and other minorities should be given equal treatment with whites. But the equality should be reasonable and enforceable. Enacting equal rights legislation will not make men out of women. We must recognize and respect the fact that there are some differences between the sexes. These differences can be treated equally without being totally voided. An analogous example can be drawn from the equality of the races situation. We are striving for equality of the races. We have established programs which give scholarships and grants to minority students in an effort to compensate for decades of discrimination. Should these programs be abolished because they are not available equally to white students? Obviously not. Minority scholarship programs or programs to encourage minority enterprises have been instituted because we realize that minorities have been discriminated against in the past.

Similarly, why should we require a 16-year-old girl who has just received her driver's license to pay the extremely high insurance rates required for 16-year-old boys when such rates are based on statistical performance which indicates that 16-year-old girls as a class have earned their lower rates through safer driving? Why should we upset the present social security law which commences benefits to women at age 62 and men at age 65?

Mr. Chairman, these are the kinds of situations we're talking about when we say that the Wiggins provision is necessary to House Joint Resolution 208.

Because of the very grave fear of people like myself who are dedicated to the goal of improving the rights and status of American women, but are not willing to sacrifice present laws that protect them, I hope this body will pass the equal rights amendment as reported by the Judiciary Committee.

In adopting the provision offered by the gentleman from California (Mr. WIGGINS) the Judiciary Committee has, in my opinion, strengthened the equal rights amendment. It should be acceptable to all who are concerned about the status of women in America.

The essential section of the amended version provides:

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

In addition, a new section was added which states:

This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people.

With the addition of this protecting section to the equal rights amendment, I believe we now have before us an amendment that would truly improve the lot of American women. Mr. Chairman, I offer my firm and full support for House Joint Resolution 208, as amended by the Judiciary Committee, and I hope that this body will approve it resoundingly.

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

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

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

Mr. CONABLE. Mr. Chairman, using the technique of reductio ad absurdum, the opponents of equal rights for women have tried to persuade the House that eliminating the inequities in treatment of men and women will lead to women in the men's rooms of the Nation's restaurants and in the bayonet charges of the Nation's wars. It is a good rhetorical technique, but that is the most you can say for it. I urge passage of the true equal rights amendment, not one which says, in effect, that discrimination because of sex will be prohibited except as otherwise provided by law. Rather than slicing the Gordian knot that courts have tied by their judicial distinctions between the legal status of male persons and female persons, the crippled amendment presented by the committee adds only a few more strands to the knot. The point of passing it at all escapes me, unless the design is to frustrate equality behind a smokescreen of legalism.

A true amendment passed the House by a vote of 350 to 15 last year. I cannot believe that so many voted for it last year out of the comfortable assurance that it would die in the Senate, or that an archaic sense of chivalry has wrought such a widespread change in the fundamental sense of justice we then expressed. I urge all Members to stick with the 20th century, having joined it last year, rather than backsliding for any devious, misguided, or insubstantial reason.

Mr. McKINNEY. Mr. Chairman, I will be brief, because I believe most Members would like to come to a vote.

I suppose, I am one of the unfortunate few in this House, who are not lawyers. I have listened to the lawyers have a go at this for the last 2 days, and finally have decided perhaps a husband ought to get up here and talk.

I was of the completely naive assumption, when I married my wife, as a younger man, that I was marrying a totally equal human being who had the ability to choose the equal person she decided she wanted to spend her life with.

I was also of somewhat the same naive opinion that when we decided we would have children, and contrary to population control, that we would have a lot of children—five to date—that I was married to a girl who would equally be able to take care of my children should I disappear from the face of the earth, who would equally be able to defend my children, who would equally be able to defend her Nation, who would equally be able to take care of and earn a living for those children.

And I got into the Connecticut State Legislature and found out that I was wrong, because in many of the States of this Union and—we do not have to catalog the differences; the gentlewoman from Michigan has well covered the subject—women are not considered to be equal. Women are discriminated against.

We can argue and argue and argue the finite legal points, but in essence the whole basic thing is simply that the Congress, this Congress, if it votes for the Wiggins amendment, is maintaining to itself the right within its wisdom and its astuteness to say, "yes, there is a difference."

I could not spend the rest of my life nor bring up three daughters with the respect my wife and those children are due, if I thought I had the right in any body of law to say that women are unequal.

Gentlemen—and we mostly are gentlemen, which may have something to do with the problem today—let us face the facts. We are simply trying to preserve that last antiquated right to stand up and say, "We can declare the difference."

Use the draft for an excuse if you like.

Use women's work rules for an excuse if you like.

Use homesteading.

Use child care.

Use anything else.

But what we are simply doing is in our own little way trying to maintain to ourselves the right to determine a difference between human beings that we do not have the right to declare.

Would the gentleman like to speak? I yield to the gentleman from California.

Mr. WIGGINS. I thank my friend from Connecticut for yielding.

A question raised by previous speakers concerned the attitude of the Department of Defense on this matter. I, too, was concerned about the attitude of DOD. I started out by inquiring of the distinguished chairman of the Armed Services Committee about the impact of this amendment on the Armed Services, and he was kind enough to write me a letter. I would speak to him directly if he were here, but I understand he is not.

The chairman of our Armed Services Committee, considering the effect of this amendment, said it would create an absolutely impossible situation for the Armed Forces.

I did not content myself with his observation alone. I inquired of the Department of Defense, of Secretary Laird, and the General Counsel of the Department was kind enough to respond to my inquiry.

The first response of the General Counsel was a bit ambiguous. The General Counsel said it would confront the military with some very serious problems. I was not satisfied with that, Mr. Chairman, and I called him on the telephone and asked him what these very serious problems were. In that conversation with me he very candidly said, given the requirement that women be drafted on the same terms as men, given the requirement that separate but equal facilities not be tolerated, given the requirement that sex could not be a bona fide qualification for service in the Army, it would be impossible for the military to live with this constitutional amendment. And that is from the General Counsel of the Department of Defense.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

I ask my distinguished colleague on the Committee on the Judiciary why, in the course of all the weeks in which we were engaged in these hearings, that not even one representative from the Pentagon or the Department of Defense presented testimony on this issue.

The gentleman now reports on what I presume to be a telephone conversation on a subject of such great importance to all the Members in this body.

Mr. WIGGINS. Is the gentleman asking me a question?

Mr. CONYERS. Yes, I am.

Mr. WIGGINS. I cannot give an answer as to why the DOD was not called as a witness. However, the ranking Democratic Member is at the gentleman's left, and perhaps he can answer the question.

Mr. CONYERS. Did you seek to have a representative of the Department of Defense appear before the committee?

Mr. WIGGINS. I will answer the gentleman by saying that the Department of Justice purported to speak for the administration on this matter. I found that the Department of Justice's answers were inadequate for my own purposes, and made a special inquiry of the Department of Defense.

Mr. EDWARDS of California. Will the gentleman yield to me?

Mr. CONYERS. I yield to the gentleman.

Mr. EDWARDS of California. The fact that these hearings were going to be held was widely advertised not only in the CONGRESSIONAL RECORD but elsewhere. The administration and the Commander in Chief of the Armed Forces of the United States sent a representative and the President sent the gentleman from the Department of Justice to speak for the administration. This administration and the Commander in Chief, President Nixon, endorsed this particular piece of legislation that we are going to vote on here today. He has said nothing about whether he might or might not be in favor of the Wiggins amendment. Nothing was said in any of the testimony from the White House with regard to the detrimental effect on the military of this constitutional amendment.

Mr. CONYERS. The fact is that the chairman is precisely correct. It was the impression of all the members of the subcommittee that, whether we were concerned or not, the administration supported this legislation. No one from the Pentagon or the Department of Defense or any of the branches of the services

have ever been before the committee on this subject.

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

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

Mr. CELLER. I read the statement very carefully of the Assistant Attorney General who appeared before the subcommittee. That was not a definite statement that the administration supported this bill. It supported the bill with very, very severe reservations and said it would open the door to all manner and kinds of difficulties and troubles, and one cannot say unequivocally that the administration supported this bill. I defy anyone to state or to read to me a statement to the effect that the man who appeared before the subcommittee for the administration said that the administration supports wholeheartedly this bill. I would say that the statement made by the Assistant Attorney General was very much like one who lights a candle for the Devil and who lights a candle for God also. You would not know where he stood. In other words the testimony was neither fish nor fowl nor good red herring.

Mr. CONYERS I will say to the chairman that this is not untypical of the kinds of responses we get from administration representatives.

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

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

Mr. McCLORY. I thank the gentleman for yielding.

I was present at the time that the testimony was given. I have the original statement here of William H. Rehnquist of the Office of Legal Counsel, and he says:

> In spite of the reservations of the Department of Justice and of these developments which have intervened between the time that the President spoke in 1968 and the present time, the Administration is committed to the support of H. J. Res. 208.

That is the resolution of the gentlewoman from Michigan, and he states that in unequivocal language.

And, it seems to me that there is no question about the commitment of the administration to the support of this equal rights constitutional amendment.

Mr. CONYERS. That was the understanding of the members of the subcommittee during the time we discussed the matter.

Mr. McCLORY. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I continue to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. We also received the unqualified testimony of Mrs. Virginia Allen who was the president of the task force on women's rights and responsibilities in full support of this resolution. It is the first time that any Presidential task force on women's rights has given its unqualified support to an equal rights amendment.

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

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

Mr. CELLER. I am reading specifically from testimony which was given by Mr. Rehnquist who testified before the House Judiciary Subcommittee on April 1, 1971, wherein he says as follows:

> The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel.

He also said, and I quote:

> There is some question as to whether the broadest possible construction of the amendment may not go substantially beyond . . . [the common understanding of the term "equality for women."].

If you can say that is an approval of this legislation, I will eat my hat.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate today strikes me as being slightly off center insofar as it touches on the matter of discrimination which women have experienced in all phases of life in America.

The opposition to the original equal rights amendment as proposed by the gentlewoman from Michigan (Mrs. GRIFFITHS) insists on equating "identical" with "equal" in considering both the letter and the spirit of the amendment to the Constitution.

It is all too obvious that men and women are not identical. They differ quite obviously physically. This is the plan of creation, and we would tamper with it at our peril.

But men and women, I submit, do not differ in a basic and most fundamental characteristic—their humanity. They are both, simply, human beings, and humanity as a common denominator is what we are talking about today.

We are talking about the basic need for equality and the present lack of equality in education, in employment, in every sphere of life. That is the real subject to which this amendment addresses itself.

We are told by the Wiggins amendment to the basic amendment that two exemptions must be created to make it tolerable to all of us. But it seems to me that the two exemptions the Wiggins proposal supports frustrate the basic purpose and goal of the equal rights amendment for men and women.

First, it relates to State protective legislation, and in considering that situation I think we should take note of the fact that State protective legislation is being struck down in almost every court and in the legislations themselves because of title VII of the Civil Rights Act. So, there is no need for us to perpetuate what the courts and the States are not themselves perpetuating.

As a matter of fact, it might be pointed out that in 1963, 40 States of the Union and the District of Columbia had maximum hour laws for working women. In 1971, only 12 States have such laws, unchanged or unamended.

Mr. Chairman, it is quite interesting also to note that earlier this year this body enacted H.R. 1 which on the one hand requires welfare mothers to work and on the other removes the one privilege enjoyed by the greatest number of women.

That is the option to retire at age 62, which a great many women in my district take advantage of, with many of them wishing it were even 60.

But H.R. 1 gives men the same retirement option at 62, thus striking a blow for equality, while here today we consider cementing into the law a thousand smaller inequities.

The trend is therefore counter to what we are contemplating.

On the question of equal rights for women, the real sticking point is the draft. In fact, it seems that the draft is the strawman which is used in order to develop opposition to the whole concept of equal rights. That is not the fundamental issue.

If they choose to wage battle on that point, then let us do so. Let us take a good, hard look at the conscription possibilities for women.

We are moving purposefully, according to the statements of the administration, which I accept, and the recommendations of the celebrated Gates Commission, toward an all-volunteer army.

Who is there to say that women would not be as eager and patriotic volunteers as men in time of national emergency or otherwise? There has never been a lack of patriotism and courage on the part of women—or belligerancy, I might add.

Moreover, the elevation of women to equal rights and responsibilities will put them more than ever in the mainstream of public policymaking, and who is to say that the policy of war or peace should not be debated and decided by women as well as men?

It will be an estimated 2 years before the 38th State ratifies this amendment. If that is true, and I have no reason to doubt that it is, then the existing draft as we know it will have expired before this amendment becomes law.

At that point, the Congress will have the option to simply extend the draft, amend it in any way it deems advisable, or do nothing and consign it to the pages of history.

By the time the draft expires, the Congress will have had adequate evidence and adequate time to judge what the next step should be. It will know whether to extend the draft, or let it die, or approve it in some other form. If this amendment were on its way to ratification during that time, Congress would have one more sounding of public opinion with which to measure whatever action it may want to consider in regard to the draft.

There is no reason to believe that something along the lines of a universal service corps could not be enacted under which men and women would be conscripted but not all of them for strictly military duty. There are a thousand ways in which this would be written to allow young people to give a specific period of time to their country, either in the military or in the service of the poor, the handicapped, the unfortunate, in com-

bating pollution, or in any of the other tasks that would contribute to the manufacturing of a better quality of life.

It does not really matter at this particular moment during this discussion what comes after the present draft law, or whether there will be other draft laws.

What we are talking about here and now is a question of rights, basic human rights under the law in public acts. To consider every possible implication and ramification is admittedly responsible legislation. But to oppose the basic thrust of a measure by diversion to a corollary issue, to endless speculation, is, I submit, not good legislating.

The point becomes obscured when the primary purpose of the legislation is frustrated. By making this debate an argument on the wisdom of drafting women is to frustrate the underlying issue.

If this fails, as it has in so many Congresses before, it will come up again next year. And the year after that. And if it comes up then and there is no draft, what will the opponents use as a diversionary tactic?

Why can we not address this issue as it is? Why can we not stick to the basic proposition that women in the United States are discriminated against on the arbitrary grounds of their sex and time after time have been denied the full privileges and rights of citizens of the United States?

I beg the members of this body not to allow this issue to become beclouded. Let us not submit to the folly of coming back here next year, or the year after, and debating whether or not women ought to be allowed to sell icecream from a bicycle.

Let us see the issue clearly and let us act upon it responsibly. It ill affords us to do anything else.

The CHAIRMAN. The time of the gentlewoman has expired.

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

Mr. Chairman, I rise in opposition to the Wiggins amendment. In my opinion, the Wiggins amendment has as its sole purpose the ultimate defeat of any effective constitutional amendment to provide equal rights for men and women.

This so-called protective amendment is essentially a camouflage for a restrictive, crippling, self-defeating qualification, which would sanction any and all State and Federal employment laws which discriminate on the basis of sex, provided that these laws have some reasonable relationship to health and safety; it would permit all women to be exempted from any and all compulsory military service laws.

We are all aware that many types of sex discrimination exist in the United States. Rather than remedy these types of discrimination, the Wiggins amendment perpetuates them. For instance, discrimination exists in employment opportunities for women. Twenty-five States still bar women from some field of employment, usually because the job is considered hazardous or somehow or other inappropriate. Nearly 30 States still limit to some degree the hours a woman may work. Oregon, for instance, prohibits laundresses from lifting more than 25 pounds. Nine States deny women the right to work as bartenders. They can work only as barmaids.

Title VII of the 1964 Civil Rights Act, which forbids discrimination in employment on the grounds of sex, and the Fair Labor Standards Act have eliminated some of these types of job discrimination. Federal courts across the Nation have made several decisions in recent months that have wiped out State laws which prohibited women from working on certain types of jobs, which limited their number of hours to work, and which decreased their opportunities for promotion.

The Wiggins amendment is a regressive, antiquated provision. It reverses the progressive democratic trend expressed in our courts. It expounds the argument that working-class women need the protection against exploitation by employers that the State law provides. But since these State laws are gradually being eliminated through our Federal courts, the argument for the Wiggins amendment is wanton.

Discrimination in education is one of the most damaging injustices which women suffer. It denies them both equal education and equal employment opportunities, forcing them to accept a second-class citizenship. Higher education standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason, councilors and parents frequently guide young women into the feminine occupations without regard to interest, aptitudes, or qualifications. Only 5.9 percent of our law students and 3.3 percent of our medical students are women, although according to the Office of Education, women tend to do better than men on tests for admission to law and medical school. Yet, these professional graduate schools have strict quotas of around 1 to 5 percent for the admission of women.

Few women educators are ever made school principals: Seventy-five percent of elementary school principals are men and 96 percent of the junior high school principals positions are held by men; in high schools, 90 percent of the principals are men. The Wiggins amendment continues this sex discrimination in education.

Marriage laws are discriminatory against women. In many States, a wife may not enter into a business contract without her husband's consent. She may not sign a promissory note or deed or mortgage without his sanction. In some States a woman cannot manage or own separate property as can her husband. The Wiggins amendment merely encourages this type of discrimination.

Many States' laws classify women separately for the purpose of jury service. Eleven States permit women to be excused from jury duty solely because of her sex. In my own State of Massachusetts, mothers or female guardians with children under 16 are automatically excluded from jury service. Governing bodies of many towns have extended this regulation to include all females instead of calling the names of the properly qualified women. The Wiggins amendment perpetuates this kind of discrimination.

Proponents of the Wiggins amendment state that without the protective provision, women could be conscripted into the Armed Services. There is no reason to put the onus of military service solely on men. Drafting women would make them equally eligible for the important benefits which the Armed Services provide, such as job training, veterans benefits, and equal participation in the duties of citizenship. The Intercollegiate Association of Women Students, which represents 200,000 college women from Middle America, testified before the Judiciary Committee that as long as the draft existed, women as well as men should be equally eligible for the draft. Equal rights imply equal responsibilities. It is unlikely that the military would be compelled to put women in combat duties, since less than 15 percent of the men presently serving in the Armed Forces are involved in actual combat service. Women would serve, as men do now, where they are best fit to serve. Parenthood could be a criteria for exemption from the draft. Experience of countries, like Israel, where women serve in the military has not shown that the inclusion of women makes for a weaker army or destroys the status of women in the Nation's society.

I believe that the Wiggins qualifier amendment does violence to the whole concept of equality as such. It runs counter to the basic principles of our democracy set forth in the 14th amendment. The original form of the resolution states simply that "equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." What that means is very simple: sex should not be a factor in determining the legal rights of men or women. I strongly support the adoption of this resolution in its original form sans the crippling Wiggins restriction.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word and rise in opposition to the Wiggins amendment.

Mr. Chairman, I would like to say I am very much opposed to the Wiggins amendment. It is the old Hayden rider. What it does is to kill the bill. For 100 years we have had "reasonable discriminations" and that is what this amendment guarantees we will have in perpetuity.

If this amendment is added to the joint resolution, then I must in all good conscience ask you to vote against the joint resolution proposing an amendment to the Constitution.

Mr. DRINAN. Mr. Chairman, I rise to urge the adoption of House Joint Resolution 208 as originally introduced by my colleague from Michigan, Congresswoman MARTHA GRIFFITHS, and to urge rejection of the version reported out by the full Judiciary Committee and of any other limitation upon the following clear, undiluted mandate:

Equality of rights of any person under the law shall not be denied or abridged by the

United States or by any State on account of sex.

I rise, therefore, to support effective constitutional recognition of the civil rights of women.

Both congressional and public debate on the equal rights amendment have been vigorous and thorough. In March and April, Subcommittee No. 4 of the Judiciary Committee heard the testimony of dozens of distinguished citizens—lawyers and laymen, students, religious and professional leaders, representatives from business and labor—a diversity of interests reflecting the momentousness of what we consider today. The policy embodied in the equal rights amendment rises to a level of profound social importance which fully justifies its incorporation in the Constitution.

My own position is succinctly expressed in the Separate Views of the Judiciary Committee's report on House Resolution 208, in which I join 13 of my colleagues in concluding that—

"Equality" is perhaps the one word which more than any other challenges our Government to fulfill its constitutional commitments to all of our people. . . . Until now the concept of a qualified form of equality—of an equality that can be abridged so long as a suitable rationalization can be found—has been repugnant to our Constitution.

Of all the appeals to their country's conscience being issued by American women, perhaps the most powerful is that women must have equal rights in employment. Extraordinary consequences flow from the role of work in our society. When one American asks another "What do you do?"—and this is often the first question between strangers—what he really means is "Who are you?" Too frequently, women must answer this question with embarrassment and dissatisfaction. In the area of employment, men and women are simply not equal under the law.

On the State level, sex discrimination in employment is pervasive. On the one hand, there is the active injustice of the mislabeled "protective legislation." A pointed refutation of any need for these laws is the statement, on August 19, 1969, of the Equal Employment Opportunity Commission:

The Commission believes that such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect . . .

Three weeks ago, the House by a narrow margin rejected legislation that would have given the Commission effective "cease and desist power" to begin to cure these inequities.

In the face of continuing sex discrimination by private employers, State administrations remain generally inert. In more than half of the States, no laws prohibit employers from discriminating against women in hiring or firing, in fringe benefits, in wages and promotion, in training programs, or in the setting of job categories, and the placing of classified advertisements.

The combination of State discriminatory practice and State default in the presence of discrimination frequently excludes women from employment altogether. It has routinely restricted their job opportunity—their freedom to choose suitable, fulfilling work and to advance in it. Depressing statistics which reflect this situation are only too readily available:

In 1968 the average woman college graduate was earning $6,694 a year, while the average man with an 8th grade education was earning almost as much, $6,580.

In 1969, 51 percent of women who actually worked at full-time jobs were earning less than $5,000 a year, while less than 17 percent of the male work force was earning that little.

The median wage of women in relation to men has been decreasing from 64 percent in 1955, to 61 percent in 1960, to 58 percent in 1969.

The unemployment rate for women is higher than for men: in April 1970, it was 5.7 percent for women against 4.2 percent for men.

Any language which would qualify the constitutional requirement of equality in the discredited name of "protection" would only entrench such inequities. That they, in fact, require a constitutional reply is the bitter lesson of the history of inaction of State legislatures and of the Supreme Court under the 14th amendment, a history thoroughly documented in a comprehensive analysis published in the April 1971 issue of the Yale Law Journal. The authors of that article, including Yale's distinguished constitutional scholar Thomas I. Emerson, demonstrate that the Supreme Court has never found a sex-based qualification to violate the equal protection clause and that piecemeal legislative reform "at least by itself simply lacks the breadth, coherence, and economy of political effort necessary for fundamental change in the legal position of women."

Without a constitutional amendment the burden of change will remain essentially with the advocates of equal rights. With the amendment, the burden will for the first time be shifted to where it should always have lain, with any who seek to erect new barriers to equality or to preserve the vestiges of old ones.

I certainly do not share the fear expressed by some opponents of an unqualified equal rights amendment that its enactment would produce "judicial chaos." The disappearance of an unjust but familiar orderliness will always seem chaotic to some. Indeed, in many respects, this is precisely the type of situation—the need to elaborate and rationalize the consequences of a fundamental legislative change—where the judicial process is most relevant and effective.

While I do not underestimate the possible problems in implementing the equal rights amendment, I would point out that the central legal principles involved are ones with which our courts have had long experience under the 14th amendment. As the Yale Law Journal article asserts—

The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with particular attributes of individuals not with a classification based on the broad and impermissible attribute of sex. This principle, however, does not preclude legislation (or other official action), which regulates, takes into account, or otherwise deals with a physical characteristic unique to one sex.

Legislation of this type would resolve many of the situations which opponents of the equal rights amendment have cited as sources of judicial "chaos" if the amendment were enacted. For example, a law establishing medical leave for childbearing would be permissible, because it applies to a physical characteristic unique to women. A law establishing leave for women only, for child rearing, would not be permissible.

Another area where "chaos" has been unjustifiably prophesied centers around the separation of sleeping quarters and rest rooms in public institutions and facilities. As the authors of the Yale Law Review article state—

The great concern over these matters expressed by opponents of the Equal Rights Amendment seems not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized constitutional right of privacy.

The courts will be required to balance the two conflicting rights: the right not to be discriminated against on the basis of sex with, on the other hand, the right to privacy. The right of privacy would justify the separation of the sexes in public rest rooms, in the sleeping quarters of prisons, and within the Armed Forces.

Aside from the relatively immediate and visible consequences of enactment of this amendment—judicial reexamination of the State "protective work laws," for example—there will undoubtedly arise indirect but profound effects on the processes of our daily lives. Many of these effects we cannot now foresee. Surely, however, we should have nothing to fear from the constitutional recognition of the civil rights of American women. The law is a model and the equal rights amendment can only be a model that will dignify the relationships between men and women.

I believe the House will honor itself today by approving the equal rights amendment without reservation or qualification.

Mr. FRASER. Mr. Chairman, the equal rights amendment has been before Congress for 48 years. The purpose of this simple constitutional change is to forbid Federal and State laws which discriminate on the basis of sex. The legal principle underlying the Amendment is that the law of the United States must deal with individual attributes of the particular person and not with stereotypes or classification based on sex. This is the view that has been brilliantly set out by Prof. Thomas Emerson of Yale Law School in a recent volume of the Yale Law Journal:

The treatment of any person by the law may not be based upon the circumstances that such person is of one sex or another. . . .

The law may make different rules for some people than for others on the basis of the activity they are engaged in or the function they perform. But the fact that in our present society members of one sex are more likely to be found in a particular activity or to perform a particular function does not allow the law to fix legal rights by virtue of membership in that sex. In short, sex is a prohibited classification. (*Yale Law Review*, April, 1971, pg. 889)

Today we are faced with another version of qualifying legal rights on the basis of sex. The Wiggins amendment is simply one more version of the Hayden rider first introduced in the Senate in 1950. Senator Hayden's original rider stated that no provisions of the equal rights amendment shall be construed to "impair any rights, benefits, or exemptions conferred by law upon persons of the female sex." Senator Hayden felt that women, in order to be equal, needed more and different "rights" than men possess. He defined "rights" of women to mean only the benefits and privileges of citizenship; the duties of citizenship, in contrast, women could not be expected to perform. This is much the same view that Congressman Wiggins expresses in his amendment that—

This article shall not impair the validity of any law of the U.S. which exempts a person from compulsory military service or any other law of the U.S. or of any state which reasonably promotes the health and safety of the people.

I think it is time that those of us who are responsible for passing legislation, deal with the reality that male and female citizens of the United States must have the same rights and duties of full citizenship. To pass a bill which embodies a qualified concept of equality is "to do violence to the very concept of equality itself," in the words of the members of the Judiciary Committee who voted against the amendment.

Contrary to our myths of equal opportunity for women, the facts show that women suffer real legal and economic discrimination in the United States. In many States women are prohibited from managing or owning a separate property, engaging in business or pursuing certain occupations. They are prevented from working beyond a certain number of hours. In other States a woman cannot sign a contract or take out a loan without a male signature. All these laws were enacted and will be retained under the guise of "protecting the health and safety of the people."

From an economic point of view the 1970 statistics released by the Department of Labor showed that women who work full time earn only 60 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. Unemployment among women is even higher than national statistics indicate, because many women are considered marginal workers and are not counted among the unemployed.

In addition, the quality of employment available to women is much lower than for men. Twenty percent of all male workers, but only 4 percent of all female workers, are in managerial jobs or proprietorships. On the other hand, 42 percent of all female workers are employed as clerks and sales workers compared to only 13 percent of all male workers. Custodial jobs employ 16 percent of female workers, but only 7 percent of males.

In important ways the relative position of women in this country is deteriorating. Over the past 10 years the number of women in elective offices at the State level, in the U.S. Congress, and in State legislatures has declined. Women have not progressed in the past 20 years in the proportion of college faculty or professional jobs they hold. The United States ranks behind a number of European nations, to say nothing of the Soviet Union, in women's participation as lawyers, 7 percent, doctors, 3 percent, and engineers, 1 percent. The evidence is undeniable that too many of the laws which are supposed to protect women only serve to keep them in a dependent status and to deprive them of various types of employment.

The other qualifying provision of the Wiggins amendment, which would exempt women from military service, is explicit recognition that we should continue a dual system of rights and responsibilities. The fact is that many women want to participate in the military because they object to any exception which thrusts women as a group into subordinate status and denies them the fundamental right to be considered on the basis of their own capacities and experience. As a number of women's organizations and university women have said, the requirement of serving will be as unattractive and painful for them as it is now for many men. But as long as anyone has to perform military functions, all members of the community should be susceptible to call. When women take part in the military system, they more truly become full participants in the rights and obligations of citizenship. In addition, they point to the long list of benefits that result from having "veteran" status. They rightly point out that there is no way that they can become eligible for veteran's education benefits, pensions, housing loans, medical care, and statutory preference in employment. The Emergency Employment Act of 1971 gives preference to veterans.

The concern that many of us have expressed for young mothers "sloshing through the mud" in combat is somewhat out of touch with the reality of today's military, and I suspect, somewhat overdrawn picture of our own military experience. Today only one out of 10 persons in the military service is in combat; only one out of 18 is a draftee. Even in combat zones many jobs of logistic and combat support are no different or more difficult than the work done in noncombat zones.

Thirty years ago women were found capable of filling over three-quarters of all Army job classifications. With the technology of today's military, I am sure that percentage is closer to 90 or 95 percent today. The idea that women are physically incapable of undertaking combat duty has simply not been borne out by studies of women in other countries including Israel, North Vietnam, and China.

However, the reality is that very few of our military ever reach combat duty and even if women were drafted it is most likely that they would serve in largely support and logistical functions. Although there is no doubt that all combat is dangerous, degrading, and dehumanizing we have a tendency to glorify it as manly when it comes to men in combat, and only recognize its reality when the possibility of women assuming the same role arises.

But the insidious and pervasive effect of this entire issue of military service for women has been the resulting denial of the full rights and duties of citizenship. As Prof. Norman Dorsen has pointed out, military service is the most serious duty of citizenship:

When women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification.

Until we recognize that women must hold full citizenship with the full rights and duties that such citizenship implies, we relegate half our population to second-class status in our society. No nation can automatically exclude the talents of over half its citizenry and expect to have a healthy, well-functioning social, political, or economic system. It is time that we complete what was begun with the 19th amendment and that women be guaranteed equal treatment under law.

Therefore I will vote today against the bill reported by the Judiciary Committee containing the qualifying clauses of the Wiggins amendment, and will vote for the equal rights amendment as originally introduced by Congresswoman GRIFFITHS.

Mr. FULTON of Tennessee. Mr. Chairman, before this body today is a piece of legislation providing new avenues of opportunity for more than 50 percent of our Nation's population and directly affecting almost every American. I am referring to House Joint Resolution 208, an act ensuring equal rights for men and women.

Every day, American women enter our Nation's mainstream of life with high hopes and skills more than equal to the positions they would fill and responsibilities they would bear. Every day, too many of these women hear the words, "Sorry, we've nothing for a woman," and face the thought, "You're qualified, but we'd rather have a man."

Too often, women must confront a "sex segregation" barrier perhaps more subtle but undoubtedly more prevalent than any "color line." Too often, they must succumb to the embarrassing logic that business and labor careers, and beyond that, the responsibilities and benefits of "modern" American life are strictly part of a man's world.

This is evident in the more than 1,000 discriminatory State and Federal laws

treating women differently than men. Not only are many jobs declared off-limits; the discrimination extends to the inequality of penalties ascribed by criminal "justice," the refusal or special restrictions for seating women on many juries, the undue qualifications demanded of women owning property or operating businesses, the "male-oriented" selection process for placing people in public institutions such as State universities, the inequities burdening women recipients of social security and retirement benefits, the age differential determining legal adulthood relating to marital, parental, career, and personal responsibilities, and many other areas.

I urge acceptance of House Joint Resolution 208 without any amendments. Many feel that some jobs and certain responsibilities are better suited, by their nature, for men, and some better suited for women. But I believe that no two people are alike, that each is an individual with talents he is best capable of appraising.

Therefore, let us allow—better, let us guarantee—that each individual, man or woman, have the chance to decide how he is best capable of serving, what he is best capable of achieving, and then given him the opportunity to make that achievement.

For if we believe each person has an equal right to life, does he not then have an equal right to determine, live, and support that life within the bounds of equitable laws, as he sees fit?

I think so. And that is why my vote will be cast for House Joint Resolution 208, unamended.

Mr. BRASCO. Mr. Chairman, once again we shall have the opportunity in this body to vote on the equal rights for women amendment, a measure that is as long overdue as it is necessary.

Although it has been introduced in every Congress since 1923, it has never passed in a form that would fulfill the intent of its backers. Each time the amendment has been amended in such a manner as to deprive it of its full impact. Often such amendments have been disguised in the form of riders claiming to benefit women. In fact, they are aimed at crippling the surge for legal equality. This time around is no exception.

Across America a new stirring among the women of this Nation is everywhere evident. Cutting across all economic, political, and social lines, this movement has found fertile soil in most States of the Union. If we needed any more evidence of the need for this amendment, the turmoil and protests of women's groups and the popular support they have elicited should provide it amply.

In actual fact, women are equal in name only in the United States. Although we make much ado about their equal status, in a million and more separate instances they are discriminated against.

To commence with, they are not equal in pay and promotion, as well as in hiring. Many laws that are supposed to protect them in actuality bind them into a dependent status that has prevented them from attaining equality, particularly in an economic sense.

In many States, they are legally relegated to the status of second-class citizens. It is amazing to find some laws still on our statute books, remnants of a bygone era that some people are determined to perpetuate in fact.

In many States they are prohibited from owning or managing separate property, engaging in business or pursuing a profession or occupation as a man would. In some States, women cannot sign a contract or take out a loan without a man's signature on the document.

The list continues, making a total mockery out of all the rhetoric that is lavished upon this subject whenever it makes its appearance before this body in a serious form of some kind.

I firmly believe that the equal rights amendment, as originally introduced, should find favor and passage in this House as soon as possible. One legal principle should guide us. Sex must not be a factor in determining the legal rights of any American citizen.

This body has it within its power to make this a legal reality.

Each protest movement, no matter how some may disagree with it, is based upon some existing grievance. Whenever some such movement arises on the national scene, the first instinct of most people, including their political representatives, is to slough it off and not devote any serious attention to its sponsors. In each case in recent memory, events and history have proven those who have ignored such advocacy wrong.

For a long time the women of this country have put forth their case for equality quietly, honestly, and with overwhelming evidence on their side; 53 percent of our population is female. We would do all our principles the gravest injustice if we refused to pass this amendment this time.

It is my hope that this time we shall prove ourselves reasonably fair and farsighted. The women of the Nation are in earnest. Anyone who makes a joke out of this deserves the public scorn that will be heaped upon him. I have noted that there is a very patronizing attitude among many when this subject is brought up. It is a wrong attitude to cultivate and exhibit.

Let us therefore act accordingly to bring this ongoing injustice to an end.

Mrs. GRASSO. Mr. Chairman, I support a constitutional amendment to assure equality under the law for men and women.

Because I think this amendment must carry wording that will unmistakably grant full equality to women, I will vote against qualifying amendments.

It is regrettable, indeed, that at this point in our Nation's history, such a constitutional amendment is needed. Clearly it is.

In 1971, we look forward but a few years to our bicentennial. Yet, we are painfully aware that our legal system in many respects looks well into the past. In fact, it clings to some vestiges of English common law under which a woman was not a legal entity but a chattel.

For example, in some States, criminal statutes require women to be given longer sentences than men for the same crime.

In 20 States separate provisions exist for qualifying and restricting women for jury duty.

In many States a father has the sole right of guardianship for minors, and in two States the husband owns his wife's earnings.

There are even States in which a wife cannot establish a business without court sanction.

And in seven of the eight States where all things acquired during marriage are considered community property, the husband has sole right to control and manage the estate.

We recently heard charges that mortgage guidelines, which have been laid down by a quasi-public agency that buys and sells home mortgages in the secondary market, discriminate against women. We have long been aware that different ages for men and women are used to denote adulthood for many purposes, and that restrictive labor standard laws exist for women. We also know we cannot justify inequities for retirement and social security benefits.

Indeed, there are many reasons why the equal rights amendment is needed. American women now number over 70 million. According to the 1970 census, more than 43 percent of all adult women are in the labor force. Large numbers do not experience discrimination. Yet, for too many, discrimination in some form is a part of daily life.

We cannot rest so long as the legal structure of our Nation encourages discrimination through laws that exclude women from legal rights, opportunities, or responsibilities.

History shows that women cannot rely on the courts to achieve their rights.

Legislative efforts to gain this goal have been in progress for the past century, but these efforts have been piecemeal at best.

Unfortunately, the fifth and 14th amendments have not accorded equal rights to women—the equal rights they must have.

Now is our opportunity to correct this situation by passing the amendment before us today in the original form introduced by the gentlewoman from Michigan.

Indeed, Congress must provide the constitutional framework upon which to build a body of law to achieve the goal of equal rights. Our responsibility is clear.

Mr. MIKVA. Mr. Chairman, it is not surprising to find that the laws which govern our society reflect and reinforce the dominant social structure of the lawmakers. The early laws of the United States assumed that the relationship between whites and blacks was one of master and slave. Although those laws may have mirrored existing reality at the time they were adopted, such codification of social roles has the effect of institutionalizing and perpetuating those defined social roles. It is only in the last few years that we have affirmatively undertaken to equalize the treatment of blacks and whites under the laws, and to banish the remaining vestiges of slavery from our legal system.

In the same way, the time has come to banish from our laws the last vestiges

of inequality of men and women. Such unequal treatment is grounded in an earlier social model of sexual roles, which visualizes a dominant male provider and a submissive female who exists primarily to bear and care for her husband's children, and to attend to his comforts and needs.

The underlying social reality has changed drastically, and the laws must keep pace. In recognition of this need, the President established the Task Force on Women's Rights and Responsibilities in October 1969. The report of that task force, issued in April 1970, recommended various legislative changes designed to provide women with equal opportunity under the laws.

I have introduced legislation to implement those recommendations—the Women's Equality Act (H.R. 916).

In March of this year, the Judiciary Committee held hearings on my bill and on the equal rights amendment which is before us today. I testified in support of my bill, and in support of the equal rights amendment, which was at that time unsullied by the Wiggins amendments. I attempted to respond to the unfounded concerns of the supporters of the amendment, some of whom feared that my bill was somehow an alternative to the amendment and would undercut it.

Mr. Chairman, let no one hide behind my bill in opposing the equal rights amendment in its original form. There is no conflict between the two. As I said in my testimony before the Judiciary Committee, they are complementary measures. No constitutional amendment is self-executing. Implementing legislation is necessary to give substance to the guarantees of a constitutional amendment. Conversely, the passage of corrective legislation does not obviate the need for amending the Constitution.

The Constitution is the fundamental document of our Nation. It enshrines the essential principles by which we live and by which we are governed. The symbolic importance of its guarantees is at least as significant as the substantive basis they provide for implementing legislation.

The principle of legal equality between men and women ought to be explicitly proclaimed in our Constitution, along with the other fundamental rights hallowed in the present 26 amendments.

I would urge my colleagues, including those who have cosponsored my bill, to support the equal rights amendment as introduced by my distinguished colleague from Michigan (Mrs. GRIFFITHS), and without the crippling amendments appended by the gentleman from California (Mr. WIGGINS). To quote the title of the report of the President's task force, it is "A Simple Matter of Justice."

Mr. McCULLOCH. Mr. Chairman, I supported the Judiciary Committee amendments. I will vote against the final passage of House Joint Resolution 208, but if the Constitution of the United States is to be amended, the Judiciary Committee safeguards must be adopted.

Mr. Chairman, in August of 1970, this House discharged its Committee on the Judiciary from the further consideration of House Joint Resolution 264, a resolution similar to that of House Joint Resolution 208. The House approved that resolution on what I referred to at that time as "a wave of emotion." I also stated on the floor at that time, Mr. Chairman, that—

> I did not rise in opposition to House Joint Resolution 264. My opposition is only to passage at the present time. To adopt this constitutional amendment without adequate hearings and debate would raise more questions than it would answer, and would be a most irresponsible act by this great legislative body.

This time, your Judiciary Committee brings before you a resolution that has been well thought out. Subcommittee No. 4 conducted nearly 6 full days of public hearings and received testimony from people representing women's organizations, labor, Department of Justice, and from scholars, students, and Members of Congress.

Equality of rights before the law should not be abridged or denied to any person, irrespective of that person's race, religion, national origin, or sex. This has always been the American dream, but not always the American way. The late fifties and early sixties saw this Nation and the Congress commit itself to the correction of a very serious injustice in our society; namely, that of race discrimination. Many tough legislative battles have been fought and won in this area and the problem, in my opinion, is well on its way to being solved.

Race is not the only area, however, where group discrimination exists. There is another class of human beings who have been discriminated against since the inception of our species, that is, woman. From the outset she was denied rights and privileges shared among most men. This we all know. However, these injustices are today closer to being abolished than ever before in the history of the human race. I am of the opinion, that the statutory approach rather than the constitutional amendment approach would be more meaningful and less mischievous.

The Judiciary Committee has never taken lightly its responsibility for suggesting amendments to the Constitution of the United States, the basic and fundamental law of our Nation. As lawyers, legislators and citizens it is our duty, indeed our obligation to determine whether an amendment to our basic law is the only way in which inequities toward other human beings can be rightened. After considerable research and study, it is the opinion of the Judiciary Committee that House Joint Resolution 208 must be amended in two respects before it is passed by two-thirds vote of this body.

As amended by the Judiciary Committee we have an amendment to our Constitution that seeks to advance the cause of human rights in America. The resolution, together with the Judiciary amendments have a good chance of becoming the 27th amendment to our Constitution. But, if the Judiciary Committee amendments are not adopted by this body, the chances for final enactment will be greatly reduced. Reality is what we live by and solid accomplishment is what we seek.

These suggested amendments to House Joint Resolution 208 represent a compromise. There are those who cavalierly say that they represent the best interest of women, but in the same breath denounce the work of the Judiciary Committee. They fail to say that they represent a small fraction of the women who will be affected by what we do here today. I am reminded of another compromise that took place back in 1964. The topic was very similar—human rights—the goal identical to what we seek here today—justice under the law for all people. No one knowledgeable on the subject would question the effectiveness of the Civil Rights Act of 1964. It was a compromise.

We are a nation of many people and many views. In such a nation, the prime purpose of a legislator, from wherever he may come, is to accommodate the interests, desires, wants, and needs of all our citizens. To alienate some in order to satisfy others is not only a disservice to those we alienate, but a violation of the principles of our Republic. Lawmaking is the reconciliation of divergent views. In a democratic society like ours, the purpose of representative government is to soften tension—reduce strife—while enabling groups and individuals to more nearly obtain the kind of life they wish to live.

The function of Congress is not to convert the will of the majority of the people into law, rather its function is to hammer out on the anvil of public debate a compromise between polar positions acceptable to a majority. In a representative republic, the people themselves vote "yes" or "no" on the issues and there is less opportunity for compromise. When a referendum is taken, no amendments are allowed; there is quite clearly a losing side. In a republic, representatives vote for the people. There is discussion and debate. There are amendments. There is opportunity for compromise. It is less clear that there is a losing side.

Yes, Mr. Chairman, House Joint Resolution 208, as amended by the Judiciary Committee is a compromise and I urge my colleagues to support the amendments recommended by the Judiciary Committee.

Mr. MITCHELL. Mr. Chairman, I wish to voice my firm support for the passage of House Joint Resolution 208, the amendment relative to equal rights for men and women, and my absolute opposition to the Wiggins amendment.

Our Nation was founded on the principle that all men are created equal. There is no equivocation in the Declaration of Independence regarding equality. Our most cherished national document does not state that some are more equal than others, or that rights will be determined on the basis of race, religion, or sex. And yet, we are painfully aware that in practice our citizens have not been accorded equal treatment and protection under the law. We are reminded daily that throughout our history, minority groups, the poor, and women have been the objects of discrimination,

oppression, and prejudice. Significant advances have been made in the slow and tortuous struggle for equal civil rights and liberties, but the battle is far from over. The passage of the equal rights amendment will not result in a miraculous and immediate end to sex discrimination, just as the 15th amendment did not abolish racial discrimination in voting practices. It will, however, establish the guarantee of equal rights for men and women under the highest law of the land. It must be enacted if we are earnestly committed to the ideal of a free and equal society for all.

Several reasons have been advanced in opposition to the equal rights amendment. They are either specious or patronizing and must be rejected.

First, it has been argued that this amendment is not necessary since women are already assured equal rights under amendments such as the 14th. At first glance, it would seem that this is a reasonable argument, for the 14th amendment does indeed literally protect all persons from deprivation of equal protection of the law. Neat abstractions aside, however, the fact is that the 14th amendment has never been applied by the U.S. Supreme Court in a manner as to find any classifications by sex to be unreasonably discriminatory and thereby a violation of the 14th amendment. Constitutional history, therefore, shows that the 14th amendment has had no practical significance in this regard.

Second, it is argued that not only is the equal rights amendment superfluous, but that it also would create legislative confusion and extensive litigation by requiring or implying that women at all times should be obligated to identical duties as men and be treated in exactly the same way as men. Thus, it is said that such an amendment might require the abolition of all laws making any distinction between the sexes, precluding such institutions as separate lavatory and dormitory facilities for men and women, might make women eligible for the draft and combat duty, and might nullify legislation which is protective of women.

It is true that the amendment relative to equal rights will in some instances raise complex issues, but so have the fifth and 14th amendments, and surely the assurance of equal rights for women is as important as the assurances embodied in other such amendments. How certain of these issues will be worked out under this amendment is difficult to predict precisely because they rarely have been seriously considered in terms of equal rights for women. It is safe to predict, however, that the constitutional rights to basic privacy, will be maintained.

Whether women should indeed be excluded from the draft, though, is a much more complex issue and one that deserves the serious consideration it would receive once an equal rights amendment were adopted. The draft is a particularly difficult question for many of us, since it touches our most basic feelings about the traditional roles of men and women. Yet, this is an issue which we and the courts must face.

As you know, I adamantly oppose the draft for all persons and have to completely abolish the Selective Service System. However, if military conscription continues after the amendment's passage, or is reinstituted at some future time, it may well be that the courts will recognize that the draft as presently constituted discriminates against men as well as women. Why, for example, given equal qualifications and similar personal circumstances, is a particular woman exempted from the draft while her male counterparts are required to devote 2 years of their lives to military service? Would it not be more just to require that all persons register for service and perform duties for which they are qualified, and that all persons equally be exempted for reasons of physical defects, family responsibilities and other legitimate causes? Why, on the other hand, should women be denied the opportunity to receive benefits which are granted to those completing military service?

With regard to protective legislation, some laws such as alimony and child custody, arbitrarily discriminate against men. These laws must be made equal for both sexes. Other laws, labor legislation for example, clearly discriminate against women. The vast majority in fact protect men from competition and deny women the right to hold jobs for which they are qualified, interfere with their advancement and limit their income. Certainly we need laws to protect the health, safety and rights of persons but, with certain specific exceptions, these laws must be formulated on other grounds than sex classification. As to the exceptions, the only clearly valid sex classification, as Prof. Thomas Emerson of Yale University has stated, must be based on physical characteristics found in all women and no men, or in all men and no women. Laws based on such universal distinctions, say laws relating to maternity benefits or sperm banks, would not be violative of the equal rights amendment, for they raise no problem of ignoring individual characteristics in the name of either alleged group characteristics or a putative average.

The third argument in opposition to the amendment is that it is too vague. One need only read the other amendments to the Constitution to answer this argument. Constitutional amendments must of necessity be rather vague, for they are given meaning in our constitutional system over time through judicial interpretation, and legislative and executive action. The 27th amendment would be no more, and probably no less, vague than the other 26.

The Wiggins amendment has been offered to take account of some of the above discussed problems. It purports to preclude application of the equal rights amendment to compulsory military service and to laws which "reasonably promote the health and safety of the people." I feel that the clear implication of the Wiggins amendment is that women as such are a separate class. The implication is, as a group, they are not fully capable of shouldering the responsibilities of full equality and must therefore be protected. In gallantly attempting to shield women in this way, we would effectively reinforce existing abridgement of women's freedoms, opportunities and obligations as individuals and American citizens. As Mr. Norman Dorsen wrote in prepared testimony on behalf of the American Civil Liberties Union at recent hearings on the proposed amendment—

> The central concept of civil liberties is that all individuals have the fundamental right to be judged on the basis of their individual characteristics and capabilities, not the characteristics and capabilities that are supposedly shared by any group or class to which they might belong.

It would, therefore, be a grave error to enact the Wiggins amendment, and I urge that it be soundly defeated.

In conclusion, we must remember that the equal rights amendment will become one article in the Constitution, to be interpreted in light of the whole. The purpose of the amendment is to set forth a general principle, for all time, the interpretation of which will change over the years. It is therefore inappropriate and totally objectionable to include, as the Wiggins amendment would, restrictive language. There is, moreover, a real danger in writing qualifications into the amendment itself, for rules of constitutional construction suggest that such qualifications might well be read as exclusive, thereby preventing the courts in the future from working out further qualifications of the general principle as required by changing circumstances.

Over 60 organizations, and innumerable public officials and private individuals have gone on record in support of the amendment as offered by the distinguished Congresswoman from Michigan (Mrs. GRIFFITHS). Equal rights is a critical and pressing issue which cuts across party lines and political beliefs. I therefore urge that we pass House Joint Resolution 208 and defeat the Wiggins amendment in order that we, as a nation, can continue to translate our ideals into reality.

Mr. DANIELSON. Mr. Chairman, I rise to support House Joint Resolution 208, the so-called equal rights for men and women amendment.

Much has been said during the debate on this issue to the effect that this amendment is not needed, and there is much substance behind those comments.

Under our Constitution, as it has read from the beginning, there is no basis whatsoever for denying equal rights to both men and women. This has been particularly true since the adoption of the 14th amendment.

And there is no reason whatsoever why our laws could not ensure equal rights to men and women.

Thus, it would seem that this amendment is not needed.

Yet, as a matter of fact, it is necessary that we enact this amendment. Even though there is no basis for discrimination in our Constitution, the Supreme Court has always failed to recognize and failed to meet its responsibility so to rule.

And even though there is no reason why this Congress could not by law finally resolve the question and end discrimination and unequal treatment of men and women, the Congress has never done so.

Thus no choice remains but to enact the amendment so that the people of America, through the legislatures of the several States, can act to strike down unequal treatment and discrimination between the sexes, once and for all time.

This is not an idle act. The practical effects of discrimination against women are most substantial and immediate. Analyses prepared by the Bureau of Census of the U.S. Department of Commerce demonstrate clearly that compensation paid to women is lower than compensation paid to men. This is true even when we compare the earnings of men and women with equal educational attainment; and, this is true when we compare the earnings of men and women in selected occupations. The same inequality is true in unemployment rates and other indexes of economic status. I append tables of the Bureau of Census establishing these facts.

The very fact that women do not presently enjoy the same rights—or the same responsibilities—as men in our military services is itself a grievous and unequal discrimination. Our military services today permit a maximum of 2 percent women in their numbers. It is obvious to all who can see that this denies useful, satisfying, and valuable employment to countless women. Not only is this true in the rank and file of the military services but it is more glaringly true in the officer corps. Each year we provide thousands of young men with splendid and expensive college educations through our service academies. At present those priceless opportunities are denied to all women.

Although the U.S. Army has more than 200,000 personnel stationed overseas, only 1,178 of these were women as of June 30, 1971. I have received a letter from the Department of the Army, dated September 30, 1971, to that effect, as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., September 30, 1971.
Hon. GEORGE E. DANIELSON,
House of Representatives,
Washington, D.C.

DEAR MR. DANIELSON: Transmitted herewith is the information you requested concerning the strength of the Women's Army Corps in overseas areas.

Sincerely,

GEORGE L. FORD,
Colonel, GS,
Office, Chief of Legislative Liaison.

FACT SHEET OF THE WOMEN'S ARMY CORPS IN OVERSEAS AREAS

September 29, 1971.

Purpose: To provide information on above subject.

FACTS

1. On 30 June 1971, the Women's Army Corps had a total strength of 12,781 members (11,825 enlisted, 937 commissioned officers, and 19 warrant officers).

2. Members of the Women's Army Corps serving in overseas commands on 30 June 1971:

	Officer	Enlisted	Warrant
Europe	64	636	3
Korea	21	5	1
Vietnam	28	100	2
Pacific	33	237	3
Alaska	0	37	0
Canal Zone	4	2	0
Puerto Rico	0	2	0
Total	150	1,019	9

The list of comparable inequalities between the sexes, and discrimination against women, is long. The foregoing are only a few examples.

The Supreme Court has failed to meet its responsibilities in declaring and enforcing equal rights between the sexes; and the Congress has failed as well when it could have accomplished the same end by legislation. This proposed constitutional amendment is the only reasonable solution that remains.

I am not at all anxious about the power of Congress to adapt any future compulsory military service to differentiate between men and women, for I am sure that the proposed amendment will allow the Congress to make reasonable differentiations in the employment of men and women in our military services based upon such logical and reasonable classification as their physical capacity, and their suitability for various types of work, and such other reasonable factors as their responsibilities to support dependents and the like. I am also satisfied that the Congress and the legislatures of the several States will retain the power to enact and enforce reasonable legislation to protect and promote the health and safety of men and women alike, based upon factors which are directly related to health and safety, rather than sex, which is so often the case today.

I urge all Members to support this amendment.

I include the following:

MEDIAN EARNINGS OF YEAR-ROUND FULL-TIME WORKERS, 1969 [1]

	White	Negro
Men	$8,737	$5,880
Women	5,078	4,009

MEDIAN INCOME BY EDUCATIONAL ATTAINMENT, 1969 [1]
YEAR-ROUND FULL-TIME WORKERS—25 YEARS OLD AND OVER

	Men	Women
Less than 8 years	$5,769	$3,603
8 years	7,147	3,971
1 to 3 years high school	7,958	4,427
4 years high school	9,100	5,280
Some college	10,311	6,137
4 years college	12,960	7,396
5 or more years college	13,788	9,262

MEDIAN EARNINGS IN SELECTED OCCUPATIONS, 1969 [1]

[Year-round full-time workers]

	Men		Women	
	White	Negro	White	Negro
Professional and technical	$11,860	$8,606	$7,338	$6,996
Clerical	8,032	7,263	5,172	4,868
Operatives	7,525	5,824	4,385	3,723
Service workers, except private household	6,671	4,865	3,637	3,612

UNEMPLOYMENT, ANNUAL AVERAGES, 1970 [2]

[Number (in thousands) and rate]

Age 20 to 64	1,307	258	1,064	250
Age 18 and 19	230	64	202	73
Age 16 and 17	255	50	183	48
Percent:				
Age 20 to 64	3.2	5.7	4.5	7.0
Age 18 and 19	12.0	23.1	11.9	32.9
Age 16 and 17	15.7	27.8	15.3	36.9

FAMILIES IN POVERTY BY SEX AND COLOR OF HEAD, 1969

[Number (in thousands) and percentage]

Number	2,490	608	[4] 1,065	[4] 718
Percent	6.0	17.8	[4] 25.4	53.2

ADULTS IN POVERTY, 1969 [5]

[In thousands]

16 and over	4,214	1,338	7,103	2,314

[1] U.S. Department of Commerce, Bureau of the Census: P-60 No. 75, tables 50 and 47.
[2] U.S. Department of Labor, Bureau of Labor Statistics, Employment and Earnings, vol. 17, No. 7, January 1971, table A-1 (data under Negro heading is for "Negro and Other Races").
[3] U.S. Department of Commerce, Bureau of the Census; P-60, No. 76, table E.
[4] Higher than 1968 figure.
[5] U.S. Department of Commerce, Bureau of the Census: P-60, No. 76, table 4.

Mr. JAMES V. STANTON. Mr. Chairman, on behalf of the 80,000 working women of Cleveland, and in the interests of others who have been excluded—or who assume they would be excluded—from well-paying jobs and promotions, I rise in support of House Joint Resolution 208. To me, the issue is simply one of fairness. Many of the women I represent are the sole breadwinners of their families, and many others bring home pay envelopes which are counted on as a part of the family budget. Still others are young single women who are trying to save money for a higher education—and they must help themselves because their parents have limited savings, if any.

Mr. Chairman, I feel strongly that too many persons, both male and female, have been misled about the intent of this proposed constitutional amendment. Somehow, the impression has got around that this is legislative action designed solely for the benefit of those who are referred to, in the pejorative sense, as "career women." But the "career women," by definition, have already made their way in the generally hostile environment of a man's world. It is not they so much who need the protection of a constitutional amendment, but rather it is the working women who need it stated clearly, in the fundamental law of the land, that, first, it is the public policy of this Nation that women be given the same employment opportunities as men; that, second, they be given equal pay for equal work—compensation commensurate with their true responsibilities; and, third, that the same avenues of advancement should be open to them. Unless they have these guarantees, Mr. Chairman, it is not only they, but also their children, who ultimately will be deprived.

I am not moved by the absurd arguments that an attempt is being made here to erase the distinctions between men and women. While I am indeed impressed with the power of the House of Representatives, I would flee from her in panic if I thought that somewhere, somehow, someone had conferred on us the power to legislate miracles. It is a fact of life, not a miracle, that men and women are physiologically—and psychologically—equipped in many cases to handle the same jobs. It is a fact, too, that distinctions of no validity have been made by employers with respect to these jobs. But to the extent that distinctions might be

appropriate—as in the military services—there is ample discretionary authority on the part of a commanding officer to deploy those under his command in the most effective manner. This proposed constitutional amendment would not change that. What would change, I might add, is the situation that finds too many women excluded from the educational and other benefits that accrue to male veterans of the Armed Forces. Most males in the service get these benefits without ever having served in the infantry. Women, too, then are perfectly capable of serving their country in branches of the service other than the infantry, if they are deemed unsuitable for that assignment.

For these reasons, and for the others which have been cited here in debate, I urge my colleagues to join me in support of House Joint Resolution 208.

One final word: Those who fear we are being perhaps too precipitate in our action ought to consider that, beyond the Senate, concurrence must be achieved from three-fourths of the State legislatures before this proposal could be incorporated into the Constitution. There will be plenty of time for discussion and deliberation.

Mr. MATSUNAGA. Mr. Chairman, 14 months ago the House had under consideration the same subject: Whether to approve a constitutional amendment guaranteeing equal treatment under the law to all persons, regardless of sex. At that time, because of the unusual parliamentary situation, no amendments were permitted, and the House approved, by a vote of 352 to 15, a resolution similar to House Joint Resolution 208 as introduced. Since the Senate had twice before passed similar resolutions, no difficulty was expected in starting the constitutional amendment on its way toward ratification by the States. But difficulty there was.

And so we are here again, although today under a somewhat more conventional set of circumstances than those prevailing in August of 1970. House Joint Resolution 208 was the subject of hearings before a Judiciary Subcommittee, was debated in full committee and reported, with important amendments, to the floor.

Mr. Chairman, no one doubts that all Members of the House, including those who oppose the equal rights amendment in any form, are dedicated to the cause of equal treatment among all Americans.

What the distinguished and gracious lady from Michigan (Mrs. GRIFFITHS) has been pointing out, however, is that House Joint Resolution 208 as introduced, and as approved overwhemingly by the Judiciary Subcommittee which held the hearings, is badly needed to accomplish that end.

The amendments adopted in the full Judiciary Committee by such a close margin, although well-intended, effectively neutralize any positive effects the amendment might have. As the minority views of the committee report make clear, equality with qualifications is a contradiction in terms.

Mr. Chairman, in 1970 there were three principal arguments made against the proposed constitutional amendment.

The first was that the whole idea of equal rights for women was silly because there was actually no serious discrimination against women. Second, even assuming that there was some discrimination, the equal protection clause of the 14th amendment would satisfactorily dispose of it. Third, the resolution as introduced would result in years of litigation before its meaning became clear, and would bring about undesired, even preposterous, results because it was overly simplistic.

I believe that arguments in the first two categories were completely rebutted by a Washington Post survey published last fall. The Post found that in 11 States, special restrictions are placed on the right of married women, although not of married men, to make contracts; in five States a married woman must get the approval of a court before she can establish an independent business; in at least eight States women cannot sign leases until they are 21 years of age, while males as young as 18 are allowed to execute such leases; in nine States women are not permitted to mix, sell, or dispense alcoholic beverages in public; and in an undetermined number of States, by law "males must be preferred over females" in the appointment by the court of an administrator for the estate of a decreased relative.

The second argument, that various forms of discrimination based on sex can be eliminated under the 14th amendment's equal protection clause, ignores existing constitutional law. That clause has not been used, and is not now being used, to strike down all forms of discrimination based on sex. In fact, the legal discriminations which I just summarized are being upheld by the courts in the face of equal rights objections. The logic advanced by the courts, for example, in upholding a State law discriminating against women in the appointment of administrators, is that the distinction between men and women is perfectly justified as a means of curtailing litigation over which person the court should appoint.

We also remember, Mr. Chairman, even if some of the opponents of the unamended equal rights amendment choose not to, that it took a constitutional amendment to give women the right to vote, because the courts held that the equal protection clause did not apply to women.

And so these two arguments against a simple equal rights amendment have been more than adequately answered and, indeed, have been rarely mentioned this year by opponents.

They have concentrated, for the most part, on the argument that passage of the amendment in its original form would prohibit separate restrooms for men and women, or would compel the placing of women in combat units of the military, or would effectively end all boys or all girls summer camps, among other gruesome possibilities.

Also, it is said, endless litigation would result as the validity of dozens of State and local laws are measured against the new constitutional yardstick.

Again, Mr. Chairman, I would like to refer to the minority views in the committee report. Quite correctly, those views point out that " 'Equality' does not mean 'sameness.' " In other words, a constitutional mandate of equality would not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances.

As for the predicted chaos in the courts over the meaning of the new amendment, all of the important clauses of the Constitution have been the subject of litigation ever since this Nation was founded. If the threat of possible litigation were taken seriously every time a new law was proposed, Congress could never pass a single law at any time.

Moreover, the purpose of the proposed amendment is to eliminate governmental discrimination between the sexes; in that sense, litigation to strike down those inequitable statutes goes to the heart of the amendment.

Every woman in America, and all who cherish individual liberties and equality under law, have an interest in the passage of the original text of the pending resolution. I have an additional personal interest as the father of three precious daughters whose futures would be made easier by the resolution's passage.

Mr. Chairman, I want my daughters and my sons to stand on equal footing in their struggle for optimum development, limited only by their individual capacity. I want my children to keep on believing that they have an equal stake in this great democratic society of ours; that they have an equal responsibility to contribute to the betterment of this society to the maximum of their ability; that their pursuit of happiness will be unhampered by manmade laws, on account of race, color, religion, national origin, or sex.

This is why I cosponsored and supported the Griffiths amendment in the last Congress, and this is why I introduced a bill in the 92d Congress providing for an amendment to the Federal Constitution to guarantee equal rights to all persons, regardless of sex.

Mr. Chairman, I urge the defeat of the committee amendment, and the passage of the pending resolution as originally introduced.

Mr. PEPPER. Mr. Chairman, it is my strong belief that a constitutional amendment guaranteeing the equality of the rights of men and women needs no justification other than the simple equity inherent in the proposition.

What we are called upon to do here today is very simple and I believe we can accomplish our mission best through the enactment of the simple language proposed by the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) who has fought so long and so effectively for the proposition that the equality of women must be recognized in our Constitution without any debilitating clauses or reservations.

It is our duty to reject every proposal which would amend the simple language of the substantive part of the amend-

ment proposed by Mrs. GRIFFITHS and approved by the House in the previous Congress. However well intentioned they may be, efforts to include protective reservations in this proposed constitutional amendment can only have the effect of maintaining women in a dependent status before the law and in fact in our society. We must reject these amendments and declare unequivocally in the highest law of our land that there can be no discrimination in the rights of citizenship based upon sex.

I would have preferred that the amendment before us today provide for an effective date only 1 year from the date of ratification rather than 2, and that there be no 7-year limitation of the period for ratification of the proposed amendment by the States. The most urgent consideration, however, is that a meaningful amendment be approved by the Congress as quickly as possible. And I believe this can best be accomplished by the measure before us, provided we defeat the crippling amendments proposed in committee.

In the form it was introduced, this proposed amendment would be meaningful. Indeed, it would be historic, not only in its substance, but also in the fact that, if ratified, it would make this 92d Congress only the second Congress in our history to propose two successful amendments to the Constitution, excepting, of course, the first Congress which proposed the 10 amendments we now know as the Bill of Rights.

Not since the 39th Congress, at the end of the Civil War, has a single Congress sent two constitutional amendments on their way to successful ratification. Those two amendments, the 13th abolishing slavery, and the 14th guaranteeing citizenship rights against abridgement by the States, were among the most significant in our history. They are the basis of our constitutional guarantees of full citizenship for all persons in our society.

The two amendments history may record as the work of the 92d Congress are also of great significance in terms of the effort to attain full citizenship for all Americans. The 26th amendment, which we adopted earlier this year to guarantee the right to vote to 18-, 19-, and 20-year-old Americans, extends this vital aspect to young Americans, as the 19th amendment extended it to women a half century ago.

Even more significant, I believe, is this amendment to assure equality for American women of all ages in our society. This amendment will have enormous and beneficial impact upon the course of American society and, I am confident, upon the future of the entire human race.

This amendment will guarantee to women the right to be full citizens and whole persons in our society. It is a right they desire and a right they must not any longer be denied.

We need not be concerned about the fears some have about what will be the effects of this amendment, if adopted, upon legislation Congress or the States may see fit to enact for the benefit of the female sex.

This amendment guarantees the equal rights of the female with the male in America but it does not say that all shall have the same duties or that there can be no reasonable classification between men and women or among men and women.

I have supported this amendment and this principle of equality of rights for women since 1943 in the Senate and since I have been in this House, and I am proud to support it today.

I urge this House to give full rights to American women without reservation and as quickly as possible.

Mr. NIX. Mr. Chairman, I urge the passage of House Joint Resolution 208 without any of the crippling amendments which have been proposed.

The time has come to assure the women of America of the legal right to first-class citizenship. This is what the constitutional amendment proposed by our distinguished colleague, Mrs. GRIFFITHS, would do. It would give women the legal equality with men which they desire and which they should have.

No one knows better than I the difference between having a legal right to equality and possessing that precious equality in fact. The women of America will have to continue to struggle against tradition and prejudice to win the full, equal citizenship which will be their right under this proposed amendment to our Constitution. This, I think, is all they ask: The opportunity to win on their merits the equal status of a full person in our society.

The amendments which have been proposed to "protect" women are offered, I believe, in good faith. But the effect of this "protection" would be to continue the dependence, the second-class status which American women have come to abhor.

The time has come for us to fulfill the promise of equality for all Americans, whatever their race, sex, or origin. This amendment would further this liberation of human beings in our free society. I urge its prompt approval by two-thirds of both Houses of the Congress and its early submission to the legislatures of the States for their ratification.

Mr. BADILLO. Mr. Chairman, I am pleased to rise in support of the equal rights amendment—House Joint Resolution 2081—as originally introduced, by Representative GRIFFITHS, without any qualification. Also, I commend our distinguished colleague, the lady from Michigan (Mrs. GRIFFITHS) for her tireless and outstanding efforts in advocating the extension of full and equal rights to all citizens.

It is clear that there is flagrant discrimination against women in this country—in employment opportunities, in the ownership of private property, in education, in a variety of Federal benefits such as social security and retirement and in numerous other areas of American society. This discrimination exists at all levels—Federal, State, and local and in both the public and private sector.

Although some advances have been made in the past, there is still much to be done and meaningful and effective steps must be taken to insure that women enjoy the same rights and privileges which are now generally available to men. Existing constitutional provisions and various court decisions have failed to provide equal rights for women and we cannot depend on piecemeal legislative measures to achieve this goal. In order to avoid any undue delays or possible erroneous interpretations, a comprehensive effort is required and I believe a constitutional amendment is the most appropriate and effective device for securing equal rights for all citizens, regardless of sex.

I strongly oppose that version of House Joint Resolution 208 reported by the Judiciary Committee which contains the so-called Wiggins amendment. This provision destroys the very basis upon which this legislation is established. One simply cannot qualify equality and this ill-conceived provision does nothing more than retain the wide variety of laws which discriminate against women. There is no need to exempt provisions which relate to health and safety. For example, since the power to provide for the health and safety of the population is inherent in government, Federal, State, and local governments provide at the present time for special conditions for the young, the aged, and the handicapped without a constitutional amendment.

If such a law were required for women, it could be enacted under the same inherent power to provide for the health and safety of the population. As the separate views of Mr. EDWARDS, and others, aptly notes, the Wiggins amendment is not a real effort to remedy sex discrimination and it "has as its purpose the utlimate defeat of any effective constitutional amendment to provide equal rights for men and women." I urge our colleagues to join in rejecting this amendment when the bill is read for amendment.

Mr. Chairman, the era of making light of or sneering at the women's rights movement must end and the double standard between the sexes in our society must not continue. The time has come when we must have laws and programs which would give real meaning to the concepts of equal pay for equal work, day care for the children of working mothers, fair employment practices, equality under the tax and property laws, and countless other areas in which crass discrimination now exists or where women are placed at a distinct disadvantage. The equal rights amendment is certainly no panacea and its passage will not immediately achieve all of the above goals. However, this measure will provide a tremendous symbolic gesture and put this country on notice that women and men are recognized as equals. An amendment extending equal rights to all citizens is long overdue and we must take prompt and positive action to end, once and for all, the legal and moral barriers which have been thrown up against so many of our citizens. I am hopeful that this urgently needed measure will be overwhelmingly supported by the Congress—without any crippling, biased or damaging amendments—and that the State legislatures will proceed expedi-

tiously to grant the necessary approval to effect the constitutional amendment.

Mr. DORN. Mr. Chairman, I join Chairman CELLER of the House Judiciary Committee and Congressman WILLIAM M. MCCULLOCH, the ranking minority member of the committee, in opposing this so-called equal rights amendment to the Constitution of the United States. These colleagues have served ably and well as chairman and ranking member, respectively. During their long and dedicated service they have had occasion to examine the Constitution minutely, from beginning to end. They have participated in the writing of every piece of major legislation dealing with legal rights of citizens during the last quarter of the century. From their long experience and thorough knowledge of this subject they agree that the equal rights amendment raises grave constitutional and legal problems, not to speak of the many social and practical problems it raises.

Mr. Chairman, from the debate and my study of this question I can foresee another blow at States rights. The States have for the past century wisely enacted laws which protect women and children from economic exploitation, dangerous working conditions and excessive hours. This amendment would overthrow and nullify all this legislation advanced by the States for 200 years, laws which have had the effect of emancipating women and protecting them. We can foresee but a portion of the grave social and legal problems this amendment would bring. For example, the alimony and homestead laws, as well as the wife's statutory willshare, all will be nullified as measures to protect the wife's economic security. There are sure to be legal wrangles over whose name a married couple is to take, and as Chairman CELLER has pointed out, the amendment would invalidate laws concerning statutory rape.

Mr. Chairman, if there are any questions or doubts about women entering the U.S. Air Force Academy, West Point, Annapolis, the Citadel, VMI, or other military academies, or doubts about women being drafted into the combat armed services, we need only refer to the very exhaustive and erudite analysis of this amendment, prepared by three young ladies active in this movement, which appeared in the April issue of the Yale Law Journal. The following is the section of the article which deals with the effect of the proposed amendment on the draft:

1. THE DRAFT

The Military Selective Service Act of 1967 governs the conscription of citizens into the Armed Forces. The Act explicitly applies only to men in requiring registration and induction for training and service in the Army, Navy, Marines, Coast Guard, and Air Force. Men have several times challenged the Act claiming that it violates constitutional rights of due process and equal protection by discriminating on the basis of sex. The courts have consistently rejected this contention.

Under the Equal Rights Amendment the draft law will not be invalidated. Recognizing the concern of Congress with maintaining the Armed Forces, courts would construe the Amendment to excise the word "male" from the two main sections of the Act, dealing with registration and induction, thereby subjecting all citizens to these duties. A woman will register for the draft at the age of eighteen, as a man now does. She will then be classified as to availability for induction and training. If she meets the physical and mental standards, and is not eligible for any exemptions or deferments, she will join men in susceptibility to induction. The statute declares that no one may be inducted until shelter, water, heating, and lighting, and medical care are available. The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute. This is particularly true since the eligibility of women will not necessarily entail an increase in the number of persons inducted.

The Secretary of Defense has the power to set the standards of physical and mental fitness which all inductees must meet. A general intelligence test is used to determine mental qualifications, and a physical examination is given to check the general state of health of the individual. Under the Equal Rights Amendment, all the standards applied through these tests will have to be neutral as between the sexes. Moreover, even after the physical standards have been made uniform for both sexes, they will have to be scrutinized carefully to assure that they are related to the appropriate jobs and functions and do not operate so as to disqualify more women than men. Such a result would raise the possibility that the test, though neutral on its face, was in fact being used to discriminate against women. Achieving this goal of uniform, nondiscriminatory standards will require some changes.

First, height standards will have to be revised from the dual system which now exists. At present, men from 5'0'' to 6'8'' tall are permitted to serve as enlisted personnel in the Army and Air Force; the range in the Navy and Marine Corps is from 5'0'' to 6'6''. For male officers, the range of permissible height is from 5'0'' to 6'8'' in all services except the Army, where the minimum is 5'6''. Women in all services and in all ranks may be from 4'10'' to 6'0'' tall. Upon the Equal Rights Amendment, the same minimum and maximum will have to be applied to both sexes. Persons, male and female, up to 6'8'' (or 6'6'') would be accepted, if these remain the maximum limits. For enlisted personnel, the services could retain their current minimum for men of 5'0'' as the uniform standard, or adopt the lower 4'10'' minimum for both sexes. But if the Army retains its 5'6'' minimum for officers, it would effectively exclude many women, and the minimum would therefore have to be shown to be closely job-related in order to stand.

The height-weight correlations for the sexes will also have to be modified. At most heights there is a large area of overlap between the normal weight of men and women. For persons above or below this range, an evaluation based on the health of the individual will be made. Since every inductee receives a comprehensive physical examination, this will entail little extra burden.

The same principles will have to be applied to the intelligence test. At present men and women take different tests for enlistment; under the Amendment, both will take the same test. Similarly, the required minimum score will be the same for both sexes. If the test currently used for men is administered to women, and it is shown that women on the whole score lower on it, it will have to be demonstrated that the questions do test general intelligence and are not taken solely from areas of factual knowledge with which most men and few women in this society are trained to be familiar.

Most of the deferments and exemptions from military service could easily be adapted to a sex-neutral system. Women ministers, conscientious objectors, and state legislators will be treated as the men in those categories now are. Women doctors and dentists will be subject to call under the conditions governing medical and dental specialists. However, some provisions will have to be extended or stricken. The dependency deferment now provides that "persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable" may be deferred. It also states that the President may provide for the deferment of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. This has been interpreted to mean that a married person with a child will generally be deferred.

There are several permissible alternatives to these deferment provisions under the Equal Rights Amendment. Deferment might be extended to women, so that neither parent in a family with children would be drafted. Alternatively, the section could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred. A third possibility would be to grant a deferment to the individual or the couple who is responsible for child care. The couple could decide which one was going to perform this function, and the other member would be liable for service. In a one-parent household Congress would probably defer the parent.

Each of these alternatives carries very different and significant policy implications for family structure and population growth. Given current draft calls, and the belief that having both parents present is beneficial for the children, it is likely that both parents will be deferred. However, Congress can choose any of the above policies, for they do not discriminate between men and women.

The Selective Service Act exempts from the draft the sole surviving son of a family which has lost a member, male or female, in the service of the country. Under the Equal Rights Amendment this exemption for men only cannot stand, for it will mean drafting women when men in identical circumstances are excused. The reasons for the exemption are twofold. One is the feeling that once a family has lost a member, or several members, it cannot be asked to bear a final loss. The other concern is that the family name and line be preserved. The second reason for the exemption will no longer be permissible, because it results in discrimination against women. But the first reason does justify extending the exemption to women, for the purpose is to spare a family its last child subject to induction. Thus the sole surviving child will be exempt.

The computation of the draft quota for a given area is based on the actual number of men in the area liable for training but not deferred after classification. When the Equal Rights Amendment becomes operative the number of women available will be included in the pool of available registrants.

The Selective Service Act provides for the administration of the draft system by local and appeal draft boards. The Act explicitly states that no citizen shall be denied membership on any board on account of sex. However, women are now only a small percentage of total draft board membership. Black registrants have challenged their induction on similar facts, claiming that they cannot be legally inducted by a board which is disproportionately white or which has no black members. None of these claims has met with success. The chances that women will be excused from induction because of the sexual imbalance on the boards is therefore small. Adoption of the Equal Rights Amendment, however, will undoubtedly stimulate the appointment of greater numbers of women to draft boards.

It is possible that an all volunteer army will be established in the United States in the foreseeable future. In that event, equalization of the draft becomes of academic interest only. Even if the volunteer system were approved, however, the draft would probably remain in effect for some years. More important, under either system of recruitment the Equal Rights Amendment will require a change in the status of women in the military and the conditions under which they serve.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of House Joint Resolution 208 as originally introduced and without crippling amendments.

Last year on the 10th of August I expressed my sincere pleasure, as a cosponsor of the equal rights amendment for many years, that the day had finally arrived when the House of Representatives could and would act affirmatively with regard to equal rights for men and women under law. I expressed my reluctance to support a petition to discharge a committee of the Congress from further consideration of such an important amendment, but my agreement with the gentlewoman from Michigan (Mrs. GRIFFITHS) that 47 years was long enough to consider any measure.

Like many of our colleagues, I believed then as I believe now that this amendment should not be necessary. I believe the Constitution already provides for equal rights under law, and that much of the discrimination which we must all acknowledge is suffered by American women results more from male prejudice and pride than from law. Yet there are areas in law where distinctions based on sex still exist, and the constitutional amendment as originally proposed will serve either to invalidate these laws or to extend them equally to men and women.

We all know of instances where laws place special restriction on women with respect to hours of work and weightlifting on the job. We also know of prohibition of the employment of women in certain occupations, of dual pay schedules in public schools, or of higher academic standards for women in certain occupations than for men doing virtually identical work. In some of our States we even have stiffer criminal penalties for women offenders than for men committiing the same crime. And so the list goes.

Many of these laws have evolved because we men have sought to protect our women from the rigors of the business world. We have traditionally considered ourselves the providers and the women as our mothers, our wives, our widows. In the almost 200 years since our Nation was formed, we have never legally acknowledged any other status for women than that of participants in such family units.

All of us know that today the workingwoman is the rule, not the exception. The rights of value to her are the same rights that are important to all of us, the rights to a job, a promotion, a pension, to social security, to all of the fringe benefits of any job. The workingwoman may be a young woman not yet a part of a family unit, a married woman providing supplemental income for herself and her family, or a single woman or widow dependent only on herself. But the laws we have passed in our desire to protect our mothers, our wives, our children, limit her hours, the type of work she can do, the pay she can receive, and, in effect, her ability to provide for herself and her dependents in the same way a man can.

Both Congress and the executive branch have over the past few years taken steps toward reducing discrimination against women. Recent Court cases have also resulted in decisions that have tended to eliminate some unfair discrimination by employers. So, if women waited long enough, they might at some point in the distant future find that an amendment to guarantee them equal rights would be unnecessary. But they waited 50 years to secure adoption of the 19th amendment and the vote, and they have already waited 47 years for the guarantee of equal rights. I believe they have waited long enough, and I therefore urge adoption of House Joint Resolution 208 as originally proposed.

It is discouraging that, even after we in the House acted on this legislation last year, we did not succeed in obtaining final congressional approval of this amendment. By vote of 346 to 15, we passed the resolution last August, only to see it die without action in the other body. And now this year we are again called upon to overrule the majority of our committee colleagues, who insist that many of the most discriminatory provisions of law be retained in the interest of protecting "health and safety" of our women, or of relieving them of responsibility for military service, in spite of the protestations of the women they seek to protect that they neither desire nor seek that protection. I personally do not feel the language of this amendment will prevent reasonable consideration of the physical differences between men and women. The physical requirements of the draft already eliminate many men, and would of certainty eliminate either the man or woman who was the sole support of dependent children. Mr. Speaker, I believe these so-called safeguards would defeat the purpose of the resolution as originally proposed, and I therefore urge defeat of the committee amendments and passage of House Joint Resolution 208 in its original form.

Mr. SIKES. Mr. Chairman, the matter of providing equal rights for men and women has concerned Congress for many years. Hopefully, the action which is being taken on the floor today will lead to final and fair resolution of the question.

That there is discrimination because of sex is not disputed. That this is wrong likewise is not disputed. The conflict arises on how far the Congress should go in providing legal protection for the rights of women.

In every debate, Members of this body rise to point up the pitfalls and shortcomings of various proposals which have come before us. Sometimes these well-intentioned Members are chastized and labeled as opponents to equal rights for men and women.

Mr. Chairman, I suggest this is not necessarily the case. I believe those who rise to discuss the harm they see contained in a given bill are seeking to do a service to the Congress and to the Nation, especially in this case, to the women of America whom we are striving to make equal on the one hand, and to protect on the other just as we seek to protect all citizens. We should consider all aspects of this important question, but we should also pass a bill and move along with the business of providing equal rights for men and women.

There is no question in my mind that much remains to be done before America truly is the land of equality for all. Equal pay for equal work is today but a goal and not a reality. Equality in job consideration is yet to be achieved. Equal protection under the law thus far has eluded us.

But we are trying and we must continue to try to reach the optimum in the law—a statute which is equal to all while protecting all. I know the Congress is seeking to reach that goal, Mr. Speaker. Let us hope that in today's effort we will have the best approach which thus far has been offered toward this goal. It is time to pass a resolution on equal rights for men and women and I trust that today we shall take a long awaited and important step forward toward the goal.

I, for one, intend to continue to work toward achieving equality between the sexes through law. In this spirit of true cooperation, that goal can be reached.

Mr. KOCH. Mr. Chairman, I rise in support of the equal rights amendment for men and women. It is truly a sad commentary that Congress has delayed so long in ensuring constitutional equality for women and in providing women, for the first time, with protection against laws and government practices that are discriminatory. The equal rights amendment has been introduced in every Congress since 1923 and has been generally ignored until last summer, when the House overwhelmingly adopted Representative Griffiths' resolution; unfortunately it failed to reach the Senate floor for a vote. Now again, we have the chance to see to it that women's equality is assured in the law without qualification.

I voted last summer for this equal rights amendment. There exists some concern now among proponents of the Wiggins amendment that such a straightforward declaration of equal rights for women might be interpreted in a manner adverse to women's interests. This argument seems contrived, however, especially in view of the testimony heard before the committee, which envisioned little danger from this angle. I believe that more damage will be done to the interests of women in equality by including the qualifying language of the Wiggins amendment provisions than might conceivably be done if it is omitted. The administration has already testified in favor of this resolution without these qualifying provisions. And even those witnesses who represented women's groups in opposition to Mrs. GRIFFITHS' proposals testified that they did not advocate placing in our Constitution the qualified form of equality embodied in the Wiggins amendment.

I strongly believe that equality is a concept which cannot be diluted. Once even

the slightest of qualifications is attached the word becomes meaningless and the system of democracy founded on this principle is therewith diminished. Hearings held on the equal rights amendment established beyond dispute that women as a group are the victims of a wide variety of discriminatory laws which would be sanctioned and in some cases actually even enlarged under the Wiggins amendment. Such open-ended language permitting discrimination when related to the protection of women's health and safety is certainly a large step backward from the outright prohibition against discrimination under title 7 of the 1964 Civil Rights Act.

Indeed, the differential between the salaries paid men and those paid women is progressively widening; in 1955 the woman's median wage was 63.9 percent of the man's, while today it is reduced to 58.2 percent. How has it happened that the median income of a woman with a master's degree is $55 less than that of a man who has only a high school diploma? Laws purporting to "protect the health and safety" of individuals have been the basis throughout history for discriminatory practices. It is now time that we squarely face the loopholes that the Wiggins amendment language represents and eliminate them with the elimination of the Wiggins amendment. On final passage I will only vote for a bill which contains the equal rights amendment in its pristine form without limitations of any kind. There can be no equality but that which is without qualification.

Mrs. SULLIVAN. Mr. Chairman, I trust I will not be accused of being a "male supremacist" because I cannot vote for the so-called equal rights amendment. Many of my colleagues, and some of my constituents also, may feel my vote is a wrong one from one standpoint or another, but all of them know from my record during nearly 20 years in Congress that I have always worked for and voted for legislation to provide women with equal opportunities in employment, including the professions, for equal educational opportunities, and for equal pay for equal work. I certainly intend to continue those efforts to buttress the rights of women to contribute in every possible way to the world in which we live, without discrimination.

But I cannot vote for a constitutional amendment which would—in pursuit of the objective of overturning a few archaic State laws which are undoubtedly already unconstitutional—destroy the power of the Congress or of any State legislature or local governing body to pass any law which differentiates in any way between males and females.

If a particular law which contains discriminatory provisions based on sex is unreasonable, as some of them certainly are, then the answer is to repeal that law or amend it or have it thrown out in the courts.

The claim is made that either of these processes takes too long. When did amending the Constitution become a shortcut to amending a State or local law?

The truer explanation, it seems to me, is that it is easier to convince the overwhelmingly male Congress and legislatures to strike a gallant blow for women by professing to be for equal rights than it is to sell those same men on the merits of treating women fairly in substantive legislation.

The scholarly legal arguments to which we have been treated during this debate—and in the millions of words written and spoken on the subject of this legislation over many decades—make it clear that respected legal experts differ deeply and vigorously and even bitterly over the possible consequences of the language of this amendment if it becomes a part of the Constitution.

It will, we are told, strike down a law in Idaho which extends preference to men over women in the executorship of estates of interstate decedents. Why cannot the women of Idaho persuade or force the Idaho Legislature to stop such nonsense? The issue is now in the courts, and it is impossible for me to figure out how the Supreme Court could consider this a reasonable distinction between men and women. Is this pending case a reason to change the Constitution? I think not.

REPORT OF NATIONAL COMMISSION ON THE STATUS OF WOMEN

One of the most useful projects ever undertaken in the realm of women's rights was the creation by the late President John F. Kennedy of the National Commission on the Status of Women, headed by the late Eleanor Roosevelt until her death, with Esther Peterson as its executive vice chairman and principal administrative officer. Out of the work of this Commission came numerous intelligent and well thought out—thoroughly argued out—proposals for improving the condition and status and dignity and opportunities of women in the United States. The Equal Pay Act and the prohibitions in the Civil Rights Act against sex discrimination in employment were direct outgrowths of the Commission's work.

But the National Commission on the Status of Women did not call for an equal rights amendment to the Constitution. Instead, it said the worthwhile objectives of such an amendment could already be achieved through court action. The members of that distinguished Commission included, at the time of its final report, such outstanding Americans as Robert F. Kennedy, W. Willard Wirtz, Orville L. Freeman, Luther H. Hodges, Anthony J. Celebrezze, John W. Macy, Jr., Senators GEORGE AIKEN and Maureen Neuberger, Representative EDITH GREEN, Mrs. Ellen Boddy, Dr. Mary I. Bunting, Mrs. Mary E. Callahan, Dr. Henry David, Miss Dorothy Height, Miss Margaret Hickey, Mrs. Viola H. Hymes, Dr. Cynthia C. Wedel, William F. Schnitzler, Dr. Caroline Ware, Dr. Richard A. Lester, Miss Margaret Mealey, Norman Nicholson, Miss Marguerite Rawalt, and Mrs. Peterson.,

Some of them were, and are now, strong supporters of the equal rights amendment. The Commission, however, I repeat, did not support it.

The Commission report stated in this connection:

Since the Commission is convinced that the U.S. Constitution now embodies equality of rights for men and women, we conclude that a constitutional amendment need not now be sought in order to establish this principle. But judicial clarification is imperative in order that remaining ambiguities with respect to the constitutional protection of women's rights be eliminated.

Early and definitive court pronouncement, particularly by the Supreme Court, is urgently needed with regard to the validity of the 5th and 15th Amendments of laws and official practices discriminating against women to the end that the principle of equality be firmly established in constitutional doctrine.

Accordingly, interested groups should give high priority to bringing under court review cases involving laws and practices which discriminate against women. At the same time, appropriate Federal, State and local officials in all branches of government should be urged to scrutinize carefully those laws, regulations and practices which discriminate on the basis of sex to determine whether they are justifiable in the light of contemporary conditions and to the end of removing archaic standards which today operate as discriminatory. The Commission commends and encourages continued efforts on the part of all interested groups in educating the public and in urging prompt action and action within the Judicial, Executive, and Legislative branches of Government to the end that full equality may become a reality.

THE DRAFT ISSUE

Some of the communications I have received on this issue purport to tell me that women do not wish to continue to be exempt from the military draft, and that therefore the equal rights amendment should be passed in order to enable women to share in this responsibility equally with men. I am not aware of any great surge in interest among young women in serving in combat roles in the military service—roles for which they cannot now volunteer—but if this is the case, then it seems to me that Congress should be asked to amend the draft law, not the Constitution, in order to make this possible.

I cannot imagine very many of those Members of Congress who are ready to vote for the equal rights amendment being ready to vote for a bill which would make young women eligible for the draft on an equal basis with young men.

Certainly this is not the main issue or the only issue involved in the equal rights amendment, and I do not wish to give the impression that I think it is. But it is typical of the thinking behind the amendment that because it is hard to change some laws to which many women—or all women—might object, that we should therefore change the Constitution. But the trouble in my view is that in changing the Constitution we would be prohibiting the Congress and the legislatures and other official bodies from legislating on any issue which recognizes an inherent difference between men and women.

DIFFERENCES DO EXIST

I happen to think that there are legitimate, recognizable, legal differences between the roles of men and women in our society—not so much in our economy anymore, thanks to laws enacted by Congress to eliminate discrimination against women in employment and in pay. But there are differences between male and female roles in our society, and I hope there always are.

Individual women have supported husbands in indolence or in the pursuit of professional education or in the arts and literature, and individual women have that right, including the right to support the children, too. But I do not wish to see—and to vote for—a constitutional amendment which would require all women to be equally obligated with their husbands to support the family, even though millions of women may choose to do so.

One of the most serious of all of our social problems is the disregard by millions of American men of their obligations for the support of their families, even under the threat of prosecution. If the Constitution makes it impossible for our courts to punish a deserting father for failure to at least try to support his children, this process of family disintegration will accelerate and throw millions of additional children onto the pubic welfare rolls and into institutions.

I am not a lawyer and do not pretend to understand all of the possible consequences of this proposed amendment to the Constitution. The more I read legal briefs on the subject, the more confused I become. But I am confident that any of the remaining and obsolete State laws which differentiate between men and women to the disadvantage of women in those States can be struck down under existing constitutional provisions, or by the simple expedient of changing State laws.

But the questiton in each instance is whether the distinction in law between men and women is a reasonable or unreasonable one. If it is a reasonable one, then we would not preclude the States from making their own determinations.

ELECTING WOMEN TO MAJOR OFFICE

No constitutional change is going to assure women an equal opportunity to get elected to any office, although any woman can now run for any office. All of the women who have made or attempted to make a career of elective office know how difficult it was to win the nomination of their respective parties for any major office. So this amendment would not increase by an iota the membership of women in the House of Representatives, or the Senate, or the list of Governors.

Women can hold these offices, and the rank of general or admiral, and can serve in any appointive office. But until women get out and battle for their rights under existing law, the discriminations undoubtedly will persist—any constitutional amendment notwithstanding.

PROTECTIVE LAWS

The so-called protective labor laws which many women find burdensome to their ambitions in business life were enacted primarily to protect the life-giving role of women. Many of these laws are outmoded, but not all of them by any means. I think each of those laws should be attacked on its own merits or lack of them. But if we remove the power to differentiate in any law, the good protective labor laws are struck down equally with the bad, and this I do not support.

As a woman, Mr. Chairman, I do not enjoy being in the position of standing as perhaps the only woman in the House of Representatives to oppose a proposal ostensibly intended to help all women. All 11 of us here in the House can fight our own battles, and have had to do so. Similarly, we must each vote for what our consciences dictate. Perhaps I am old fashioned, but as long as women have full rights equally with men to pursue any careers for which they feel qualified, and the legal discriminations which still exist are subject to attack in the legislatures and in our courts on a case-by-case basis, I cannot in good conscience support a proposal to take away from all women the protections which reasonable men and women consider reasonable protections for women.

While I do not think it is reasonable to impose by State law a preference for men over women in the executorship of estates, I do think it is reasonable to impose by State law a higher obligation upon men than upon their wives for the support of children.

I do not think it is reasonable to discriminate against single women in the benefits available under the social security laws. But I do think it is sometimes reasonable to set a limit under the laws on the number of hours a woman can work in certain occupations, or the number of pounds she should be required to lift, or to maintain a preference—all things being equal—for custody of minor children.

In all these situations, however, unreasonable distinctions can be overcome by legislation or by litigation.

POWER TO OVERTURN BAD LAWS

Amending the Constitution should be reserved for those circumstances in which legal distinctions become intolerable and are not susceptible to correction in any other way. Prior to the 19th amendment, the elimination of discriminations in most State laws against the opportunity of women to vote was not achievable in those States because only men voted and they did not want to share the benefits of full citizenship. That is no longer an excuse for the continued existence of any oppressive State law discriminating against women. Women can vote now on an equal basis. They can vote freely. And they have tremendous power at the polls when they choose to use it.

What is the matter with women in any State who permit a State law to remain on the books which is clearly discriminatory? Missouri has no such laws. Our women were instrumental in eliminating them. I suggest the women of other States do likewise.

Since women in all States have this opportunity, and can persuade reasonable citizens—male and female—of the righteousness of the cause, I oppose the use of the arguments put forward in this debate which would prohibit reasonable men and women from having in their laws, at any level, any reasonable distinctions between men and women, from the draft laws to the laws dealing with physical differences between the sexes.

Mr. KASTENMEIER. Mr. Chairman, I do not believe that there is anyone in this body who would deny that amending the Constitution of the United States is a very serious undertaking—holding consequences which may, in our time, be unknown. An amendment to the Constitution represents an expression of national commitment and historically has only been undertaken when fundamental changes in the basic governing values of this Nation have been deemed necessary.

As long as we permit basic laws to remain on the books which have relegated a class of people to second-class citizenship, our governing values must be challenged. If we permit legal, arbitrary discrimination on grounds other than individual merit, the oppressed will legitimately demand fundamental change. Women have been relegated to second-class citizenship. Women have been discriminated against. It is far past time to make a national commitment to allow women the same basic rights enjoyed by men.

In 1970, 350 Members of this body declared their support for a constitutional amendment providing that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Yet, ironically, we are back today to determine whether the House of Representatives will sustain that commitment or whether it will revert to a perpetuation of a pervasive sex discrimination in the name of "promoting the health and safety of the people."

Nothing would be so patronizing to the women of America as the adoption of the Wiggins amendment. The amendment, carefully couched in diversionary rhetoric, can only completely undercut the basic values sought by the equal rights amendment and continue a dual system of equality in this country.

The committee amendment proposes to continue the draft exemption for women and authorize protective labor laws. I would make two brief observations on these points.

My long-standing opposition to the draft is well documented. I do not believe there is a place in a free society for compulsory military service. However, as long as this country maintains a system of compulsory military service, and as long as it chooses to engage in a military policy on behalf of its citizens, all citizens should have the obligation to serve and the right to refuse to serve. Equality of rights means that you participate in the rights, benefits and the obligations of full citizenship. To be expected to do less is to be less than a full citizen.

Classification by sex for reasons other than those physical characteristics unique to only one sex, denies the existence of individual abilities. Further, the protection offered by this amendment places the decision as to whether differentiation is justified in the hands of the very State legislatures and courts which have maintained the existing system of discrimination.

We cannot keep an oppressed people down forever. Just as black Americans fought and continue to fight for the equality due them as citizens and human beings, so now do women demand that equality. Women are citizens without the full rights of citizenship. They are human beings without the demonstration of total respect that full equality brings.

Equality with qualification is a sham. It makes a mockery of the basic principles which this body is mandated to

uphold. Nothing short of total equality of rights for all individuals—one system of equality for all—is acceptable.

Mr. Chairman, I would like to especially congratulate the gentleman from California (Mr. EDWARDS) for his perseverance in guiding this constitutional amendment through his subcommittee, the full Judiciary Committee and on the floor today. I trust that history will record his role in terms of the success of this effort.

Mr. ASHLEY. Mr. Chairman, I firmly believe that the Constitution of the United States should be amended only when a matter of broad and fundamental principle is at stake. The matter we are considering today—the extension to women of equal rights under the law—is such a principle.

Discrimination against women is deeply entrenched in the United States and flourishes in both our social and legal spheres, a fact which many opponents of the equal rights amendment acknowledge when they argue that its passage would cause fundamental changes in our national life and institutions. History has shown us that any system which confers benefits or imposes obligations on the basis of such things as race, creed, color or sex inevitably is repressive. Those who wield the greater influence in formulating the law have invariably found it hard to resist enhancing their position at the expense of others. The need for a constitutional amendment to change this pattern by requiring a broad national commitment to the ideal of equality between the sexes under the law is evident.

To qualify "equality," as the Wiggins amendment would do, would run counter to the basic principle of democracy that is enshrined in the equal protection clause of the 14th amendment to our Constitution. Differentiation on the basis of sex must be totally precluded regardless of whether a legislature or a court considers such a classification to be "reasonable," "healthy," or beneficial to society as a whole. The decision to make all forms of discrimination illegal must be final and not subject to relitigation.

Supporters of the Wiggins amendment point out that the equal rights amendment would require conscription of both men and women insofar as each individual met minimum physical qualifications. However, even if we ignore the very good possibility that the draft may be done away with before the amendment is enforced, we need not regard the idea of women in military service as a revolutionary concept. Women in the United States and elsewhere have contributed to the military defense of their countries, and drafting women will make them equally eligible for the benefits of service—job training and experience, veterans benefits and participation as equals in the duties of citizenship.

Supporters of the Wiggins amendment express fears that the equal rights amendment, in invalidating all "protective" legislation which differentiates between workers on the basis of sex, will ultimately harm women. However, when labor laws that apply only to women are examined closely, it becomes clear that they do not provide any meaningful protection at all. These laws are either vestiges of English common law under which women were considered chattels, or are designed specifically to prevent women from competing with men for jobs in certain industries. For instance, laws against working at night do not apply to telephone operators or nurses, jobs which have traditionally been delegated to women and which few men have an interest in competing for. However, such laws are likely to prevent a woman from getting a job on the night shift in a foundry. Legislatures should address themselves to the task of providing protection and improved working conditions for all workers, regardless of sex.

Many of those opposed to passing the equal rights amendment in its pure form have argued that it will force the sexual integration of such things as public restrooms, sleeping quarters in prisons and universities, hospital rooms, and Army barracks. This simply is not true. The equal rights amendment will be only a part of the Constitution and would, of course, be construed within the framework of the entire Constitution. The passage of this amendment will not nullify other rights which the Constitution guarantees, including our right to privacy. We must not let ridiculous "scare tactics" cloud the real purpose of the amendment which is to guarantee for men and women equal protection under the law.

Mr. Chairman, the total elimination of sex discrimination will be realized neither easily nor quickly, for it is too deeply imbedded in our culture. However, if we are to attempt to grant to all individuals the right to develop their full potential and exercise full freedom of choice, then we must at least move to dispel institutional and legal discriminations which stand in their way. The equal rights amendment provides us with the mechanism needed to do this, and hopefully, may eventually cause each of us to reexamine the behavior patterns which have resulted in sexual bias.

Mr. STOKES. Mr. Chairman, I rise in support of House Resolution 208 and in opposition to the Wiggins amendment. The debate on the question of equal rights for men and women has produced several interesting but insupportable arguments against full equality for women.

It has been argued, for example, that women are, and should continue to be, protected by labor laws restricting somewhat the types of jobs women may do and the hours they may work. If these so-called protective laws really worked to protect women, are we to assume that women would seek or accept jobs involving the lifting of weights heavier than they could handle or requiring excessive working hours? Our laws assume that men can rationally decide whether a job requires too much of them. Why do they assume that women cannot make the same decision? The fact is that these laws protect certain jobs for men and prevent competition for those jobs by women who could do the job equally well. It is time to reject the paternalistic attitude which underlies the provision of the Wiggins amendment which saves the so-called protective legislation. Women are quite capable of recognizing the limits of their physical strength and of deciding what type of work they desire to perform.

The other provision of the Wiggins amendment is designed to continue the exemption of women from the military draft. It is ludicrous to argue that women are incapable of performing military duty, including duty in combat areas. Women have served the Israeli army well. More importantly, women who have supported this resolution understand and recognize that with increased rights will come increased responsibilities. The Congress has been laboring for years to make the military draft more equitable. It will never be equitable as long as we continue arbitrarily to exempt women. No one has or would argue that the military should be required to use women to perform duties beyond their capabilities, but their sex should not bar them from service or be the sole determinant of the type of service which would be required. Opening voluntary military service to women on an equal basis would have the additional advantage of making them eligible for benefits of military service such as job training, educational assistance, GI loans, and preference for Government jobs.

Women have made some gains under title VII of the Civil Rights Act. They have been entering the professions in ever-increasing numbers. They, like other minorities, have found that rights which are not granted must be demanded. They have not been and will not be fooled by the Wiggins amendment which destroys the very essence of the equal rights amendment. I urge my colleagues to reject the Wiggins amendment and to vote in favor of true equal rights under the law for women.

Mr. WOLFF. Mr. Chairman, I am pleased to have this opportunity to express my support for a most necessary and long-overdue piece of legislation that we consider here today. I refer, of course, to House Joint Resolution 208, the equal rights amendment.

Ever since this country was formed, the strength of our great Nation has rested on the principle of individuality; throughout our history we have time and again affirmed the basic right of each individual to develop his own potentiality. And through the years we have enacted laws to eliminate the qualifiers and restrictions so that all members of society would be afforded an equal opportunity to pursue their individual destinies.

Despite these efforts, we have nevertheless failed to eliminate sex as a basis for discrimination under the law. Mr. Chairman, we are living in the age of modern technology, an age that has witnessed tremendous scientific, economic, and social advances. We can today make our contribution to this age of progress, sonably set women apart from men.
and at the same time rededicate ourselves to the principle of individuality by voting to eliminate the anachronistic restrictions that arbitrarily and unrea-

We are faced today with the choice of upholding the concept of equality or of subverting this cornerstone of our Nation's integrity to the ill-conceived interests of those who believe that women

as a group are less than equal to men. I would emphasize to my colleagues that a vote for the Wiggins amendment to House Joint Resolution 208 will be a vote to reaffirm the basic injustice and inequality we have forced on women in the past. This amendment, in its attempt to "qualify" equality, succeeds only in undermining the basic principle of democracy which our Constitution seeks to uphold. Nor would the amendment serve to eliminate sex discrimination, which is likewise counter to the intent of the equal rights idea. None of us can deny that discriminatory practices based on sex are widespread in the United States. If we are sincere in our intention to eliminate these barriers to equality, we must recognize that this can only be accomplished today by defeating the Wiggins amendment and voting for passage of the equal rights amendment in its original form.

Mr. BROOMFIELD. Mr. Chairman, I stand today to extend my support to the equal rights amendment in its original form as introduced by my distinguished colleague, the Honorable MARTHA GRIFFITHS.

So long as American women are treated separately under the law, as long as we strive to restrain and shelter them from full participation in our society, they will never attain complete equality with men. This amendment, if enacted, will allow women to finally achieve and realize those opportunities and responsibilities that they are entitled to under our Constitution.

I firmly believe that equality under the law is inconsistent with any exceptions which are based solely upon sex. Legislation which generalizes on the relative average capabilities of women without regard for their particular abilities is unfair. These laws ignore individual talent and potential. They should become unconstitutional.

Mr. Chairman, this measure has received widespread, bipartisan support in the past. It was endorsed by Presidents Eisenhower, Kennedy, Johnson, and Nixon. Indeed, I am proud to say that in the last Congress I sponsored a similar bill and joined with the overwhelming majority of this body in passing an equal rights amendment.

For too long, women have been restrained from participating in the most vital areas of our Government, economy, and society in general. Representing over one-half of our total population, we can ill afford to deny their contributions. These restrictions of women from the mainstream of American life are an absolute waste of human potential.

Mr. Chairman, this resolution will serve to rectify an inequity which has unjustly plagued women and, therefore, I respectfully urge its passage.

Mrs. GREEN of Oregon. Mr Chairman, in past years I rejected the idea of an equal rights amendment, arguing as have those opposed to it today that wrongs could be righted, and more quickly, through the legislative process and through the courts. But through the years I have watched the legislative actions on both the national and State levels and I have come to the conclusion that I was wrong, and that MARTHA GRIFFITHS was right, and that the groups who supported the equal rights amendment were correct.

If I were persuaded that in this House, where discrimination in fact does occur on the basis of sex—if I were persuaded that those people especially on the other side of the aisle who have spoken so eloquently about wanting to end inequity—were also really prepared to take the steps necessary to end it, then I might feel differently. But experience, as they say, is the best teacher, and let me tell you the two recent events which have discouraged me greatly.

We had on the floor of the House about 3 weeks ago the Equal Employment Opportunities Commission measure. When I came to Congress in 1955 I introduced a bill which would have provided equal pay for equal work, a bill which said simply that if a woman was doing identical work with a man she ought to be paid the same. After 9 years it was passed in 1963. For the first 7 years I could not even get a hearing in this House on that bill.

Then a couple of weeks ago we had the Equal Opportunities Commission measure on the floor, and the Erlenborn substitute was adopted. The Erlenborn substitute has had the effect of repealing the Equal Pay for Equal Work Act. The Erlenborn substitute was designed to be the exclusive remedy for aggrieved parties discriminated against. If the Erlenborn substitute is not changed in conference, women no longer can seek remedy through the machinery set up in the equal pay for equal work legislation. That cannot be described as progress. I wish I could be persuaded that the preponderant number of men will really take the steps necessary to end discrimination. If that is the case, why was the equal pay bill repealed?

There were five people during debate on the Erlenborn substitute who made the charge that it did repeal the Equal Pay Act. Never once was it refuted by Mr. ERLENBORN or anyone else. So I wrote to the Department of Labor about this question and in their reply the Department admits that the equal pay law is in jeopardy and that at a minimum the matter will have to be litigated. Yet when this was pointed out five times on the floor of the House, there was no attempt to do anything about it.

The full letter from the Department of Labor follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C. Sept. 27, 1971.

MEMORANDUM FOR THE UNDER SECRETARY
Subject: Erlenborn Amendment

Several representatives have voiced the view that the exclusive remedy provision of the Erlenborn Amendment (the Equal Employment Opportunities Enforcement Act) wipes out the Equal Pay Act of 1963. See the remarks of Representatives Green, Hawkins, O'Hara, Abzug and Dent at Cong. Rec. 31979, Sept. 15, 1971 and 32092, 32097, 32100–32101, Sept. 16, 1971.

The "exclusive remedy" provision of the Erlenborn Amendment amends only section 706 of the Civil Rights Act of 1964 as follows:

"Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, 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."

Mr. Erlenborn claims that under the present law: "Employment discrimination proceedings now [are] being filed under Title VII, the National Labor Relations Act, the Civil Rights Act of 1866 *and other laws*" (emphasis added) and that his bill (H.R. 9247): "Provides that charges filed under Title VII shall be the exclusive Federal remedy (does not displace authority of the OFCC or the Attorney General's right to initiate pattern or practice suits)". Cong. Rec 26555, July 21, 1971. He explains that "[w]ith a strengthened EEOC enforcing Title VII, recourse to other federal agencies and statutes won't be necessary" and that "[o]ne 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*" (*ibid*, emphasis added). He assures the House, however, that "[t]his does not, however, displace the authority of the Office of Federal Contract Compliance, the Attorney General's stautory right to initiate 'pattern or practice' litigation, or proceedings under state fair employment practice laws." Again, on September 15, 1971, Mr. Erlenborn referred to Title VII being the "sole method of enforcing these rights," giving examples of other remedies "before the NLRB" and "under the old Civil Rights Act of 1866." Cong. Rec. 31973.

Mr. Erlenborn explains that: 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." Cong. Rec. 31980, Sept. 15, 1971.

Mr. Erlenborn refers to "a plethora of forums to resolve these complaints, no one of which is exclusive, and it can happen that a multiplicity of cases arising out of the same set of facts can clog the courts." Cong. Rec. 31973, Sept. 15, 1971.

He specifically refers to suits by the same party "before the NLRB" and "under the old Civil Rights Act of 1866." However, the situation can also arise in proceedings under Title VII and equal pay provisions of the Fair Labor Standards Act by the use of an employee suit under section 16(b) of the Act.

Conflicts between Title VII and the equal pay provisions are largely averted, however, by section 703(h) of the Civil Rights Act of 1964 which provides that:

"It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d))."

At the time the Erlenborn Amendment was first proposed, we did not believe that it had any effect at all on the Equal Pay Act. We did not consider the Equal Pay Act as one of the "other laws" to which Congressman Erlenborn had referred in his explanation. "[I]t is a cardinal principle of [statutory] construction that repeals by implication are not favored." *Silver* v. *New York Stock Exchange*, 373 U.S. 341, 357; *Mercantile National Bank* v. *Langeau*, 371 U.S. 555, 565; *Jones* v. *Mayer Co.*, 392 U.S. 409, 437. Mr. Erlenborn's explanations of his amendment certainly show that he was not thinking in terms of nullifying the Equal Pay Act.

The many statements made with respect to the Equal Pay Act during the course of the debates in the House on the passage of the Erlenborn Amendment, especially those made by Congresswoman Green, cast considerable doubt on our initial construction of the Amendment since they are now part of its legislative history. At the very minimum, we believe that we would have to litigate the issue if there is not further clari-

fication in the Senate and any House-Senate conference.

ALFRED G. ALBERT,
Acting Solicitor of Labor.

Last year the special subcommittee on Higher Education held hearings on the subject of discrimination based on sex. Through the years we have had lots of hearings in this Congress about other kinds of discrimination, and efforts have been made to end it. These were the first hearings on various kinds of discrimination based on sex—other than the equal pay for equal work hearings almost a decade ago.

This year in the higher education bill there is a provision designed to end discrimination in higher education based on sex. There was an amendment offered by a gentleman on the other side of the aisle that said, "Yes; we will end discrimination in higher education," but added two exemptions in addition to the three already in the bill. I am not anxious to make it a burdensome problem for colleges and universities. I said that institutions which were substantially—and I identified it as 90 percent—of one sex, would be exempt from this provision; that all institutions for divinity schools, seminaries, and so on, would be exempt. And the third exemption I recommended was that there would be a 7-year transition period for those colleges and universities that were moving from one sex to coeducation.

But the substitute which passed in the subcommittee by one vote, and was supported by every person on the other side of the aisle, would have exempted from the prohibition against discrimination of all undergraduate institutions in the United States.

Now, that is not what Mr. WIGGINS has argued today. He said he is interested in ending discrimination in many of the areas, and I take him at his word. I do not question his motives. But I do say that the record is pretty clear: you cannot have an amendment or a bill that is going to end discrimination in higher education if at the same time you exempt 95 percent of the institutions in this country.

As I say, this substitute provision carried in the subcommittee. We fortunately replaced it in the full committee.

These are incidents that have come to my personal knowledge within the last month. I think also I would have to agree as has been stated here today that the women Members of the House probably do have more emotion in this because I suspect everyone of us has experienced discrimination.

So today in my discussion, I would like to remove myself and my own personal experience as much as I can. But I would like to relate it, if I may—to your daughters and to your granddaughters.

Most of you are investing many thousands of dollars in the education of your daughters and your granddaughters. I am not going to argue with any gentleman in the House who feels that the role of wife and mother is the preferable role. But I do suggest that your daughters and granddaughters may not opt only for that. Furthermore, it is not written in the Heavens that husbands are going to live forever. Women choose careers today not only for the personal satisfactions they can provide, along with the satisfactions of being a wife and mother, but in the full knowledge that they may have to support themselves, or a disabled husband and/or their children.

Can one of you honestly say that you would not want your daughter or granddaughter to be able to make a decent living for herself should the need arise? Is it not the truth rather that you would feel much easier knowing that if your support is not available or her husband's support is not available, that she has the means at her own disposal to be self-supportive? Is this not the reason why you are willing to spend the thousands of dollars on her education? And if your daughter does choose, say, to become a college professor, do you not think she is entitled to earn as much for her work as her male colleague? Yet the truth is that if she should become a full professor, she could expect to earn $1,000 less per year than her male colleagues. Moreover, her chances of ever becoming a full professor would only be one-third as great as a man.

Mr. LONG of Maryland. Mr. Chairman, will the gentlelady yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. LONG of Maryland. I have been trying to come to grips with just exactly what this means.

The gentlewoman from Oregon has mentioned college professors, an occupation which I have had some experience with, having been one for 25 years. Universities usually have very general pay scales. Let us say, a minimum for a full professor might be, let us say, $15,000, with salaries going to say $30,000 for an eminent scholar. Most universities deal with individual preference on an individual bargaining basis. They pay what they have to pay. Does the gentlewoman understand what I am saying?

Mrs. GREEN of Oregon. But across the board—must they pay men more than women? That is exactly my point.

Mr. LONG of Maryland. They pay men more than women simply because of the fact that on the average in bargaining it costs them much more to get a man.

Salaries vary widely even among men, so you have a hard time to decide whether one man is being discriminated against compared to another man.

The point I am trying to get at is that I just do not see how you can tell a university that there shall be no individual bargaining. In each case salary is based on what the university thinks it can get professors for. Indeed, I have never seen a university pay an individual a nickel more than it has to in order to get him.

I am wondering whether you can enforce equal pay for equal work in any realistic way, or without economic interference in the bargaining process.

Mrs. GREEN of Oregon. My answer to that is, I am speaking of jobs that are identical; where a woman has the identical background in education and the same number of years.

Mr. LONG of Maryland. Among university professors serving side by side in the same university department, one may have the same rank, but be 5 times, let us say, the academic stature of another.

Mrs. GREEN of Oregon. All I can say to the gentleman is that this has been taken care of already by Executive Order 11246 as it was later amended, and the Department of HEW has moved at the University of Michigan, evidence being presented that there was discrimination on the basis of sex.

Mr. LONG of Maryland. But how do you prove it?

Mrs. GREEN of Oregon. HEW asked for an affirmative plan of action to end sex discrimination at the faculty level.

Mr. LONG of Maryland. I am interested in how they would do it.

Mrs. GREEN of Oregon. As I said, the Department of Health, Education, and Welfare required the University of Michigan to present an affirmative plan of action. They looked into all the pay schedules, the number of women there, the number of years they had been employed, and the salaries they had been paid.

Mr. LONG of Maryland. Would they try to assume, then, that if the average woman, let us say, in a full professor category were getting $4,000 less than the average man, that that was evidence of discrimination?

Mrs. GREEN of Oregon. I would say that when the national median all over the United States shows that women full professors are paid less than male full professors. If you add up all the salaries of all the male full professors and you add up all the salaries of all the female professors, and there is a difference of about $1,100, and the salaries of the women were always lower, then I would say that was some indication of discrimination.

Mr. LONG of Maryland. Would you say that was proof of discrimination?

Mrs. GREEN of Oregon. I think it is good evidence and HEW should require the affirmative plan of action under the President's Executive order.

Mr. LONG of Maryland. I intend to support this legislation insofar as I can, but I have differed with the gentlewoman. I do not think that that in itself would be proof of discrimination. It might merely be proof that the women in a particular university had not, for example, written as many books or achieved the same distinction in their field as the men in that intellectual endeavor. I am not attempting any invidious comparisons. I am saying it is possible that that is so. I do not see how you can go behind the thinking of the university itself and say that you know better.

Mrs. GREEN of Oregon. This procedure has been followed when allegations have been made that there is racial discrimination.

Mr. LONG of Maryland. I beg your pardon?

Mrs. GREEN of Oregon. I say, this is done in determining discrimination on the basis of race.

Mr. LONG of Maryland. I am not sure you can do it in the case of race.

Mrs. GREEN of Oregon. May I answer the question that my friend has asked by responding with a question: If in the House of Representatives every male Member of Congress were paid $42,500 per year and every female Member were paid $41,000, do you think there might be some indication that there might be a little discrimination?

Mr. LONG of Maryland. In that case, possibly I would say, however, that if we ever started paying Members according to their merit, some of us would get little or nothing; others might rate a salary of hundreds of thousands of dollars.

Mrs. GREEN of Oregon. Most Members of Congress work 12 to 16 hours a day trying to conscientiously represent their constituents. But if pay was given just on the basis of sex then, it might be different.

I do not know whether the gentleman in charge of time has extra time, but I would like to make a few more points and then I will yield to others.

If your daughter or granddaughter does not go into politics as you have, but goes into public education and remains in that field, the chances of her becoming a district superintendent of schools are four out of 13,000.

If your daughter goes into the executive rather than the legislative branch of Government, as you who are here have done, she would have less than 1 percent chance of ever obtaining a grade level of 13 or better. In fact, I am advised that with only a dozen women Members of Congress, the women Members of Congress have four times more representation according to ratio than do women executives in the Federal Government.

After your investment of several thousands of dollars in a college education, if your daughter is the average female college graduate, she could expect to earn—and I think this does have reference to the question asked by Congressman LONG—if she is a college graduate, she could expect to have earnings only $800 a year more than the average male who has only an eighth-grade education. In fact, in all areas of work, the median income for women is 42 percent less than for men.

Now, Mr. Chairman, we have talked about the Wiggins amendment and it has been described in terms of protecting health and safety, the so-called protective laws.

I think at least from my standpoint and from my observations, it deprives women of economic equality.

Making reference again to the job all of us have in the Congress, we all know the long hours we put in in order to fulfill the responsibilities of the job; and the responsibilities and the long hours fall not only on the gentleman from California (Mr. WIGGINS), and the gentleman from Michigan (Mr. HUTCHINSON), and the gentleman from New York (Mr. CELLER), and our other male colleagues, but they also fall on the gentlewoman from Michigan (Mrs. GRIFFITHS), and the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from Massachusetts (Mrs. HECKLER), as well as the other women in the ranks. The Members surely would not pass a law that the men Members of Congress can work 14 or 15 or 16 hours a day, but we are going to have to protect the women Members of Congress and allow them to work only 8 hours a day. If we did that, what we would be doing would be not to protect the women Members but to deny any woman the right to serve in the Congress, because it is a 14-hour-a-day job.

So limiting the hours a woman can work is not necessarily a protective kind of arrangement, but it is, rather, an arrangement that deprives women of various jobs. This is true in many, many occupations. I have seen it happen, and it is done in the name of "health and safety." There are many men as well as women who would be unable or unwilling to work the 14- and 16-hour days that most of us do. But the choice to do so should be left to the individual and not to the State. It is unjust to deprive women, as a class, of the right to make that choice. Stamina, intelligence, courage, ability, industry, or any other attribute is not the property of one sex or another. These, as well as the attributes of mental stupidity or physical weakness or incompetence are human qualities quite well divided between the sexes.

Let us examine if we may the other State laws that some of the speakers have defended and have referred to as protecting women. Take those, for example, where physical strength is claimed to be a bona fide job qualification. I am certain that there are many men who would be more able than many women to lift a 35-pound weight. Yet, it is also undeniably true that there are many women who could and would do so, and many men who could not do so.

To take this one step further, we will find many men are, in fact, protected from lifting heavy weights by union contracts which place a maximum on the weight which can be lifted without assistance. But I defy the Members to cite one law in any State of the Union that protects a housewife from having to carry a 30-pound vacuum cleaner—and I weighed mine, and that is what it weighs—from floor to floor, or to protect her from having to lift heavy furniture, or from having to lift a 35-pound child who is crying to be in his mother's arms.

It seems to me that in my home, I, as well as other women, can decide for ourselves our physical capacity. I contend we are just as capable of making that decision in relation to remunerative employment.

One of the saddest and most wasteful effects of all the prejudice—and previous speakers have said it is deep-rooted, and it certainly is—is the limitation it places on an individual's human aspirations. Time and time again we witness a surrender on the part of young women to the myths about themselves which have little or no relation to reality. And they have had imposed on them and they impose on themselves a certain ceiling of expectations, because of sex. How many very bright, able young women have been dissuaded from pursuing a law degree or a medical degree because they were advised or informed there was little or no room for a woman in the medical or legal profession?

In my opinion this world is not so perfect and so replete with talent that it can afford to lose the maximum contribution any human being has to offer. Yet the fact is that daily it does, and for reasons which are totally irrational.

Part of the irrationality is reflected in the wholly unnecessary fear of some men and some women that in achieving equality of opportunity and responsibility women will somehow lose their femininity and men their masculinity. This is simply not so. What women are striving for today is to gain their humanity and not lose their femininity.

It was said a moment ago: Be prepared if you vote for this amendment without the Wiggins amendment, to go to your district and tell your women you are in favor of having them drafted and want them to be drafted.

I am prepared to go to my district and tell the men and women that I voted for the equal rights amendment without the Wiggins amendment because it at long last removed one more barrier against full equality of opportunity, something all of us have been working for.

And I am prepared to go to my district and tell the men and women in my district that I only voted for the draft out of the necessity of the present situation, but that I favor a volunteer army where people can decide what they want to do.

And I am prepared to go to my district and tell my constituents that what I really favor is a universal service, where all young men and all young women would give 1 year to their country, whether this be in the armed services, or in a hospital, or in a school or in the Peace Corps.

But for the duration of the draft, may I remind my colleagues that it is Congress which approves the administration of the Selective Service Act which sets physical and mental standards for active duty personnel. May I point out that 50.5 percent of the men called for examination by the Armed Forces in fiscal 1971 were rejected because they were physically or mentally unfit. There are presently more than 42,000 women serving in the armed services, out of their own choice, and to give but one more example of discrimination, the qualifications for them are higher than they are for men.

Yet, today only one out of 10 persons in the military service is in combat, and I think there are very few who could argue successfully that women as a group are less efficient at KP, office work, medical service, nursing service, or any of the other innumerable supportive tasks which 90 percent of the men now perform. Individual hardship cases for women should be settled as they now are for men, on the basis of individual merit. I submit—that if the armed service qualifications for women were not so much higher than they are for men, we might just have enough personnel to truly have a volunteer army, and we might just be in a position to put an end to one of the harshest forms of discrimination based on sex of which I can think, and that is the discrimination which compels only young men to give time in the service of their country.

Women today take as active a part as we are allowed to do in shouldering the economic, social and political burdens of our country. We are entitled to the just rewards of our work as free citizens willing and able to decide our place in life and to take on the responsibility of that choice, be it in the family, business, government, or the professions. Discrimination on the basis of sex is deep rooted, and I cannot ask any of you who hold traditional views as to a woman's role to support my position because it will be easy. I cannot ask you to support it because the changes will be minor. They will be great. I ask you to support it because it is right, and so all of us can go back to our districts and tell men and women that in the long struggle for equality and justice one more barrier to full citizenship has been removed.

GENERAL LEAVE TO EXTEND

Mrs. GRIFFITHS. Mr. Chairman, I ask unanimous consent that all Members who care to do so may revise and extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

TELLER VOTE WITH CLERKS

Mr. WIGGINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. WIGGINS, EDWARDS of California, CONYERS, and SANDMAN.

The Committee divided, and the tellers reported that there were—ayes 87, noes 265, not voting 78, as follows:

[Roll No. 293]

[Recorded Teller Vote]

AYES—87

Abbitt	Hays	Roberts
Abernethy	Hogan	Rogers
Andrews, Ala.	Hosmer	Rooney, N.Y.
Ashbrook	Hull	Rousselot
Baker	Hutchinson	Sandman
Brooks	Ichord	Scherle
Burke, Fla.	Jonas	Schmitz
Burleson, Tex.	Kazen	Scott
Byrnes, Wis.	Keating	Shoup
Byron	Kuykendall	Sikes
Camp	Kyl	Skubitz
Casey, Tex.	McCloskey	Slack
Celler	McCulloch	Steed
Chappell	McKay	Steiger, Ariz.
Clawson, Del	McMillan	Stephens
Colmer	Mahon	Sullivan
Coughlin	Mann	Symington
Dennis	Martin	Teague, Calif.
Dingell	Mayne	Thompson, Ga.
Dorn	Mizell	Veysey
Duncan	Monagan	Wampler
Edwards, Ala.	Nedzi	Ware
Flynt	O'Konski	Whalley
Gonzalez	Passman	White
Griffin	Poage	Whitten
Gross	Poff	Wiggins
Grover	Purcell	Williams
Hall	Quillen	Wright
Harsha	Rarick	Wyman

NOES—265

Abzug	Andrews, N. Dak.	Belcher
Adams	Annunzio	Bell
Addabbo	Archer	Bennett
Albert	Ashley	Bergland
Alexander	Aspin	Betts
Anderson, Calif.	Badillo	Biaggi
Anderson, Tenn.	Barrett	Biester
	Begich	Bingham
	Blackburn	
Blanton	Gray	Pepper
Blatnik	Green, Pa.	Perkins
Boland	Griffiths	Pettis
Brademas	Gude	Peyser
Brasco	Haley	Pickle
Brinkley	Hamilton	Pike
Broomfield	Hammer-schmidt	Podell
Brotzman		Powell
Brown, Mich.	Hanley	Preyer, N.C.
Brown, Ohio	Hanna	Price, Tex.
Broyhill, N.C.	Hansen, Wash.	Pryor, Ark.
Broyhill, Va.	Harrington	Pucinski
Buchanan	Harvey	Quie
Burke, Mass.	Hastings	Railsback
Burlison, Mo.	Hathaway	Randall
Burton	Hechler, W. Va.	Rangel
Cabell	Heckler, Mass.	Rees
Carey, N.Y.	Helstoski	Reid
Carney	Henderson	Reuss
Carter	Hicks, Mass.	Rhodes
Cederberg	Hicks, Wash.	Riegle
Chamberlain	Holifield	Robinson, Va.
Chisholm	Horton	Robison, N.Y.
Clay	Howard	Rodino
Cleveland	Hungate	Roe
Collins, Ill.	Jacobs	Roncalio
Collins, Tex.	Jarman	Rosenthal
Conable	Johnson, Calif.	Rostenkowski
Conte	Johnson, Pa.	Roush
Conyers	Jones, N.C.	Roy
Corman	Jones, Tenn.	Roybal
Cotter	Karth	Ruppe
Crane	Kastenmeier	Ruth
Culver	Keith	Ryan
Daniels, N.J.	Kemp	St Germain
Danielson	Kluczynski	Sarbanes
Davis, Ga.	Koch	Satterfield
Davis, S.C.	Kyros	Scheuer
Delaney	Latta	Schneebeli
Dellenback	Lent	Sebelius
Dellums	Link	Seiberling
Denholm	Long, Md.	Shipley
Dent	Lujan	Sisk
Devine	McClory	Smith, Calif.
Diggs	McCollister	Smith, Iowa
Donohue	McCormack	Smith, N.Y.
Dow	McDade	Snyder
Dowdy	McDonald, Mich.	Springer
Downing		Staggers
Drinan	McFall	Stanton, J. William
du Pont	McKevitt	
Dwyer	McKinney	Stanton, James V.
Eckhardt	Madden	
Edwards, Calif.	Mathias, Calif.	Steele
Eilberg	Mathis, Ga.	Stokes
Esch	Matsunaga	Stratton
Eshleman	Mazzoli	Stubblefield
Evans, Colo.	Meeds	Taylor
Fascell	Melcher	Teague, Tex.
Findley	Metcalfe	Terry
Fish	Mikva	Thompson, N.J.
Flood	Miller, Ohio	Thomson, Wis.
Flowers	Mills, Ark.	Tiernan
Foley	Minish	Udall
Ford, William D.	Mink	Ullman
	Mitchell	Van Deerlin
Forsythe	Moorhead	Vander Jagt
Fountain	Morgan	Vanik
Fraser	Morse	Vigorito
Frelinghuysen	Mosher	Waldie
Frenzel	Moss	Widnall
Frey	Murphy, Ill.	Winn
Fulton, Tenn.	Murphy, N.Y.	Wolff
Fuqua	Myers	Wyatt
Galifianakis	Natcher	Wydler
Gallagher	Nelsen	Wylie
Garmatz	Nix	Yates
Gaydos	Obey	Yatron
Gibbons	O'Hara	Young, Tex.
Goldwater	O'Neill	Zablocki
Goodling	Patman	Zion
Grasso	Patten	Zwach

NOT VOTING—78

Abourezk	Derwinski	Jones, Ala.
Anderson, Ill.	Dickinson	Kee
Arends	Dulski	King
Aspinall	Edmondson	Landgrebe
Baring	Edwards, La.	Landrum
Bevill	Erlenborn	Leggett
Boggs	Evins, Tenn.	Lennon
Bolling	Fisher	Lloyd
Bow	Ford, Gerald R.	Long, La.
Bray	Gettys	McClure
Byrne, Pa.	Giaimo	McEwen
Caffery	Green, Oreg.	Macdonald, Mass.
Clancy	Gubser	
Clark	Hagan	Mailliard
Clausen, Don H.	Halpern	Michel
	Hansen, Idaho	Miller, Calif.
Collier	Hawkins	Mills, Md.
Daniel, Va.	Hébert	Minshall
Davis, Wis.	Hillis	Mollohan
de la Garza	Hunt	Montgomery
Nichols	Schwengel	Waggonner
Pelly	Shriver	Whalen
Pirnie	Spence	Whitehurst
Price, Ill.	Steiger, Wis.	Wilson, Bob
Rooney, Pa.	Stuckey	Wilson, Charles H.
Runnels	Talcott	
Saylor	Thone	Young, Fla.

Mr. BOGGS. Mr. Chairman, I unavoidably missed the recorded teller vote on the so-called Wiggins amendment to House Joint Resolution 208 due to the fact that I was officially attending the ceremony in the House Armed Services Committee room at which the official portrait of the chairman, Mr. HÉBERT, who is the dean of the Louisiana delegation, was hung, with the House leadership and President Nixon in attendance.

We had earlier sought to recess the House to permit Members to attend the ceremony and also to vote on the recorded teller vote, but this was not possible and the House continued consideration of the joint resolution.

Had I been on the floor I would have voted against the Wiggins amendment.

So the committee amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 2, line 4, after "sex" strike out the period and add "race, creed, or color."

POINT OF ORDER

Mr. McCLORY. Mr. Chairman, I make a point of order that the amendment is out of order. It is not germane to the subject under consideration.

I ask for a ruling by the Chair.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. THOMPSON of Georgia. Yes, Mr. Chairman.

Mr. Chairman, I should like to read the section in full with the amendment.

This simply amends the section to read:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex, race, creed or color.

Mr. Chairman, the resolution says:

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Certainly men and women are of different races. They are of different creeds. They are of different religions and of different colors.

The amendment is in order, because it does recognize that discrimination does sometimes take place based upon race, creed, or color, and it occurs both to men and women, and we are dealing with an amendment for equal rights for men and women, and there are different men and women of different races, different creeds, and different colors.

I submit that the amendment is in order.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

House Joint Resolution 208 deals only with one question, the question of sex. Therefore, the amendment of the gentleman from Georgia (Mr. THOMPSON) is

not germane to House Joint Resolution 208, and the precedents so indicate. The Chair therefore sustains the point of order, that the amendment is not germane.

PREFERENTIAL MOTION OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. THOMPSON of Georgia moves that the Committee do now rise and report the joint resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. THOMPSON of Georgia. Mr. Chairman, I regret that I have to use this parliamentary procedure in order to obtain time to speak on the amendment which I proposed. However, I believe that the amendment I proposed certainly does deserve consideration and discussion before this body.

Equal rights are being denied to people in the United States solely because of their race. You can take the matter of school busing, where we tell a child "Because of your color and for no other reason you may not attend your neighborhood school." Whether he is black or whether he is white makes no difference. To say, "Billy, because you are black and for no other reason you may not go to this school here but you must go to that school over there" or "Johnny, because you are white and for no other reason than your color you may not attend school here, you must attend school over there" is certainly discrimination.

And, Mr. Chairman, we should also look into the matter of discrimination occurring in certain areas throughout this country in regard to the letting of contracts, contracts that certain people are precluded from bidding on solely because of their race and for no other reason.

We also need to look at the activities of the Small Business Administration, for example. I have letters in my office, Mr. Chairman, where the Small Business Administration has told me that for citizens of a certain color only 15 percent is required as a downpayment but for citizens of another color desiring to enter into exactly the same enterprise they must have 50 percent as a downpayment. That is rank discrimination. It happens to be rank discrimination against the white people in my State and region. And I can produce these letters.

In addition to that, Mr. Chairman, we need to look at some of our Federal agencies. In March of this year the Federal Aviation Administration issued a directive relating to hiring. It went out to all of the offices throughout the entire Nation, and in effect it stated that no whites would be hired until a certain percentage of minorities had been hired. It related not only to initial hiring but to promotions.

Mr. Chairman, I submit it is wrong to tell a person "Because you are white and you may have scored 95 percent, you may not be considered for this job, because someone else of a different color scored 80 percent and we are going to set up certain quotas." American citizens should be considered as American citizens and not as black or white citizens. Schoolchildren should be considered as schoolchildren and not some as black and some as white. We should not deal in artificial classifications of American citizens in that manner.

Yes, Mr. Chairman, I am upset that the Chair did not consider this germane and that a point of order was raised against considering this amendment, because I feel this is one of the vital matters affecting the country at this time, that is, no discrimination based on race, creed, or color, and we are discriminating at this time based on race, creed, or color.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I just want to say that we have had 6 days of hearings on the equal rights amendment for men and women. This amendment deals entirely with the subject of discrimination on the grounds of sex. I do not want to question that there is discrimination with regard to race and color, but it is not dealt with here.

I may say very significantly that the first black woman in this body, our colleague from New York (Mrs. CHISHOLM), herself stated that she experiences more discrimination by reason of being a woman than by reason of being a black.

So we are dealing with the most serious question confronting our Nation today in the field of discrimination in voting on this equal rights amendment for men and women.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Georgia.

The preferential motion was rejected.

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

Mr. Chairman, I have considered the possibility of offering a substitute, an amendment in the nature of a substitute, because I had some questions about this resolution. I have some questions that I would like to ask the committee.

I think some of the obvious objections to House Joint Resolution 208 have been resolved by committee action this afternoon. But in section 1 of House Joint Resolution 208 it provides that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. It refers to any State. My question goes to the new section 2 or the old section 3 and it provides that the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Why should not the Congress and the several States have the power? Why do we include the States in section 1 and do not include the States in section 2?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

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

Mr. EDWARDS of California. It was the opinion, as I understand it, last year, that there was a technical difficulty with the amendment as originally proposed. The difficulty in some of the other bills tion of the committee in connection with amendments other than the amendment which had been offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The difficulty in some of the other bills was brought to the attention of the committee by some very distinguished constitutional lawyers. For example, Dean Pollak, of the Yale Law School, said this:

A serious loophole . . . first, Federal courts might read this as requiring the same degree of judicial deference to State statutes as would normally be given Federal statutes and give an unprecedented degree of dignity and unreviewability to State statutes merely because they were called implementations; secondly, it might be read by Federal courts as some other constitutional basis for implementing legislation—for example, Congress might be held to be without power to enforce the Amendment with respect to intrastate commerce, etc.

The same question was asked of Professor Emerson, of the Yale Law School, at the hearings, and he answered very similarly to Dean Pollak to the effect:

In my opinion, the reference to State power is unnecessary. The States, not operating under a system of delegated powers as the Federal Government does, need no further grant of authority to implement the provisions of the amendment. On the other hand the provision might possibly be construed as not giving Congress any additional enforcement powers but limiting its implementing authority to that already provided by some existing Federal constitutional power. This is certainly not intended by the proponents of the equal rights amendment.

Mr. MYERS. I would like to ask this question: Is it the judgment of the author and the committee that the absence of the word "State" in section 2 would in no way weaken this resolution or deny the right of the State to legislate in this area?

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

Mr. MYERS. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. The gentleman is quite correct. This does not interfere with the States' right to make their laws.

Mr. MYERS. I have one other question. The preamble provides that there shall be a limitation of 7 years for three-fourths of the States to ratify this amendment. Why is the period of 7 years used?

Mrs. GRIFFITHS. This is customary. However, this was one of the objections last year.

I am well aware of the fact that there is a group of women who are so nervous about this amendment that they feel there should be an unlimited time during which it could be ratified.

Personally, I have no fears but that this amendment will be ratified in my judgment as quickly as was the 18-year-old vote.

Therefore, I think a 7-year limitation does weed out some of the objections. For instance, in the past with reference to the child labor amendment, there were States that initially ratified it but through subsequent legislation withdrew their ratification. Therefore, I think it is perfectly proper to have the 7-year

statute so that it should not be hanging over our head forever. But I must say I think it will be ratified almost immediately. Six States in the United States have already indicated their intention to ratify it. Last year when this amendment passed I had innumerable indications from innumerable States to the effect that it was their belief that their States would ratify it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, pursuant to House Resolution 548, he reported the joint resolution back to the House.

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

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

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

MOTION TO RECOMMIT OFFERED BY MR. HUTCHINSON

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

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

Mr. HUTCHINSON. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. HUTCHINSON moves to recommit the joint resolution (H.J. Res. 208) to the Committee on the Judiciary.

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

There was no objection.

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

The motion to recommit was rejected.

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

Mr. EDWARDS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 354, nays 24, not voting 51, as follows:

[Roll No. 294]

YEAS—354

Abbitt	Begich	Brinkley
Abzug	Belcher	Brooks
Adams	Bell	Broomfield
Addabbo	Bennett	Brotzman
Alexander	Bergland	Brown, Mich.
Anderson, Calif.	Betts	Brown, Ohio
	Bevill	Broyhill, N.C.
Anderson, Tenn.	Biaggi	Broyhill, Va.
	Biester	Buchanan
Andrews, Ala.	Bingham	Burke, Fla.
Andrews, N. Dak.	Blackburn	Burke, Mass.
	Blanton	Burleson, Tex.
Annunzio	Blatnik	Burlison, Mo.
Archer	Boggs	Burton
Ashley	Boland	Byrne, Pa.
Aspin	Bolling	Byron
Badillo	Bow	Cabell
Baker	Brademas	Caffery
Barrett	Brasco	Camp
Carey, N.Y.	Hicks, Wash.	Price, Tex.
Carney	Hogan	Pryor, Ark.
Carter	Holifield	Pucinski
Casey, Tex.	Horton	Purcell
Cederberg	Hosmer	Quie
Chamberlain	Howard	Quillen
Chisholm	Hull	Railsback
Clawson, Del	Hungate	Randall
Clay	Hunt	Rangel
Cleveland	Ichord	Rees
Collins, Ill.	Jacobs	Reid, N.Y.
Collins, Tex.	Jarman	Reuss
Conable	Johnson, Calif.	Rhodes
Conte	Johnson, Pa.	Riegle
Conyers	Jones, Ala.	Roberts
Corman	Jones, N.C.	Robinson, Va.
Cotter	Jones, Tenn.	Robison, N.Y.
Coughlin	Karth	Rodino
Crane	Kastenmeier	Roe
Culver	Kazen	Rogers
Daniel, Va.	Keating	Roncalio
Daniels, N.J.	Keith	Rooney, N.Y.
Danielson	Kemp	Rosenthal
Davis, Ga.	King	Rostenkowski
Davis, S.C.	Kluczynski	Roush
Delaney	Koch	Roy
Dellenback	Kuykendall	Roybal
Dellums	Kyl	Ruppe
Denholm	Kyros	Ruth
Dent	Landrum	Ryan
Devine	Latta	St Germain
Dickinson	Lennon	Sarbanes
Diggs	Lent	Satterfield
Donohue	Link	Scherle
Dow	Long, Md.	Scheuer
Dowdy	Lujan	Schneebeli
Downing	McClory	Scott
Drinan	McCloskey	Sebelius
Duncan	McCollister	Selberling
du Pont	McCormack	Shipley
Dwyer	McDade	Shoup
Eckhardt	McDonald, Mich.	Sikes
Edwards, Ala.		Sisk
Edwards, Calif.	McEwen	Skubitz
Eilberg	McFall	Slack
Esch	McKevitt	Smith, Calif.
Eshleman	McKinney	Smith, Iowa
Evans, Colo.	McMillan	Smith, N.Y.
Evins, Tenn.	Madden	Snyder
Fascell	Mahon	Springer
Findley	Mann	Staggers
Fish	Martin	Stanton, J. William
Fisher	Mathias, Calif.	
Flood	Mathis, Ga.	Stanton, James V.
Flowers	Matsunaga	
Foley	Mayne	Steed
Ford, William D.	Mazzoli	Steele
	Meeds	Stephens
Forsythe	Melcher	Stokes
Fountain	Metcalfe	Stratton
Fraser	Michel	Stubblefield
Frelinghuysen	Mikva	Symington
Frenzel	Miller, Ohio	Talcott
Frey	Mills, Ark.	Taylor
Fulton, Tenn.	Mills, Md.	Teague, Calif.
Fuqua	Minish	Teague, Tex.
Galifianakis	Mink	Terry
Gallagher	Minshall	Thompson, Ga.
Garmatz	Mitchell	Thompson, N.J.
Gaydos	Mizell	Thomson, Wis.
Gibbons	Monagan	Tiernan
Goldwater	Montgomery	Udall
Gonzalez	Moorhead	Ullman
Goodling	Morgan	Van Deerlin
Grasso	Morse	Vander Jagt
Gray	Mosher	Vanik
Green, Pa.	Moss	Veysey
Griffin	Murphy, Ill.	Vigorito
Griffiths	Murphy, N.Y.	Waldie
Gross	Myers	Wampler
Grover	Natcher	Ware
Gude	Nelsen	Whalen
Hagan	Nichols	Whalley
Haley	Nix	White
Hall	Obey	Whitehurst
Hamilton	O'Hara	Widnall
Hammer-schmidt	O'Konski	Williams
	O'Neill	Wilson, Charles H.
Hanley	Passman	
Hanna	Patman	Winn
Hansen, Wash.	Patten	Wolff
Harrington	Pepper	Wright
Harsha	Perkins	Wyatt
Harvey	Pettis	Wydler
Hastings	Peyser	Wylie
Hathaway	Pickle	Wyman
Hays	Pike	Yates
Hechler, W. Va.	Podell	Yatron
Heckler, Mass.	Poff	Young, Tex.
Helstoski	Powell	Zablocki
Henderson	Preyer, N.C.	Zion
Hicks, Mass.	Price, Ill.	Zwach

NAYS—24

Abernethy	Flynt	Rousselot
Ashbrook	Hutchinson	Sandman
Byrnes, Wis.	Jonas	Saylor
Celler	McCulloch	Schmitz
Chappell	McKay	Steiger, Ariz.
Colmer	Nedzi	Sullivan
Dennis	Poage	Whitten
Dorn	Rarick	Wiggins

NOT VOTING—51

Abourezk	Ford, Gerald R.	Miller, Calif.
Anderson, Ill.	Gettys	Mollohan
Arends	Giaimo	Pelly
Aspinall	Green, Oreg.	Pirnie
Baring	Gubser	Rooney, Pa.
Bray	Halpern	Runnels
Clancy	Hansen, Idaho	Schwengel
Clark	Hawkins	Shriver
Clausen, Don H.	Hébert	Spence
	Hillis	Steiger, Wis.
Collier	Kee	Stuckey
Davis, Wis.	Landgrebe	Thone
de la Garza	Leggett	Waggonner
Derwinski	Lloyd	Wilson, Bob
Dingell	Long, La.	Young, Fla.
Dulski	McClure	
Edmondson	Macdonald, Mass.	
Edwards, La.		
Erlenborn	Mailliard	

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gerald R. Ford and Mr. Mailliard for, with Mr. Erlenborn against.

Mr. Hillis and Mr. Arends for, with Mr. Landgrebe against.

Until further notice:

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Aspinall with Mr. Lloyd.

Mr. Leggett with Schwengel.

Mr. Waggonner with Mr. Spence.

Mr. de la Garza with Mr. Thone.

Mr. Mollohan with Mr. Derwinski.

Mr. Edmondson with Mr. Bray.

Mr. Macdonald of Massachusetts with Mr. Gubser.

Mr. Rooney of Pennsylvania with Mr. McClure.

Mr. Dulski with Mr. Pirnie.

Mr. Dingell with Mr. Clancy.

Mr. Baring with Mr. Halpern.

Mr. Abourezk with Mr. Shriver.

Mr. Hébert with Mr. Collier.

Mr. Hawkins with Mr. Bob Wilson.

Mr. Miller of California with Mr. Pelly.

Mr. Giaimo with Mr. Young.

Mr. Gettys with Mr. Davis of Wisconsin.

Mr. Clark with Mr. Don H. Clausen.

Mr. Stuckey with Mr. Steiger of Wisconsin.

Mr. Runnels with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Joint Resolution 208.

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

There was no objection.

PROVIDING ADDITIONAL FUNDS TO COMMITTEE ON EDUCATION AND LABOR TO STUDY WELFARE AND PENSION PLAN PROGRAMS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 607 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 607

Resolved, That the expenses of a special investigation and study of welfare and pension plans to be conducted pursuant to H. Res. 213, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $100,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Such $100,000 shall be available and allocated to the General Subcommittee on Labor in connection with its present study and investigation of private pension and welfare funds pursuant to H.R. 1269 and related bills. Particular need has been demonstrated to conduct a professional study of vesting, funding, portability, benefit insurance, fiduciary responsibility, adequate disclosure, and other aspects related to the effectuation of private pension and welfare plans as a meaningful supplement to the social security system.

The General Subcommittee on Labor, through the Committee on Education and Labor, shall report to the House as soon as practical during the present Congress the results of its investigation and study with such recommendations as it deems advisable.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed the RECORD.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman explain what he seeks to do? It has not been programed, at least not on the whip notice of bills and resolutions.

Mr. THOMPSON of New Jersey. I shall be glad to.

This resolution was filed, I might say to my friend from Iowa, in excess of a week ago, and I do have an explanation if he would consent to dispensing with the further reading of the resolution.

Mr. GROSS. Would the gentleman not find it possible to do so under my reservation? I would be glad to yield to the gentleman.

Mr. THOMPSON of New Jersey. Certainly. The purpose of this resolution, I will say to the gentleman from Iowa, is to provide the Committee on Education and Labor the sum of not to exceed $100,000 for an investigation of the various welfare and pension funds. These welfare and pension plans have in excess of $110 billion under their control. They have been under a modicum of control since the enactment of the Taft-Hartley Act of 1948 and the welfare disclosure and pension plans legislation of 1959.

The subcommittee had rather cursory hearings in the last Congress but from which they could not elicit the specific information that the Congress will need in order to see that these funds, these enormous funds, are properly used, properly regulated and are controlled for the benefit for which those funds were intended.

Mr. GROSS. This is retirement and pension funds?

Mr. THOMPSON of New Jersey. Yes.

Mr. GROSS. Would this, then, include retirement funds for Federal employees, Members of Congress and so forth?

Mr. THOMPSON of New Jersey. No; in my judgment it would not. That would be under the jurisdiction of the Committee on Post Office and Civil Service and, of course, they are not in the sense in which I am speaking welfare and pension plans.

Mr. GROSS. This, then, would go to private industry?

Mr. THOMPSON of New Jersey. Yes, to private industry.

Now, the committee needs to have an investigation into—and I shall put this in the RECORD relating to its nature—an extended number of forfeitures. There have been a startling number of them. They would also like to have a breakdown of the forfeitures by the types of industries involved, the reason for them, whether the plants shut down or merged or whether their industry simply declined, and you had a tremendous number of workers who had been working a number of years in plants with pension plan money invested, but who suddenly because of the acquisition of the company by another company have found that they have no vested interest and, in effect, the money has somehow or other been stolen or lost. The purpose of this resolution is intended to examine this question, as well as the question of what we call employability; in other words, a man particularly if he is 45 years of age or over and if he loses his employment in one industry, he finds it particularly difficult to find employment in the same industry but by a different employer because of the expense of picking them up in the new employer's pension plan. We would propose to examine the possibility of an employee having a vested right to transfer his financial interest in a retirement plan to his new employer.

Mr. GROSS. The Committee on Education and Labor has quite a substantial fund.

Is it not possible that the committee could finance this investigation out of funds already appropriated to the committee?

Mr. THOMPSON of New Jersey. I will say to my friend, the gentleman from Iowa, that in this instance the answer is no, because, although we have a fine staff, we have no one with the expertise needed, nor do we have anyone with the amount of time which would be necessary to devote to this.

Mr. GROSS. No part of the $100,000 would be spent on junkets to foreign countries?

Mr. THOMPSON of New Jersey. No.

Mr. GROSS. I thank my friend, the gentleman from New Jersey (Mr. THOMPSON) for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from New Jersey?

Mr. RHODES. Mr. Speaker, further reserving the right to object, I wonder if my friend, the gentleman from New Jersey, would tell me whether or not the minority members of the Committee on Education and Labor, and the Committee on House Administration, have approved of this request?

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, the answer is "yes." The ranking member, the gentleman from Minnesota (Mr. QUIE), is in approval; the ranking member of the subcommittee, the gentleman from Illinois (Mr. ERLENBORN), is in approval; the ranking member of the Accounts Subcommittee, the gentleman from Alabama (Mr. DICKINSON), approves; as does the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS).

Further, this resolution was reported out of the Committee on House Administration unanimously.

Mr. RHODES. The gentleman from New Jersey will remember that some years ago the Committee on Education and Labor embarked on a similar investigation when the gentleman from Arizona was a member, and I certainly agree with the idea of the scope of this investigation. I hope it will result in some meaningful legislation because, as the gentleman from New Jersey so ably explained, this certainly is an area in which the Congress should take much more interest than it has in the past.

Mr. THOMPSON of New Jersey. I thank the gentleman.

I might make this further comment: that this is consonant with the determination under the Reorganization Act of last year that we exercise fully our oversight responsibilities. It is my opinion that if this study is not undertaken a national tragedy could occur. I quite agree that it is necessary.

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

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, private pension plans were reported as early as 1875, but did not become widespread until World War II when faced with an excess profits tax and a wage freeze, management and labor saw advantages in deferred wage adjustments in the form of contributions to pension programs. Since that time, pension plans have had a phenominal growth. Today, more than half of the non-farm working population is covered. These plans hold assets valued at more than $110 billion, assets which are expected to double in the decade ahead.

Although Congress has been actively concerned with malfeasance in the handling of private pension funds since the passage of the Taft-Hartly Act in 1947, congressional interest in the substantive nature of the plans themselves and in the employees' rights to the equity which those plans contain has been of a more limited nature.

Under present, a private pension plan can be established as a qualified program for the purpose of tax exemption if it meets minimum requirements designed to prevent discrimination in favor of certain classes of employees and prescribed minimum and maximum contributions. A plan is not subject to any standards concerning its establishment or substantive nature except those required by the Internal Revenue Service pursuant to section 401 and the following of the Internal Revenue Code. While the protection the code provides to the average plan participant cannot be dismissed out of hand as illusory, it is, nonetheless, minimal.

It has been frequently urged that a legislative line should be drawn between pension reforms which are related to fiduciary conduct and proposals which would affect the substantive nature and costs of the plans such as requirements for mandatory vesting, funding, and benefit insurance. These latter features, it is asserted, should be left to the private decisionmaking processes of a developing free economy. This notion ignores the fact that employees who lose their retirement income or have it impaired because of excessively stringent or nonexistent vesting provisions, inadequate funding, or merger, sale, or other dissolution of the employing company, are the victims of a cruel frustration much more serious in impact than that of a fiduciary breach.

Hearings held before the subcommittee have shown that any pension reform legislation will have to deal with the questions of mandatory vesting, funding, benefit insurance, and portability. However, the hearings which were held in both the 91st and 92d Congresses elicited very little in the way of hard technical information. Rather, they tended to bring out only philosophical generalities which, while important and worthy of discussion, were of only marginal help in enabling the subcommittee to make intelligent decisions in this matter.

The subcommittee feels that it is essential that thorough, technical studies of vesting, funding, benefit insurance and portability be undertaken immediately if effective legislative action is to be taken this Congress.

Specifically, the subcommittee needs information concerning—

First, the extent and nature of forfeitures:

Percentage of covered employees who reach retirement age without vested rights;

Breakdowns of forfeitures by industry;

Reasons for their occurrence—for example plant shutdowns, mergers, acquisitions, industry declines, voluntary quits;

Wage and job categories most involved;

Second, the relative costs of various vesting alternatives;

Third, the types and frequency of funding schemes currently in use;

Fourth, the relative adequacy of alternative funding schemes in affording employees protection;

Fifth, the relative costs of alternative funding schemes;

Sixth, the number and frequency of partial and full terminations of plans;

Seventh, the relative costs of various types of benefit insurance; and

Eighth, the feasibility of portability, voluntary or mandatory.

In addition to these specific areas of inquiry, studies must examine the effect of various vesting, funding, and insurance schemes on each other and on potential benefit levels. Mandatory vesting, funding, benefit insurance, and benefit levels are closely interrelated. To require mandatory vesting after 10 years, for example, requires either a readjustment of benefits or additional contributions. Without adequate funding, vesting requirements have no practical value. Similarly, untimely termination of a plan may negative any security which vesting and funding might otherwise provide. The choice of benefit insurance scheme may have a profound impact on the method of funding used and the premiums charged to the plan may have a significant effect on the level of benefits.

Prominent witnesses before the subcommittee have unanimously emphasized the need for a massive study of these critical areas. The Nixon administration, while recommending a strong fiduciary and disclosure bill in the 91st Congress (H.R. 16462), still finds itself unable to make recommendations as to vesting, funding, or benefit insurance despite the fact that the preceding administration testified in favor of the vesting, funding, and benefit insurance proposals of H.R. 1269. Obviously, the present administration has not rejected these concepts but rather urges continued study of them.

The need for study has already been recognized by the Senate. In the closing months of the 91st Congress the Senate Labor Subcommittee was granted an appropriation of $265,000. This Congress, an additional $475,000 has been appropriated to enable our Senate counterparts to continue their work.

Many studies of various aspects of the private pension system have already been undertaken but there are numerous areas relevant to the legislative interest largely unexplored. Perhaps the most important of these concerns the feasibility and cost of benefit insurance. Equally important to the legislative inquiry, however, is an analysis and correlation of the data derived from previous research.

The General Subcommittee on Labor as presently constituted does not have the necessary personnel nor resources to make the exhaustive study required, particularly if it is to discharge its other legislative duties. It is, therefore, proposed that in the interests of sound legislation to strengthen and protect the private pension system, that a task force on pensions operating within the jurisdiction of the General Subcommittee on Labor be established to study and make recommendations regarding vesting, funding, benefit insurance and portability. It is expected that a study could be completed within 6 months at a cost not to exceed $100,000.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

Mr. ARENDS. Mr. Speaker, I have taken this time for the purpose of making a personal explanation.

As the House knows, we had a hanging of the portrait of the chairman of the Committee on Armed Services, the gentleman from Lousiana (Mr. HÉBERT) today, at which many Members were in attendance, and at which the full membership of the Committee on Armed Services attended in a body. The President of the United States also attended to pay tribute to the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT).

Unfortunately, the bells rang before we had completed the ceremony for the unveiling of the portrait and, accordingly, a few of us missed our vote on the equal rights amendment.

Mr. Speaker, I would like the RECORD to show that, had I been present, I would have voted as being in favor of this amendment.

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

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

Mr. GUBSER. Mr. Speaker, I wish to thank the distinguished gentleman from Illinois for making this explanation for the RECORD. I, too, would like to state that had I been present I would have voted "yea."

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

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

Mr. PIRNIE. Mr. Speaker, I too wish to thank the gentleman from Illinois for making this explanation. I too wish to say that, had I been present, I would have cast my vote in favor of the amendment.

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

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

Mr. SPENCE. Mr. Speaker, I would also like to say that had I been present I would have voted in favor of the equal rights amendment, and I would also like the RECORD to so show.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and let me say that had I been present I would have voted "yea."

CONSUMER PROTECTION ACT OF 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 637

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. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, and all points of order against section 104 of said bill for failure to comply with the provision of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. 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.

Mr. SISK. 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 637 provides an open rule with 4 hours of general debate for consideration of H.R. 10835, the Consumer Protection Act of 1971. Because of a transfer of funds, constituting an appropriation in a legislative bill, all points of order are waived against section 104 of the bill for failure to comply with the provisions of clause 4 of rule XXI, and the resolution provides that the bill shall be read for amendment by titles instead of by sections.

The purpose of H.R. 10835 is to further the protection of consumers and provide representation of consumer interests in important areas of activity of the Federal Government.

There would be established an Office of Consumer Affairs within the Executive Office of the President, the Director and Deputy Director of which will be appointed by the President with the advice and consent of the Senate.

The Director will be required to report and make recommendations annually to the President and the Congress.

The office will coordinate all Federal programs relating to consumer interests, provide assistance to State and local governments in protection of consumer interests and cooperate with and assist private enterprise.

The Consumer Protection Agency is established as an independent agency, the Administrator and Deputy Administrator of which will also be appointed by the President with the advice and consent of the Senate.

The Agency is to make a report with recommendations annually to the President and the Congress, promote and protect the interests of consumers, and assist the Director of the Office of Consumer Affairs.

It is authorized to represent the interests of consumers in proceedings conducted by other Federal agencies and in actions pending in U.S. courts under certain circumstances.

A Consumer Advisory Council is established composed of 15 members appointed by the President for staggered terms of 5 years. The Council will advise the Director of the Office of Consumer Affairs and the Administrator of the Consumer Protection Agency.

The legislation will become effective 90 days after enactment.

Mr. Speaker, I urge the passage of the resolution.

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

Mr. SISK. I yield to the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman explain why there is a waiver of points of order under the rule which prohibits appropriations on a legislative bill?

Mr. SISK. It is my understanding, I might say to my friend, the gentleman from Ohio, that section 104 has to do with the transfer of funds and, therefore, would be considered not to comply with clause 4 of rule XXI, because in the changeover of the agency to the new independent agency, there would be a transfer of funds as authorized in section 104. That was the explanation which was given to us.

Mr. BOW. Would the gentleman agree with me that this is not an increased appropriation or a new appropriation but a transfer of those funds that have already been appropriated? The funds would be transferred to the new agency under Mrs. Knauer and this does not involve any additional appropriated funds at this time.

Mr. SISK. Mr. Speaker, the gentleman is 100 percent correct. His explanation is excellent, let me say, and that is exactly what is involved. It is simply a transfer and it does not offer us any new funds—that is there is no expenditure of new funds provided, but simply a transfer of existing funds.

Mr. BOW. I thank the gentleman.

Mr. SISK. Mr. Speaker, I would like to conclude my remarks by paying a special tribute to a distinguished colleague of mine, the distinguished dean of our California delegation, CHET HOLIFIELD. CHET has, I think, done an outstanding job during the last year in getting this legislation to the floor of the House. As I indicated, this legislation is important to the whole country because we are all consumers, and this legislation affects all 200 million-plus Americans.

This was a very serious, very debatable and a very controversial issue in the last Congress. The distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. HOLIFIELD) and his committee have worked long and hard in order to bring out a bill which would meet the needs and which would satisfy the concern of many people who are concerned consumer protection in this country.

I think he has done an outstanding job and I want to compliment him.

I might say that there have been all too many wild charges by some so-called instant experts which we seem to be overwhelmed with now, some of these characters who apparently know little or nothing about legislation or legislative procedure who have tended to influence and harass a very able and a very distinguished chairman in this case, as I say, Mr. HOLIFIELD, and I want to take this opportunity to pay my respects and compliment him on what I think is an outstanding job of legislative achievement.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me briefly?

Mr. SISK. I am glad to yield to my distinguished chairman.

Mr. COLMER. Mr. Speaker, I asked my friend to yield to me—and I appreciate his doing so—in order that I might associate myself with the remarks that he has made which were complimenatry of the distinguished gentleman from California (Mr. HOLIFIELD). We know that consumer protection is a very far-reaching and complex subject. We recognize that there are those who want to go too far and there are those who do not want to go far enough. The gentleman from California, presiding over the committee, has had the backing of his committee in bringing to us what appears to be a very fair bill.

Mr. Speaker, I should like to make a further observation in connection with this matter. Reference was made to the fact that last year the bill was killed in the Rules Committee. It was not reported. That is a factual statement, whether it is said the bill was "killed" or that it was merely held in abeyance.

To me that action demonstrates one of the useful functions of the Committee on Rules. Frequently legislation is reported out of a committee at a time of hysteria, a time of great public desire, and it is not always the best balanced legislation. So I think in this instance the Committee on Rules should be really applauded rather than degraded, as some people tried to do last year, for our action then demonstrates that by holding a matter up sometimes we get much better legislation in the long run.

I thank my friend for yielding.

Mr. SISK. I thank my distinguished Chairman for his comments.

Mr. Speaker, I urge adoption of the resolution, and reserve the balance of my time.

The SPEAKER pro tempore (Mr. BOGGS). The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I want to add my words of commendation for the job that has been done on this bill by the chairman of the committee, the gentleman from California (Mr. HOLIFIELD). I think everybody on the Rules Committee has considered this legislation twice, once in the last session and now in this session. We know something about its provisions and something about the debate now going on on both sides—among those who want a stronger bill, those who want a weaker bill, and those who do not want any bill at all.

Certainly the fact that the House is today debating a consumer protection bill is a tribute to the gentleman from California and to those members of this committee who have worked so long and hard to correct defects in last year's bill. This does not mean that controversy does not now surround the bill. I think as we debate the bill and get around to the 5-minute rule, we will find that there is a tremendous amount of controversy over the provisions of this bill.

It points up the fact that the Rules Committee as has just been alluded to by our illustrious chairman, did the country a tremendous service last December 2, when it decided to keep this legislation for another year's study. I need not point out that 10 long months have elapsed since this bill was last before the Rules Committee for House consideration. This indicates last year's bill was in need of perfecting amendments and that Congress should have taken another look at it. I wish to insert at this point the 13 amendments which were presented to the Rules Committee last December 2 by the sponsors for inclusion in that bill. This is certainly proof of the fact that the bill was not ready for floor consideration.

The amendments are as follows:

PURPOSE OF PROPOSED AMENDMENTS OF ROSENTHAL-ERLENBORN TO H.R. 18214

Amendment 1: Page 5, lines 12 and 13, after the word "law" on line 12 delete the words: "relating to information in the interest of national security."

Amendment 2: Page 12, lines 9 and 10, after the word "law" on line 9 delete the words: "relating to information in the interest of national security."

As presently written, the bill requires each Federal agency to make any information in its possession available to the Office of Consumer Affairs and the Consumer Protection Agency as their Director and Administrator may respectively request, except information relating to national security which is prohibited by law from being disseminated to other agencies. The two amendments broaden the exception by prohibiting any information from being distributed which is prohibited by law in general. Thus, information acquired by Federal agencies on a confidential basis such as that of a business trade secret nature supplied to the Bureau of Census, Bureau of Labor Statistics, Federal Trade Commission, Antitrust Division or Geological Survey may not be turned over to the Office or Agency.

Amendment 3: Page 13, lines 16 and 17, delete the words: "in the exercise of its responsibilities under sections 204 and 208 of this title," and insert in lieu thereof the following: "to the extent authorized in section 207 of this title."

This amendment is solely intended to clarify the requirement that the Agency may not conduct product testing on its own and may only require other Federal agencies to conduct testing on its behalf in support of the Agency's authority to represent the consumers' interest before other Federal agencies and to assume the duties of the National Commission on Product Safety, whose authority has expired.

Amendment 4: Page 13, line 25, before the word "publish" insert the following: "to the extent authorized in section 206 of this title,".

This amendment is intended to limit the authority of the Agency to publish and distribute information, particularly product test information, to that authorized in section 206. (See discussion under Amendment 9).

Amendment 5: Page 14, line 10, after the word "agencies" delete the semicolon, insert a period, delete all that follows on page 14 and through line 5 on page 15, and in lieu thereof insert the following:

In any Federal agency proceeding to which the agency is a party under section 204 of this title, the Agency is authorized to request the Federal agency to issue and such agency shall issue on the Agency's behalf such orders, as authorized by the Federal agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding.

This amendment eliminates the Agency's authority to subpena witnesses, documents or other information under its own authority and instead provides that where the Agency has intervened in a Federal agency proceeding it may request the Federal agency to require the production of such witnesses, documents or other information in behalf of the Agency as is relevant to the proceeding and as the Federal agency is itself authorized to require.

Amendment 6: Page 18, line 24, after the word "of" delete the words "Federal, State, or local governments" and insert in lieu thereof the following: "the Federal government".

This amendment eliminates the authority of the Office and the Agency to involve itself in complaints against state and local governments.

Amendment 7: Page 19, line 14, after the word "Agency" delete the words "and the Office shall each" and insert the word "shall" after the word "Agency".

Amendment 8: Page 19, line 16, after the word "complaints," insert the words: "which it and the Office have received.".

In order to reduce duplication of functions between the Office and Agency, this amendment places sole responsibility upon the Agency to maintain a public document room for the public inspection and copying of consumer complaints which the Agency and the Office have received. By this means the Agency shall periodically obtain a listing of complaints received by the Office and make them available for public inspection in the same manner it will do for the complaints received itself.

Amendment 9: Page 20, delete lines 20 and 21 and insert in lieu thereof the following:

(2) consumer products and services after such have been determined to be accurate and provided such are not within the categories set out in subsection (b) of section 552 of title 5 of the United States Code; and".

As presently written, the Office and Agency are authorized to develop, gather and disseminate to the public product test information in such form and under such conditions as they choose. The amendment limits this authority so that information on consumer products and services may only be disseminated after it has been determined to be accurate by the Office or Agency (see Amendment 13) and provided it is not prohibited from being distributed under one of the categories of the Freedom of Information Act, particularly: (1) National Defense and Foreign Policy, (2) Exemption by Statute, (3) Trade Secrets and Commercial and Financial Information, (4) Personnel and Medical Files and (5) Investigatory Files.

Amendment 10: Page 21, delete lines 1 through 9 and reletter the subsequent sections accordingly.

Subsection (b) of section 206 is to be deleted because it authorizes duties duplicative of those authorized elsewhere.

Amendment 11: Page 23, line 2, after the word "request" insert a comma and the following words: "in the exercise of his functions under sections 204 and 208 of this title,".

This amendment limits the Agency's authority to request other Federal agencies to perform product tests to only those relating to the representation of consumer interests before Federal agencies and the assumption of the duties of the National Commission on Product Safety.

Amendment 12: Page 24, delete lines 22 through 24, and reletter the subsequent subsections accordingly.

In authorizing the Agency to assume the duties of the National Commission on Product Safety, the bill conferred an additional authority upon the Agency, namely, to design and develop improved safety features for categories of consumer products which are deemed unsafe. This amendment would delete this additional authority on the grounds that the new authority is sufficiently broad and significant that it should not be conferred without adequate hearings being held on it.

Amendment 13: Page 25, line 8, delete the period, insert a comma, and add the following: "and provide interested persons with a reasonable opportunity to comment upon the proposed release of product test date, containing product names, prior to such release."

Under the existing language of the bill, the Agency and Office are required to develop regulations to guide them in the dissemination of information especially product test data, to assure fairness to all parties, and interested parties are to be extended the opportunity to comment upon the adequacy of such regulations in the interest of fairness. The amendment would go a step farther in the interest of assuring fairness by providing that neither the Office nor the Agency may release product test information, containing product names, until interested persons have had reasonable opportunity to comment upon such proposed release.

I maintain that this Congress should not legislate in this fashion. As long as I sit on the Rules Committee, I shall not vote for any legislation in such form. In the years I have served on the committee, I must say that I cannot recall any legislation as poorly drafted.

I also wish to point out that another very serious objection I had to this bill last year has been stricken from this bill. There was language in the previous bill that I do not think the American people really want. I pointed out then, as I point out now, that the legislation, as presented to us last year, mandated the Federal agency created under these bills to "de-

sign and develop improved safety features for categories of consumer products which are deemed unsafe."

This would have put the Federal Government and the taxpayers of this Nation, into everybody's business. For example, if General Motors turned out an unsafe automobile, or if Chrysler turned out an automobile which was unsafe, or if Maytag turned out a washer which was unsafe, and so forth, under the provisions of that bill, the taxpayers rather than the companies would have had the obligation to make them safe.

I do not think the Congress wanted to do this, and I do not think the American people wanted to pay the bill for doing it. This was one of the reasons I opposed that legislation last year. I am pleased to note the chairman of the committee has indicated his committee has deleted that provision from this year's bill.

As far as the bill is concerned, I might say there are various schools of thought as to how far we should go—whether or not this agency should have the right to intervene as a party defendant in these cases, whether or not it should go in an advisory capacity and at what stages. These are questions which will and should be decided by this Congress during consideration of this bill.

I understand the gentleman from Florida (Mr. FUQUA), has an amendment he will offer. Other amendments will be offered. I am certain this House will want to give adequate consideration to all of them.

I know the American people will be getting better legislation by having waited 10 months than it would have had had we acted in haste last December 2.

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

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

Mr. ROSENTHAL. This colloquy or debate about past actions of the Rules Committee serving the country, by saving it from this nefarious legislation, makes me think of a remark William Shakespeare uttered. It just strikes me that thou protesteth too much.

What the gentleman ought to tell the Members of the House is that the bill to which he objected, which was denied a rule by a vote of 7 to 7 last year, had been reported from the Committee on Government Operations by a vote of 31 to 4 and passed the other body by a vote of 74 to 4.

My only point is that I do not think necessarily the Rules Committee earned the great laurels the gentleman is bestowing on it by achieving this delay. From where I sit I believe we have suffered a great deal from the final product which emerged from the committee.

Mr. LATTA. The gentleman is entitled to his point of view.

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

Mr. LATTA. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. I want to say that I appreciate what the gentleman and other members of the Rules Committee have said today.

I will say this: The criticism that was made of the Rosenthal bill of 1969 and 1970 was that the draftsmanship was poor; the language was ambiguous and unclear; the jurisdiction of the present Office of Consumer Affairs and the proposed new Consumer Protection Agency were overlapping and duplicative; key words in the legislation, such as "consumers" and "interests of consumers" were not defined; guidelines were not given in the bill which would insure clear and orderly procedures for agency actions; too many committee amendments, arrived at by agreement between two members of the subcommittee, were proposed to be offered to the then pending bill.

I must confess that most of these criticisms were valid. Therefore, along with the gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from New York (Mr. ROSENTHAL) I introduced revised drafts of a bill for new hearings and for consideration of all these points of improvement and the criticisms which I have enumerated.

I am proud to state that the clean bill which is before us today has met those criticisms as well as others.

This bill's draftmanship cannot be justifiably criticized. We have had it looked over by the Legislative Counsel and other people. We have eliminated unclear and ambiguous language. Wherever possible we have used words that are legally defined. Key words such as "consumers" and phrases such as "interests of consumers" have been clearly defined which were not in the previous bill. Such words as "agency," "agency action," "party," "adjudication," "rulemaking" and "agency proceeding" have been given the same meaning as are set forth in the Administrative Procedure Act of 1946, which has been in existence for 25 years. The overlapping and duplicative functions of the Office of Consumer Affairs based on a Presidential Executive order, and the new Consumer Protection Agency have, as far as possible, been eliminated. That was one of the criticisms that the Committee on Rules made. Their separate functions and responsibilities have been clearly defined. Orderly recognized procedures and guidelines have been insured by tying them to the Administrative Procedure Act that I have mentioned, which has a 25-year record in the use of rulemaking and adjudicatory proceedings by Federal departments and agencies.

That is what I have to say about the difference between this bill and the bill the Committee on Rules turned down almost a year ago.

Mr. LATTA. I want to thank the gentleman for his contribution. These are points that the press failed to reveal last year when it announced that the Committee on Rules had killed the consumer protection bill without giving the details. I think the people are entitled to some of the reasons for the committee's actions and this is the reason I have taken this time today.

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

Mr. SISK. Mr. Speaker, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to place in the RECORD during general debate today and tomorrow on this bill material pertinent to the subject matter, including a letter from the chairman of the Administrative Procedure Council and other material.

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

There was no objection.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

I do not necessarily feel that the Committee on Rules needs any defense. The actions of last year were in order, I feel. I would have to say my good friend from New York gave me a good opportunity to say one thing, which is that the Committee on Rules serves a very fine purpose in bringing to light publicity and the glare of fact on legislation before it gets down to the floor. It is not improper and certainly not bad to give the country a chance to know what is in some of these bills and therefore to come forward and express their opinions. That is what we have seen here. I do not think that is necessarily bad.

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.

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

POINT OF ORDER

Mr. ROSENTHAL. Mr. Speaker, I make a point of order against the legislation and against the consideration of this legislation.

The SPEAKER pro tempore. The gentleman will be heard on his point of order.

Mr. ROSENTHAL. Mr. Speaker, rule 4 of the rules of the Committee on Government Operations provides, and I read directly from that ruling:

> Every committee report shall be approved by majority vote of the committee at a meeting at which a quorum is present.

The committee report that accompanies this legislation was not voted on by a majority vote of the committee. As a matter of fact, the committee report was never considered by nor made available to, the members of the House Committee on Government Operations.

That committee report is, therefore, in my judgment a clear, precise and specific violation of rule 4 of the rules of the Committee on Government Operations.

Mr. Speaker, House Rule 11, section 27 (d) (4) reads as follows:

> A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Com-

mittee on Standards of Official Conduct) shall not be considered in the House unless the report of that committee upon that measure or matter has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the House.

Mr. Speaker, it is my humble view that implicit in that House rule is the requirement that the report accompanying the legislation be a valid report and if that report is in violation of the rules of the committee and, thus, invalid, the report being deficient, the entire legislative package is deficient and thus cannot be considered by the House.

I do not make this point capriciously or arbitrarily. I do want to bring to the attention of the distinguished Speaker that my investigation reveals that this is the only committee of the House that requires such a rule that every report be considered, and there are very good and justifiable reasons for that.

This in my opinion is a classic example of why that rule was inserted in the rules of the Committee on Government Operations and why this rule ought to be adhered to.

Mr. Speaker, this Consumer Protection Agency Act is a complex piece of legislation and, in fact, contains extremely complicated and in many cases contested language.

The majority views in the report on the bill contain important interpretations which were neither agreed to nor even discussed by the members of the committee.

As the distinguished Speaker knows, the report is very important in permitting other bodies and the courts to evaluate and determine the intent of the Congress and the committee. It is for this reason that I urge the point of order.

In the committee report there is cited an estimated authorization of $5.4 million for the first year. That is a very significant statement in the report. It indicates to me the intent and degree of how they intend to flush out this new agency. That is a matter that should have been considered by the House Committee on Government Operations. It was not.

Mr. Speaker, to restate my point as concisely and clearly as I can, the Committee on Government Operations has a specific rule requiring specific approval of every report. This legislative package is deficient by virtue of the powers of that rule, and I raise a point of order against the consideration of this legislation.

The SPEAKER pro tempore. Does the gentleman from California desire to be heard?

Mr. HOLIFIELD. Yes, Mr. Speaker, I desire to be heard on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOLIFIELD. Mr. Speaker, I believe the gentleman from New York (Mr. ROSENTHAL) has no valid basis for his argument. I shall make my points briefly:

First. The gentleman from New York does not validly interpret the committee rule in question. Rule 4 of the committee states:

Every committee report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

This is an old rule which has been carried along through the years. It refers to investigative reports, not legislative reports. Reading the committee rule together with House Rule XI, 27(d), which requires the committee chairman to report legislation or cause it to be reported, under the doctrine of statutory construction that laws are to be read together to avoid conflicts and bring about consistency, it is clear that rule 4 refers to investigative report. Our committee issues many such reports and by our own rules they have to be approved by a majority of the committee before submission to the House. Legislative bills are in a different category, governed by the rules of the House, with which we have fully complied in reporting H.R. 10835.

Rule 4 was adopted in approximately its present form in 1953—in the 83d Congress. Since that time the committee has reported 248 bills and resolutions without voting on the report to accompany them. The practice of the committee to have the chairman prepare and file the reports was discussed at full committee meetings on July 24, 1968 and June 23, 1970, at which the gentleman from New York was present.

Second. The action of the committee in approving H.R. 10835 and directing the chairman to bring it to the floor governs in the present situation. The motion to approve and report H.R. 10835 occurred as follows:

Mr. HORTON. Mr. Chairman, I move that the bill H.R. 10835, as amended, be reported to the House and that the Chairman take the necessary steps to bring it to the floor.

Chairman HOLIFIELD. Is there a second?

Mr. ERLENBORN. Second.

The CHAIRMAN. It has been moved and seconded that the bill be approved and that the Chairman take the usual steps to bring it up for consideration on the floor. We will have a roll call vote on this.

The motion was made and voted upon without objection and thereafter arrangements were made to allow Members 5 calendar days to file additional views, again without objection.

The motion and the other arrangements reflect the committee's longstanding understanding that House Rule XI, 27(d)(1) governs the reporting of legislation rather than Committee Rule 4.

In any event, the motion was accepted and voted upon without any objection having been made and with a quorum present and voting. Every provision of the House rules was complied with. The chairman is bound by the terms of the motion adopted by the committee. Even if a timely point of order on the failure to vote on the report under the committee rule would have been in order, it was not raised until 3 days after the committee accepted and adopted the motion without objection.

The precedents of the House hold that where a motion not in order under the rules is made without objection and agreed to by the House by majority vote, the action is binding on the House and the Speaker and is no longer subject to a point of order. In fact, it is the duty of the Speaker to proceed to the business as indicated by the House—IV Hinds' sec. 3177; V Hinds' sec. 6917.

These precedents are applicable to the committee action on H.R. 10835.

Third. Where a committee action violates certain rules of the House, for example—voting to report a measure without a quorum being present, Rule XI, 27(e)—a point of order may be made at an appropriate time on the House floor. In some situations, such as violation of a House rule governing the conduct of hearings, the rules specifically require that the point of order be first made in the committee (House Rule XI, 27(f)(5)).

In the present instance, if any rule was violated—and we believe this did not occur—it was a committee rule and not a House rule. Under these circumstances the point of order should have been made before and decided upon by the committee. All House rules having been met, the forum for deciding the issue is the committee, not the House.

The Speaker has repeatedly ruled against points of order based upon alleged irregularities in Committee procedures which did not violate a rule of the House. See IV Hinds' Precedents sections 4592, 4593, and 4594.

Fourth. Finally, I would not want it to be thought that the desires of the committee members are ignored in the preparation of the chairman's report. The suggestions of at least four Members, including the gentleman from New York, were taken into account and included in the report. Very often points to be included in the report are discussed at the subcommittee and full committee meetings and almost always the suggestions are adopted. I note that other committee of the House have various types of procedures to allow members to make similar suggestions. In no case, however, have I found that the committees actually vote on the reports themselves. As the precedents point out—IV Hinds' sec. 4674—the report of a committee is in the nature of an argument or explanation and does not come before the House for amendment or other action. There is wisdom behind the rule and precedents here, because if the committee had to come to agreement on every word in the legislative report, very little business would get done.

Notes on Mr. ROSENTHAL'S proposed point of order follow:

NOTES ON MR. ROSENTHAL'S PROPOSED POINT OF ORDER THAT COMMITTEE RULE 4 REQUIRES COMMITTEE APPROVAL OF REPORTS ON LEGISLATION AND THAT SAID RULE WAS NOT FOLLOWED WITH RESPECT TO H.R. 10835

I. THE MOTION ADOPTED BY THE COMMITTEE TO REPORT H.R. 10835

The motion to approve and report H.R. 10835 occurred as follows:

"Mr. HORTON. Mr. Chairman, I move that the bill H.R. 10835 as amended be reported to the House and that the Chairman take necessary steps to bring it to the floor.

Chairman HOLIFIELD. Is there a second?

Mr. ERLENBORN. Second.

The CHAIRMAN. It has been moved and seconded that the bill be approved and that the Chairman take the usual steps to bring it up for consideration on the floor. We will have a roll call vote on this."

The motion was made and adopted *without objection* by a vote of 24 ayes, 4 noes, and three voting "present." Immediately thereafter arrangements were made to allow Members three calendar days to file additional

views, again *without objection*. Mr. Rosenthal, who proposes to raise the point of order was present and voted "no." He asked for and was granted three days to file his individual views.

The motion and the other arrangements reflect the Committee's longstanding understanding that House Rule XI, 27(d)(1) governs the reporting of legislation rather than Committee Rule 4.

In any event, the motion was accepted and voted upon without any objection having been made and with a quorum present and voting. Every provision of the House Rules was complied with. The chairman is bound by the terms of the motion adopted by the Committee. Even if a point of order on the failure to vote on the report under the Committee rule would have been in order, it was not raised until three days after the Committee accepted and adopted the motion *without objection*.

The precedents of the House hold that where a motion not in order under the Rules is made without objection and agreed to by the House by majority vote, the action is binding on the House and the Speaker and is no longer subject to a point or order. In fact, it is the duty of the Speaker to proceed to the business as indicated by the House. (IV Hinds' sec. 2177; V Hinds' sec. 6917)

These precedents are applicable to the Committee action on H.R. 10835. If the motion violated to the Committee rules in directing the Chairman to proceed to bring the matter to the Floor without the report having been voted on, the motion, having been adopted without objection, expresses the Committee's will, and it is the duty of the Chairman to follow the Committee's directions.

II. STATUTORY CONSTRUCTION

A. Contemporaneous and continuous construction

The doctrine of contemporaneous construction requires the courts in construing a statute to consider the circumstances in existence at the time a statute was enacted and the interpretations given to the statute by the persons charged with applying at that time.

This doctrine is reinforced by showing a continuous and unvarying course of action for a long period of time by the persons charged with applying the statute. This is often called "administrative or practical construction." The Rule is stated in 84 L. Ed 30 (note) as follows:

"The practical interpretation of an ambiguous or uncertain statute by the executive department charged with its administration or enforcement is entitled to the highest respect and though not controlling, if acted upon for a number of years, will not be disturbed except for very cogent and persuasive reasons. This rule, set out with a great number of authorities in annotation in 73 L ed 325, is also supported by many later cases."

Our research indicates that a rule relating to committee approval of reports was first adopted in the 83rd Congress. This was the period in which there was a great deal of controversy and discussion about committee investigations.

The rule adopted in the 83rd Congress read as follows:

Rule 20: No committee or subcommittee report shall be made without the approval of a majority of the committee or subcommittee; provided, however, that any Member of the committee or subcommittee may make a report supplementary to or dissenting from the majority report.

The two rules immediately following Rule 20 dealt with investigations. All were listed under the center heading "Reports". The two Rules read as follows:

Rule 21: No summary of the committee report, prediction of the contents of such report, or statement of conclusions concerning any investigations should be made by a Member of the committee or the staff prior to the issuance of the report of the committee.

Rule 22: No member of the staff shall publish or release any report or any statement alleging misconduct by any person in any matter under investigation by the subcommittee.

The first rule adopted by the committee in the 83rd Congress read as follows:

Rule 1: (a) The Rules of the House, insofar as they are applicable shall govern the committee and the subcommittees.

In the 84th Congress, the rule under question was revised to read as follows:

Rule 11. Every committee report shall have the approval of the majority of the committee. Those committee members not concurring in the majority report may file a minority report or express dissenting views and any member may file an additional or supplementary report.

Rule 14 in the 84th Congress read:

Rule 14. The Rules of the House, together with the rules specified herein shall govern the procedure of the committee.

The two rules remained in the same form until the 92nd Congress when the rule was revised somewhat to accord with House Rule XI 27(d)(3) which had been revised to spell out the time permitted for individual views. At the same time the clause relating to the Rules of the House being the Rules of the Committee was incorporated in the introduction to the Committee Rules which set forth House Rule XI 27(a) verbatim.

Our research shows that since the beginning of the 83rd Congress the Committee has reported 249 bills and resolutions to the House. In no case, in these seventeen years that we ascertained the rule has been in effect, has the committee approved a legislative report. The custom has been for the committee to approve the bill or resolution and to allow the chairman to report it with his report.[1]

It is obvious that beginning in the 83rd Congress, at least, the committee regarded House Rule XI, 27(d)(1) which requires committee chairman to report legislation or to cause it to be reported, as governing the filing of legislative reports and the Committee Rule as governing the filing of investigative reports. Since there was no House Rule on investigative reports, it was believed that the Committee could write a rule to cover that area. This certainly demonstrates the committee's original and longstanding intention that the word "report" as used in its present Rule 4 and in its predecessor sections refers only to the committee's investigative reports.

The distinction in the method of handling reports on bills and investigative reports which the Committee accepted is clearly illustrated by two paragraphs of Hinds' Precedents.

Paragraph 4667 of IV Hinds' Precedents deals with *legislative reports* and reads:

"4667. When a committee concludes consideration of a bill, a motion to rise and direct the chairman to report is in order.

In considering a bill the committee should set down the amendments on a separate paper.

Section XXVI of Jefferson's Manual provides:

When the committee is through the whole, a Member moves that the committee may rise and the chairman report the paper to the House, with or without amendments, as the case may be. (2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.)

When a vote is once passed in a committee, it can not be altered but by the House, their votes being binding on themselves. (1607, June 4.)

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words which are not to be inserted or omitted (Scot., 50), and where, by references to page, line, and word of the bill. (Scob., 50.)"

Pargraph 4668 of IV Hinds' Precedents deals with an *investigative report* where a select Committee had specifically voted to have the Chairman draw up the report and submit it to the Committee for approval. The paragraph reads:

"4668. The report of a committee is regularly read and agreed to in committee, and a member of the committee is ordered to report it to the House.—On Saturday, February 26, 1959, the select committee appointed to investigate the accounts of the late Clerk, William Cullom, met pursuant to adjournment; all the Members present.

"The reading of the report was concluded, and the report, with sundry resolutions, was agreed to.

"The chairman was instructed to submit the report and testimony to the House forthwith."

It has been the practice of the Committee for Members, during the consideration of a bill, to suggest the inclusion of certain points or language in the report which was to be submitted by the chairman, and these have almost invariably been carried out. In the report on H.R. 10835 language was put into the report to accommodate requests of Mr. Horton, Mr. Fuqua, Mr. Erlenborn, and Mr. Rosenthal.

The transcripts of full Government Operations Committee meetings since 1953 contain many instances where requests were made and agreed to regarding language to be included in the chairman's report. However the reports themselves were not voted on.

In 1970 there was considerable discussion of various points to be covered in the report on the proposed Consumer Protection Act of 1970 (H.R. 18067, 91st Cong.). At that time the Subcommittee members involved were helping the chairman prepare the report although the report was not presented to either the Subcommittee or the Full Committee for approval.

The record shows the following statements:

In response to one suggestion, Mr. Rosenthal said:

Mr. ROSENTHAL. The only comment is that we will cover this adequately in the report.

At another point Mr. Brown stated:

I would certainly want to encourage members of the Committee to express themselves to those of us who have served on the subcommittee with reference to the language that ought to go into the report, so we can try to write a report which would be satisfactory from all points of view.

Subsequently the chairman suggested that the draft report might be submitted to the membership *for further suggestions*. He said:

We do not ordinarily do this, particularly on a bill which has received as much consideration as this has. If the subcommittee deems it wise to do that, the report may be submitted for further suggestions.

The Committee, of course, was not called upon to vote and did not vote on the report.

The subject of legislative reports was also discussed at a full committee meeting on July 24, 1968 when the following discussion occurred:

Mr. RUMSFELD. Mr. Chairman, why is it that

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[1] In one instance in 1953 a motion was made to accept a "subcommittee report". On the same day several other bills were approved by motions to approve the bills. Apparently by moving to accept the "subcommittee report", the member was referring to the subcommittee's recommendation that the bill be approved. No other motion was made on that bill.

the Committee was not given reports on these first two bills for this meeting?

Mr. BROOKS. You really want to know? Because I have not read the damned thing. I have not had time to read it before it goes today, and it reflects the same information that we have here, you understand; but it has not been printed in report form.

Mr. RUMSFELD. Is that normal procedure, for the Committee to have copies of the reports?

Mr. BROOKS. Sure. They could have had it a week ago; you could have had it in your office—

Mr. HOLIFIELD. Wait a minute. The Chair would like to say that it has not been customary on legislative matters to present a report with the bill. The report is usually formed after the bill is acted upon by the Committee and possibly amended by the Committee.

Mr. RUMSFELD. But it is accurate to say when this comes to the floor, there has to be a report for each of these two bills?

Mr. HOLIFIELD. Yes; oh yes, but the gentleman's question was why was there not a report before this piece of legislation. We do not print it to go with the legislation.

Mr. BROOKS. We do not print it with the bill. Before the report is printed, we want to be sure there is a ball park figure to answer the gentleman's question.

(NOTE.—The record indicates Mr. Rosenthal was present at the July 24, 1968 discussion.)

B. Laws are to be read together to avoid conflicts and to bring about consistency—In Pari Materia

"Statutes which relate to the same thing or to the same subject or object are in pari materia, although they were enacted at different times and it is a fundamental rule of statutoury construction that such statutes should be construed together for the purpose of learning and giving effect to the legislative intention. 1 Am J2d Admis L § 40; 50 Am J1st stat § 348."

Applying this doctrine to a reading of Committee Rule 4 and House Rule XI, 27(d)(1), which required *Committee Chairman* to report legislation or to cause it to be reported, the conclusion is that in providing for Committee approval of a "Committee report," Rule 4 refers to the many investigative reports issued by the Committee on Government Operations on which the Members have voted for many years. No House Rule governs investigative reports.

House Rule XI, 27(d)(1), which governs the reporting of legislation, provides that the report is to be made by the chairman on a "measure approved by the Committee." It is obvious that the intention of the Rule is that the Committee vote on and approve the "measure" and the chairman make the report on it. As used in Rule XI, 28(d)(1), a "measure" is a "statute or resolution enacted by a legislative body." (Ballentine's Law Dictionary 2d Ed.) This use of the word "measure" is made clear by paragraph (3) of Rule XI 27(d) which refers to "any measure *or matter*" approved by a Committee in allowing time for individual views.

The general rule on legislation is found in section 26 of Jefferson's Manual which reads:

"When the committee is through the whole, a Member moves that the committee may rise, and the Chairman report the paper to the House, with or without amendments, as the case may be. 2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50."

The annotation to this paragraph in the House Rules reads as follows:

"Clause 27(d) of Rule XI provides that it shall be the duty of the Chairman of each committee to report or cause to be reported promptly any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In the House of Representatives a committee may order its report to be made by the chairman (IV, 4669), or by any other member of the committee (IV, 4526), even though he be a member of the minority party (IV, 4672, 4673; VIII, 2314). Only the chairman makes report for the Committee of the Whole (V, 6987)."

III. POINTS OF ORDER ON COMMITTEE PROCEDURE

Where a Committee action violates certain Rules of the House (for example—voting to report a measure without a quorum being present [Rule XI, 27(e)], a point of order may be made at an appropriate time on the House Floor. In some situations, such as a violation of a House Rule governing the conduct of hearings, the Rules specifically require that the point of order be first made in the Committee (House Rule XI, 27(f)(5)).

In the present instance, if any rule was violated (and we believe this did *not* occur), it was a Committee Rule and not a House Rule. Under these circumstances the point of order should have been made before and decided upon by the Committee. All House Rules having been met, the forum for deciding the issue is the Committee, not the House.

The Speaker has repeatedly ruled against points of order based upon alleged irregularities in Committee procedures which did not violate a Rule of the House.

In IV Hinds' sec. 4594 a point of order was made that a report was not properly authorized because the Committee meeting which voted out the bill had not been regularly called. It was conceded that the Committee had not been formally called together, but that a majority of the Committee were present and authorized the report. On this statement the Speaker overruled the point of order.

Very similar points of order were overruled in IV Hinds' sec. 4592 (action not taken at full meeting of the Committee), and 4593 (Committee Members not notified of meeting).

Other instances in which the Speaker overruled points of order based on irregularities in the Committee's action on reports are found in III Hinds' sec. 1338, and IV Hinds' sec. 4653 and sec. 4689.

IV. RULES AND PROCEDURES OF OTHER COMMITTEES OF THE HOUSE

A review of the rules and practices of the other Committees of the House shows that no other Committee has either a rule or practice that requires reports on legislation to be subjected to Committee vote before being made by the Committee chairman. Apparently there is general acceptance of the rule that reporting legislation is the chairman's function.

Several committees have rules setting forth varying procedures for allowing members to see reports before they are filed. However these do not require Committee approval of legislation reports, as it is contended Government Operations Committee Rule 4 does.

In fact, such a requirement would be inconsistent with House Rule XI, 27(d)(1), as stated in Part II, above.

Now, I would answer this argument that has been placed in the RECORD by the gentleman from New York (Mr. ROSENTHAL) that $5.4 million for the first year is not enough. That is an estimate. Under the rules of the House we have to make an estimate. I do not believe that they can spend $5.4 million in the first year. Maybe they can. But that will have to be justified before the Committee on Appropriations. This is not an authorization, it is an estimate, and we are in conformity with the rules of the House when we make an estimate.

If the gentleman does not agree with the amount, he can go before the Committee on Appropriations at the time that that administrator of this agency comes up to justify the appropriation and at that point he can have his say, because it is at that point that the amount of the appropriation will be decided.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. ROSENTHAL) care to be heard further?

Mr. ROSENTHAL. Yes, Mr. Speaker, I would like to be heard further on this, briefly.

Mr. Speaker, I just want to say that as I interpret the rules, there is no burden on me, on this Member or any other Member, to see to it that the rules are appropriately enforced. It would seem to me that that burden rightfully is placed on the chairman of the respective committee and it is his obligation to abide by the rules.

Second, my distinguished chairman said that this rule has been in existence since 1953 and we have been violating it since 1953—we have never complied with it since 1953. So far as I am concerned that is most regrettable.

The chairman went on to say that what the committee rule means is that only investigative reports should be voted on by the committee.

The fact is, Mr. Speaker, that we spent a great deal of time at the beginning of this session of the Congress in debating rules changes and matters applicable to the rules. There was adequate opportunity to change them if anyone had that intention.

Mr. Speaker, I again assert the position I have stated that the rule is precise and clear and that no Member of the Congress has the right to waive that rule.

If the rule needs to be changed, then the change ought to have been made at the appropriate time and place.

The SPEAKER pro tempore (Mr. BOGGS). The Chair is prepared to rule.

The gentleman from New York has raised a point of order against the consideration of H.R. 10835 on the ground that the Committee on Government Operations did not meet to approve the report on that bill, House Report No. 92–542, as allegedly required by rule 4 of that committee.

The Chair has listened carefully to the arguments on this point of order and has referred to the committee rule cited by the gentleman from New York. The Chair has also reexamined the provisions of rule XI of the rules of the House with respect to the procedures for reporting bills to the House. He has also examined the precedents cited in the argument. The ruling of the Chair is in three parts:

First, the right of members of the Committee on Government Operations to file minority views, as guaranteed by clause 27(d)(4) of rule XI, was protected in this instance. The bill was ordered reported on Monday, September 27. The chairman did not file the report until late on Thursday, September 30. Those members wishing to file minority views were afforded the opportunity to do so.

Second, the gentleman from California has stated that in the more than 18 years since this rule was first adopted in the Committee on Government Operations, the consistent interpretation of the committee has been that while investigative reports require committee approval, legislative reports on bills or resolutions do not. This interpretation conforms with that of the House, where the report accompanying a bill or resolution is in the nature of an argument or explanation of the reported measure. the committee report itself is not brought before the House for action or amendment.

The Chair might also add that even if the committee wishes to put a different interpretation of its rule, it is a matter which should be decided in the committee. The record seems clear that the point was not raised at the time this bill was ordered reported.

Finally, the Chair would like to point out that even if the committee rule were to be construed as applicable to reports on legislative matters, the motion directing the chairman of the committee to report the bill to the House was a later expression of the committee's will. The chairman of the committee on Government operation before submitting the motion to the committee, stated the question as follows:

It has been moved and seconded that the bill be approved and that the Chairman *take the usual steps* to bring it up for consideration on the floor.

This motion carried in the committee by a vote of 24 to 4. Subsequently, the Chair did, in fact, take the usual steps to bring the matter to the floor. His actions were in accord with the established practices of the committee and were taken in compliance with the rules of this House.

The Chair, therefore, overrules the point of order.

The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10835, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 2 hours, and the gentleman from New York (Mr. HORTON) will be recognized for 2 hours.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, it is necessary for me today, I believe, to report in some detail on this bill. It has been a controversial bill. There has been more misinformation, more lies, and more dirty insinuations made about the Chairman and about the purposes of this bill than in any experience I have had in 29 years in the House. I shall not use the time to answer those charges and insinuations. My record in the House for honorable conduct and procedure stands as I have written it over the period of 29 years, and I feel it is not necessary for me to defend those charges point by point.

If I did, I would take a special order under privilege to do so.

Mr. Chairman, as chairman of the Committee on Government Operations, I am honored to bring before this House H.R. 10835, the Consumer Protection Act of 1971. This bill has been long in the making. It draws upon many sources for ideas and combines what seems to be sensible and workable.

At this time I want to express my appreciation to the members of the Subcommittee on Legislation and Military Operations, who worked long hours with me on this bill. We had days and weeks of continuous markup sessions. We examined thoroughly every provision, line by line. We discussed and, in some cases voted upon, alternative formulations of specific points. I believe we have a bill of which we can be proud as legislators, and for which the American people will be grateful as consumers.

The heart of the bill is the Consumer Protection Agency. This is the new feature of the bill.

The Office of Consumer Affairs at the Presidential level and the 15-member Consumer Advisory Council, which the bill also provides for, essentially are entities already established by executive order of the President. We find a good rationale for having an office to assist the President in coordinating the many and varied functions of Government bearing upon consumer interests, and an advisory council to bring fresh viewpoints and keep open the channels of communication to the consuming public and the producers who supply the goods and services.

The new element, as I said, is the Consumer Protection Agency, an independent agency in the executive branch, which basically has these functions:

First. To represent consumers in Federal agency proceedings;

Second. To handle and followup on consumer complaints;

Third. To develop and disseminate information of interest and value to the consuming public; and

Fourth. Generally, to protect and advance consumer interests on a broad front.

NEED FOR THE BILL

There will be debate on some provisions of H.R. 10835, but there can be no argument about the basic need for this legislation. In a complex industrial society, marked by rapid technological change and an endless variety of goods and services, the consumer needs disinterested, accurate information and assistance, which only the Government can provide. The ancient doctrine of "buyer beware" is dead.

This is more than a matter of fair dealing and economical purchasing; the individual consumer's health and life are at stake and ultimately the health and life of the Nation at large.

Almost every day we hear reports of toys that harm children, clothing that catches fire, drugs which cause abnormal births, adulterated foods, cars with dangerous defects, household gadgets that won't work or too quickly wear out. There are shady operations and fraudulent schemes by the hundreds, even thousands, to cheat people of their hard-earned savings, to sell them goods and services they do not need or want, or to take advantage of their real need and want.

We often say that inflation robs the pay envelope and the family income. Shoddy merchandise and deceptive practices also rob. They not only rob, but they maim and they kill. The health and livelihood of individual families, the well-being of the Nation, are wrapped up in the term "consumer protection."

This is a bill for the protection of consumers, but it is also a bill for the protection of business—legitimate business. Many problems for consumers are caused by the fringe operator, the fly-by-night, the quick-buck artist. This bill will help drive them from the marketplace and the front door.

Most necessities and conveniences of life, however, are supplied by well-established firms in a competitive market. They, too, need watching for exaggerated advertising claims, tricks of packaging and labeling, use of hazardous substances which may improve appearance or taste but are harmful to health, and recurring lapses in design or quality control which produce the automobile with bad brakes or the television set that catches on fire.

There are many consumer bills proposing to close loopholes in existing laws, to expand the regulatory coverage of products and services which can be hazardous to life and limb, and to cope with unscrupulous selling schemes and practices. Judging by the temper of the times and the needs of the public, some of these bills will be enacted.

H.R. 10835, which we consider today, is not the only consumer bill before the Congress, but it is landmark legislation. It recognizes, for the first time, that consumer protection is a continuing responsibility of Government, and that every agency of Government must give heed to consumer concerns.

We have a strong and effective bill. There has been a concerted campaign to misrepresent this bill, and I shall say more about that later on. We have a strong and effective bill, but a bill that is carefully balanced by safeguards to insure that trade secrets will not be improperly disclosed, test data will not be misrepresented, duplicative work will be avoided, and governmental operations will not be disrupted.

These safeguards are needed, not because the bill is weak, but because the bill is strong. It creates a new Agency and charts a new course. We would prefer that the Agency start carefully on this course rather than run wildly in all directions.

ADVOCACY A KEY FUNCTION

H.R. 10835 is a bill for consumer advocacy. It does not set up another regulatory agency. The bill is designed to insure that the consumer's voice will be heard, and his interests protected, in proceedings before the existing regulatory agencies. Many of us know from

long experience and exposure to Government bureaucracies that the old-line agencies often are more concerned about the industries they are supposed to regulate than about the ultimate buyers of the goods and services.

The Consumer Protection Agency will be able, as a matter of right, to represent consumers in proceedings before Federal agencies. Note that I say "as a matter of right." It is not unusual for Federal regulatory agencies to allow other public agencies, whether Federal, State, or local, to come in as parties. The Consumer Protection Agency will have this opportunity as a matter of right, not of sufferance. The Agency's representational role is set forth in section 204, beginning at line 9, page 14, of H.R. 10835.

You will note that both rulemaking and adjudicatory proceedings are covered. The bill follows the procedural pattern of the Administrative Procedure Act, which identifies and defines the two types of proceedings.

The Consumer Protection Agency not only will have the right to appear before other Federal agencies in proceedings underway; it may request a Federal agency to initiate a proceeding if the Administrator of the Consumer Protection Agency believes that it is necessary for the protection of consumer interests. The regulatory agency in this case would be hard put to refuse, for if it failed to act it would have to explain to the Consumer Protection Agency why it did not act, and this explanation would become a matter of public record.

Additionally, the Consumer Protection Agency will be able to communicate with any Federal agency—and State and local agencies as well—at any time, and in any manner that seems appropriate, providing only that such communications are in accord with the procedures of the agency involved. Improper ex parte communications, for example, would not be permitted.

We can expect, however, a beneficial flow of information from the Consumer Protection Agency to alert Federal agencies to emerging or existing problems relating to consumer needs. This will be a powerful stimulus to corrective action by the agencies concerned. The information flow will be in both directions, since Federal agencies must notify the Consumer Protection Agency of any action involving consumer interests and must supply information requested.

JUDICIAL REVIEW PROVIDED

The Consumer Protection Agency will be able to obtain judicial review of any Federal agency proceeding, whether rulemaking or adjudicatory, in which the Agency previously had intervened, if a right of judicial review is otherwise accorded by law. Since specific statutes, and the Administrative Procedure Act in general terms, provide for judicial review, the Consumer Protection Agency will have rights of reviews on a par with other parties to Federal agency proceedings.

And, of course, the Consumer Protection Agency will have access to the courts, as do other parties, to compel agency action when there is undue delay or failure to complete a proceeding. The Administrative Procedure Act provides for such contingencies.

In the event the Consumer Protection Agency did not appear as a party in an agency proceeding, it could still seek judicial review if the court found that the agency action might adversely affect consumers or not otherwise give them adequate protection.

You will note also that as provided in section 302, the Consumer Protection Agency may petition the Federal courts to enforce the congressional mandate put upon every agency of the Government by that section—to give due consideration to consumer interests where these are involved in the agency's actions.

THE AMICUS CURIAE ROLE

As an additional safeguard and opportunity for access to Federal agencies and courts, the bill provides in section 204(c) for amicus curiae appearances of the Agency Administrator, within the discretion of the Federal agency or court where the proceeding is held. Such appearances could be made by the Administrator, and oral or written arguments presented, even in proceedings where the Consumer Protection Agency otherwise would not be able to participate; namely, those involving primarily the imposition of a fine, penalty, or forfeiture. Also, without restriction as to the type of proceeding, the Consumer Protection Agency will be able to bring to the attention of the Federal agency or the court any relevant information in its possession.

A proposal was made and rejected in committee, and will be offered again on the floor, that the Consumer Protection Agency be confined in its advocacy role to amicus curiae alone. Such an amendment would seriously weaken the bill. It would deprive the Agency Administrator of the rights accorded in H.R. 10835 to be a party in proceedings, to cross-examine witnesses, to call for books and records, and to appeal to the courts for a review of an agency decision considered adverse.

In H.R. 10835 we authorize the Consumer Protection Agency to intervene as a matter of right, not of sufferance, with all the privileges and opportunities which go with that right. We also provide for an amicus curiae role to insure that the Consumer Protection Agency will have access to Federal agencies and courts, whatever the type of proceeding.

To limit the Consumer Protection Agency's advocacy role to amicus curiae alone, as a floor amendment will propose, would tie one of the Administrator's hands behind his back and make him come, hat in the other hand, to plead the consumer's cause.

HANDLING CONSUMER COMPLAINTS

The bill provides in section 205 for the handling of consumer complaints. The Consumer Protection Agency would receive, evaluate, develop, act on, and transmit complaints to appropriate Federal agencies—or non-Federal entities—which concern matters or actions detrimental to the interest of consumers. This is another very important provision of the bill. Consumers will know readily where to send their complaints. They will know that the complaints will be transmitted to the appropriate agency and acted upon.

A wealth of information of benefit to consumers generally will be derived from investigations and actions upon complaints. Furthermore, the flow of complaints will serve as early-warning opportunities to alert Federal agencies to defective products and services or schemes to defraud consumers. Federal agencies are receiving thousands upon thousands of complaints yearly on consumer affairs. Just think how many complaints the Consumer Protection Agency will receive when it provides a central place to which consumers can turn.

Complaints are not only to be acted upon; they are to be publicized. The bill provides for listing consumer complaints in a public document room where anyone can inspect and copy them. However, the Consumer Protection Agency will not publicize one-sided, anonymous, or confidential complaints.

To insure objectively and rounded information, the bill provides that before complaints can be listed and posted for copying and inspection, affected business parties and Government agencies to whom the complaints are referred will have 60 days to comment. They will be able to respond to allegations, discuss the merit of the complaint, or describe what action is being, or will be taken. All such information, if received, will be posted together with the complaint.

CONDUCT OF STUDIES AND INVESTIGATIONS

The Consumer Protection Agency is authorized to conduct studies and investigations on any matter of consumer need and interest; and there is an addition specific mandate for the Consumer Protection Agency to make continuing studies of the scope and adequacy of measures to protect consumers against unreasonable risks of injuries which may be caused by hazardous household products. In this latter respect, the Agency would carry on some of the functions previously placed in the new expired National Product Safety Commission.

In its research and investigative roles, the Consumer Protection Agency will not have its own subpena power. The sense of the committee majority was that the Agency should not have a direct subpena power compelling a private party or corporation, whether it be the neighborhood garage mechanic or General Motors, to produce books and records on demand. The Agency will have the right, as a party in Federal agency proceedings, to call for books and records or witnesses, through the subpena power of the agency which conducts the proceedings. This privilege would be on a par with that of other parties to proceedings, and in such cases, the granting agency would pass upon the scope and relevance of the evidence sought.

If it turns out, after experience is gained, that the Consumer Protection Agency should have its own subpena power, then Congress can grant it. I would point out, however, that whereas numerous Federal agencies have the subpena power, the scope of this power is

confined to the agency's specific mission. The Consumer Protection Agency has broad governmentwide reach, from the standpoint of consumer interests, and a direct subpena power would have to be correspondingly broad.

PROTECTION OF CONFIDENTIAL DATA

Publicity will be a powerful weapon of the Consumer Protection Agency, but certain limitations on the disclosure and dissemination of data are necessary. The bill provides that trade secrets and other privileged or confidential business information are not to be publicly disclosed, nor any other information prohibited by law from disclosure.

The Consumer Protection Agency will be able to draw upon all agencies of Government for information, except in those limited instances where the Agency is not legally able to provide the information. Disclosures to the public generally will come within the terms of the Freedom of Information Act, which, as the Members know, has certain information categories exempted from disclosure, including classified data and trade secrets.

PROVISIONS FOR LIMITED TESTING

As provided in section 207 of the bill, the Consumer Protection Agency will encourage and support the development and application of methods and techniques for testing materials and processes used in consumer products and for improving consumer services. It will make recommendations to other Federal agencies regarding beneficial consumer research, and will be able to draw upon these agencies for test data and other information.

The bill does not envisage the Consumer Protection Agency as a giant testing laboratory to identify "best buys" and provide product ratings or testing services for the consuming public. The testing functions are to be conducted only in connection with participation in Agency proceedings or in studies of hazardous household products. The actual testing will be done by other Federal agencies, such as the National Bureau of Standards. Limitations on testing, including those which prohibit product ratings and best-buy information, are specified in the bill.

The bill also provides that the Administrator shall periodically review products which have been tested to insure that information which is disseminated is timely and accurate and conforms to test results.

DUPLICATION TO BE AVOIDED

The bill seeks in many ways to minimize or avoid unnecessary duplication. The Office of Consumer Affairs and the Consumer Protection Agency are specifically required to cooperate and assist each other in the performance of their respective functions.

All Federal agencies are authorized and directed to cooperate with the Agency and the Office in providing information and support services within their capabilities, and reimbursement is to be made in accord with provisions of existing law.

In the conduct of surveys and investigations, and in the study of unreasonable risks or injuries caused by hazardous household products, the Consumer Protection Agency is to avoid duplication of similar surveys or investigations conducted by other Federal agencies.

The intent of the bill, generally, is to avoid building up a big, new bureaucracy with its own laboratory complexes, but rather to tap existing resources and promote cooperative working relationships within the Federal Establishment in the interest of consumers.

PROCEDURAL FAIRNESS INSURED

The bill provides for procedural fairness by the various safeguards mentioned above, by casting the Agency's representational role in the framework of the Administrative Procedure Act, and by making that act apply also to the Agency's own basic functions. These include the gathering, publishing, and disseminating of consumer information, the handling of consumer complaints, and studies and investigation of hazardous household products for the purpose of evaluating protective measures, and the efficacy of self-regulation by industry.

BASIC TERMS ARE DEFINED

A criticism of earlier bills was the lack of definition for such key terms as "consumer" and "interests of consumers." We have defined such terms to make them more meaningful and the Agency's work more manageable.

By "consumer" we mean the purchaser of goods or services for personal or household use. The Agency would be concerned, for example, not with the industrial consumer of raw materials or semifinished products, but with the problems of the ultimate consumer. The "interests of consumers" relate to such characteristics of goods and services as cost, performance, durability, adequacy of choice, and accuracy of information.

BENEFITS TO STATE AND LOCAL AGENCIES

The concept of the consumer protection bill is not to interfere with State or local government activities, but to provide them with technical assistance and information of benefit to consumers on a reciprocal goodwill basis.

The Consumer Protection Agency is not authorized to intervene in proceedings or actions before State or local agencies and courts. Our report makes clear that the term "intervention" is used in the accepted legal sense, as a party in adjudicatory proceedings. Otherwise, the Consumer Protection Agency will be able to communicate with State or local agencies at any time, on any matter of consumer interest. In doing so, it will have to follow the law or rules of the State or local agency.

The Office and the Agency both are authorized to enter into contracts, leases, cooperative agreements, or other transactions with State or local subdivisions in carrying out their respective duties. They may appoint State and local representatives to advisory committees, and may utilize the services, personnel and facilities of State agencies with their consent.

The Office also may cooperate with and give technical assistance to State or local governments in promoting and protecting consumer interests.

In general, State and local governments will be the beneficiaries of a wealth of information developed at the Federal level for the protection and advancement of consumer interests.

CONGRESS TO BE KEPT FULLY INFORMED

Whenever the Consumer Protection Agency discovers that a Federal law, agency rule or order, or court decree is violated, one of its avenues of remedial action is to make specific legislative proposals to the Congress, as provided in section 205(b) of the bill.

The Office of Consumer Affairs and the Consumer Protection Agency both are to keep the Congress advised on matters of consumer interest, to submit recommendations to the Congress, and to present annual reports to the Congress giving comprehensive statements of their activities, with recommendations for such additional legislation as may be necessary. Additionally, the Office and the Agency are required to keep the appropriate committees of Congress fully and currently informed of their activities.

It is apparent from these provisions that the Office and the Agency will be able to communicate with the Congress at any time on matters of pressing interest and, periodically, through the annual reports. We may note also that in making the Office of Consumer Affairs a statutory office, it becomes more amenable to congressional supervision and oversight than if it were to remain an agency created by Executive order.

MISREPRESENTATIONS ABOUT THE BILL

Now I want to deal briefly with some of the misrepresentations that have been made about this bill. I respect the attitude and the efforts of those who have honest differences of opinion and judgment about the scope and duties of the Consumer Protection Agency which we are pioneering in this legislation. Those who feel strongly about a point or a provision will have their opportunity, under the open rule, to offer an amendment. I, for one, am perfectly willing to see their proposals tested before the membership of the House, and, of course, I will abide by the majority decision.

Beyond those of good will who may differ with the decisions of the committee majority embodied in this bill are some who have misrepresented and distorted the provisions of the bill, and have falsely cast the alternatives in terms of a 10-percent bill, or a 90-percent bill.

The U.S. Chamber of Commerce alleges that the bill would enable the Consumer Protection Agency to intervene in 90 percent of Federal adjudicatory proceedings and opposes the bill for that reason. Ralph Nader alleges that the Agency would be excluded from 90 percent of such proceedings and opposes the bill for that reason. Though they are miles apart in their arithmetic, they both argue that the committee-approved bill is unacceptable.

Representatives of both business and consumer interests have been lobbying hard for particular amendments to H.R. 10835, but Ralph Nader has lobbied the hardest of all. He has walked the corridors of the House, hung around the committee door, contacted the Speaker, and sought the support of influential Members. A Nader lieutenant even caused a picket line to be organized around my office in the 19th District of California.

There are one or two inside and outside this Chamber who believe they have acquired a proprietary interest in consumer legislation, and they have wanted to control and dominate the legislation every step of the way. The fact of the matter is, Mr. Chairman, that consumer legislation is not the property of any one or two individuals. There comes a time when a committee of the Congress, and the Congress itself, must take the responsibility of writing the bill and for making decisions on what will go in or stay out of this bill.

As chairman of the Committee on Government Operations, it is my responsibility to see that a good bill is reported; one that is workable and acceptable to the Congress. I cannot worry about the headlines, the misrepresentations, the fabrications, the downright lies that have been put out by various half-baked columnists and others. I have to discharge my responsibilities as a chairman and a legislator. And those who may have had doubts about it should now be able to recognize that I can stand the heat and will stay in the kitchen.

THE ISSUE OF INFORMAL PROCEEDINGS

Those who misrepresent H.R. 10835 as a 10-percent bill shift their argument back and forth, depending upon what provision of the moment evokes their criticism. At one time they argue that 90 percent of Federal agency proceedings are informal, and that under the bill the Consumer Protection Agency would be excluded from informal proceedings. At another time, the argument revolves about the Consumer Protection Agency's exclusion from participation in any proceeding which involves "an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation of a statute of the United States or any rule, order, or decree promulgated thereunder."

Those who have bandied about the 10-percent and 90-percent figures seem to be reading, out of context, a statement by Prof. Kenneth Culp Davis in his Treatise on Administrative Law, 1970 Supplement. Professor Davis states at page 226:

> Although administrative hearings are generally open, *more than 90 percent of the American administrative process is behind closed doors* . . . (Italics in original)

Whether Professor Davis was discussing closed versus open hearings, or proceedings without hearings versus proceedings with hearings, the discussion provides no valid basis for the Nader arithmetic.

Bear in mind that the Administrative Procedure Act does not distinguish between formal and informal proceedings as such. The Consumer Protection Agency will be able to intervene in agency proceedings as a party, whether the proceedings are formal or informal, and whether or not they are attended by hearings. A hearing is not indispensable to a proceeding under the Administrative Procedure Act.

Thus the alleged exclusion of the Agency from informal proceedings is a pseudo issue, unless those who have mounted this criticism really believe that the Consumer Protection Agency should attend every informal agency action, sit in on every conference of the commissioners or examiners of an agency, read every office memorandum that passes back and forth from one agency desk to another, and be around, day and night, to look over shoulders and breathe down necks of agency officials.

Roger C. Cramton, chairman of the Administrative Conference of the United States, comments that if the bill were to require consultation with the Consumer Protection Agency before every informal decision is made "to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action," the result "would guarantee administrative chaos."

The Administrative Conference of the United States, which Mr. Cramton chairs, was established by a law of the Congress for the purpose of making continuing studies of the efficiency, adequacy, and fairness of the Federal administrative process. Mr. Cramton's letter, which I shall include with these remarks, was submitted in response to my invitation to comment on the controversial aspects of the bill. His comments make clear that, in his words:

> Under the Provisions of H.R. 10835, the Agency will have broad powers to participate in and influence the informal administrative process.

THE ISSUE OF "FINE, PENALTY, OR FORFEITURE"

As to exclusion of the Consumer Protection Agency from proceedings involving primarily the imposition of a fine, penalty, or forfeiture, probably more misinformation has been passed around on this single issue than on any other provision, real or imagined, of the bill. It all started with the word "solely," and the controversy that has raged around it reminds me of the ancient argument about how many angels can dance on the head of a pin.

First of all, let me point out that the exception for proceedings involving a fine, penalty, or forfeiture was in the earlier bills. It was generally agreed that an exception of this kind was desired; so that the Consumer Protection Agency would not be involved in criminal or punitive-type proceedings lest there be created a "double prosecutor" situation. Remember that the philosophy of this bill is to make the Agency the consumers' advocate, their official representative in other agency proceedings, not a regulatory or enforcement agency in its own right.

There were those who believed that the word "solely,"as applied to a proceeding involving a fine, penalty, or forfeiture was necessary, in that there would be proceedings in which the punitive aspect was incidental and, therefore, the Consumer Protection Agency should not be excluded from participation. There were others who thought that this qualifying adjective was too rigid and should be replaced by the word "primarily", so that the exclusion would be a bit broader. The word "primarily" was substituted for "solely" in marking up the bill.

The difference between these two words, "solely" and "primarily," is not very significant, in my view, for the purposes of consumer protection. Nor is there any foundation in fact for saying that the present wording of the bill on that point would exclude the consumer agency from protection in 90 percent of Federal agency proceedings. By now the critics have totaled up 180 percent exclusion.

What those critics do not seem to understand is that agency procedings ordinarily do not seek the imposition of a fine, penalty, or forfeiture, whether solely or primarily. The punitive aspects really enter into the case when there is a court action, not an agency proceeding. If an agency makes an investigation, or issues a cease-and-desist order or a consent decree or some other directive to comply with the law or stop a prohibited practice, and the order is not obeyed, then the agency must seek legal action through the Attorney General for enforcement. This is the type of action properly described as one involving a fine, penalty, or forfeiture.

Take the Federal Trade Commission as an example. It has broad regulatory jurisdiction over unfair trade practices and authority to issue cease-and-desist orders. The FTC does not levy fines, penalties, or forfeitures. Bear in mind that the FTC is one of the most important agencies dealing with matters of consumer interest. The Consumer Protection Agency could intervene in any FTC proceeding that I can think of without worry about exclusionary criteria relating to fine, penalty, or forfeiture.

If the critics who want the language changed are serious about it, then they are asking for two prosecutors with different mandates to move against persons who violate the law. Interestingly enough, they do not seem to be concerned about the due process or other rights of alleged offenders.

Mr. Cramton has analyzed this matter also in response to my request, and I will quote here only his conclusion:

> In summary, it is my view that "fine, penalty, or forfeiture" for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved. The phrase should be interpreted to effectuate its obvious intent to preclude intervention by the Agency only when the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

Note Mr. Cramton's words: "A relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved." What, then, is all the shouting about? I surmise that the shouting is intended to develop pseudo issues or straw men which can then be mowed down and a victory claimed for those who are on the losing side, and need some face-saving, attention-getting device.

CONCLUSION

In conclusion, let me try to put this bill in perspective. Legislation to protect consumers and advance their welfare is not a panacea for all the defects of our industrial system and the affluent society. The agency we propose today, however,

marks a new stage in governmental concern for the consumer.

It was almost 10 years ago that President Kennedy sent a consumer message to the Congress declaring the need to develop broad-ranging measures for consumer protection in an age of increasing technical sophistication in the production of goods and services. President Johnson restated and amplified that message several years later, and President Nixon submitted his own message to the Congress in 1969.

These messages, in the decades of the 1960's, demonstrated that concern for the consumer was shared by both parties, even though concepts of protective action may have differed. There was, in fact, an evolving trend of broadening concern in both the executive and legislative branches, and a variety of consumer-oriented legislation was passed. Other proposals will be acted upon by the Congress. In the decade of the 1970's, the consumer will come into his own.

This bill that we consider today will not be the last bill on the subject, but it does mark a commitment by the Federal Government to make consumer protection a permanent and continuing responsibility of government. It provides an agency to exercise constant vigilance in behalf of consumers and to take the kind of actions provided in this bill, which I have described in my remarks.

You will hear, before this debate is ended, the views of others who endorse the bill or who differ with it. Be wary of attempts to load this bill down with unreasonable and unworkable provisions or to weaken it to the point of ineffectiveness. I am the first one to confess that this bill satisfies neither Ralph Nader nor the U.S. Chamber of Commerce, but it takes the middle course, a sensible course, and a workable one.

After the Agency is created and it gains experience, we can modify any provision, giving it more powers or less, as the wisdom of Congress dictates. Our committee, which developed the legislation, has a responsibility under the rules of the House, which it will discharge, to oversee the administration of the Consumer Protection Act of 1971.

I append to these remarks the full text of the letter which I have received from Roger C. Cramton, Chairman of the Administrative Conference of the United States, and a section-by-section analysis of H.R. 10835.

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

Mr. HOLIFIELD. I will be glad to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I want our colleagues to know, Mr. Chairman, that the distinguished gentleman from California does not stand alone in the kitchen. Nor does he stand alone in regretting the willful, malicious, and deliberately false statements made by a few persons. Because of the sensationalized and calculatedly personal nature of these attacks, they have been able to dominate the press coverage of the committee proceedings on this bill. These opponents do not seem to want a bill as much as they want an issue. They have unnecessarily divided the strong majority in this House who favor strong and effective consumer legislation.

If they succeed in this division, they will expose the interests of consumers and the strong provisions which are at the heart of this bill to strong counterattacks by those whose purpose is to destroy the effectiveness of the Consumer Protection Agency, and to prevent the agency from accomplishing its central task of consumer advocacy before Federal agencies.

I thank the gentleman from California for permitting me to interrupt his very fine and comprehensive statement. But I could not let pass the opportunity to state my very deep regret that some opponents of this bill are cloaking themselves in the righteous cause of consumers, and, in fact, abusing this cloak to advance their own interests, while they at the same time expose the cause itself to very great and unnecessary danger. These opponents must be ready to bear the blame if this bill is weakened.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from New York for his contribution. I wish to say that insofar as the claims of unfairness that have come against this chairman in the conduct of the hearings, either in the subcommittee or in the full committee, that I believe the ranking members of the minority side, the gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from New York (Mr. HORTON) can testify to the fact that there was no attempt to cut anybody off; that they were given adequate time and given every right they could possibly receive under the rules of the House.

Mr. HORTON. Mr. Chairman, if the gentleman will yield further, I want to further add, just to underscore the remarks the gentleman has made, that in my experience of 9 years in the House of Representatives I have never seen a more fair handling of a bill than the manner in which the gentleman in the well handled this bill, because we had very fair and completely open hearings. Everybody had complete and ample opportunity to be heard in the hearings, and there was ample opportunity to go over the amendments.

When the subcommittee met, I recall the chairman saying at the beginning of the markup sessions—

> Gentlemen, we are going to be here mornings, afternoons and evenings, if necessary, in order to get this bill completed so that we can report it to the Committee on Rules within the time allocated. But I want everybody to know——

And I repeat, these are the exact words of the chairman—

> I want everybody to know that I am going to stay here and listen, and give everybody an opportunity to be heard on any matter they want to bring before the committee.

We had something over 25 amendments before this subcommittee, and something like 20 amendments before the full committee.

The gentleman in the well was very fair, and every Member, regardless of what his views were, was given full opportunity to be heard.

I also want to underscore again that I think the gentleman in the well has done an extremely capable and able job in preparing this legislation. It is well thought out. As the gentleman has indicated in his testimony and his statements earlier, the information that is in this bill, the language of this bill, is tied into the Administrative Procedures Act.

We have eliminated duplications in the bill. We put in definitions so that the consumer and consumer interests could be adequately and properly defined. I defy anybody, any Member of this House, to find any loophole so far as the structure of this language in this bill is concerned.

There might be disagreement with regard to whether you should do this or do that—in other words, there might be a policy difference, but after all we are drawing up legislation and drafting legislation that is going to be the lifeblood of a new agency and I think it is important to have good draftsmanship. This bill has gone through the rigors of that good draftsmanship and I think it is appropriate to express appreciation to the gentleman for the manner in which he handled this matter in the hearings before the subcommittee and the full committee and on the floor of the House.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

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

Mr. HOLIFIELD. I yield to my friend who is a member of the subcommittee and, of course, a member of the full committee.

Mr. Chairman, I might say that during the discussion of the bill we had various differences of opinion on certain things, but many times we were together and the gentleman has at all times conducted himself in an honorable fashion and he has my deep gratitude for his presence on the committee and his willingness to attend the meetings and to learn what the story is. The fact that the gentleman and I disagreed maybe on one point has no effect on my regard for him.

Mr. FUQUA. Mr. Chairman, I thank the gentleman for yielding.

I want to tell him how much I appreciate his kind words. Let me reciprocate by associating myself with the remarks made by the gentleman from New York (Mr. HORTON).

Mr. Chairman, I have never sat on any committee where the chairman presided with more fairness than the gentleman in the well and we received the utmost fairness in all cases in the consideration of this particular piece of legislation. It was a pleasure for me, even though as the gentleman has pointed out, that on one occasion we did disagree on an amendment, but the gentleman and I have remained friends and I again express my appreciation for the fine and fair job he has done in bringing this legislation to the floor of the House.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for his kind remarks.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the chairman of the committee, the gentleman from California (Mr. HOLIFIELD). The gentleman knows full well that I have some very strong reservations about this particular legislation, but I wish to comment briefly on what I consider to be very unfair and unwarranted attacks by certain outside forces against the gentleman. I wish to comment favorably on the way he has conducted himself in hearing all sides of this particular issue. He has done so in a patient and constructive way.

The gentleman now in the well serves as chairman of our California delegation. The two of us differ many times. But Mr. HOLIFIELD has always been absolutely fair and completely open in his willingness to discuss all issues in a vary full way. I think it is worth noting that one of the major sources of the attacks—the unwarranted attacks against the gentleman from California, Mr. Nader has recently produced a report on the State of California. That report it now appears contains many untruths and several distortions have been proven to be unreliable.

So I think we can consider this same source of another report to again be without foundation or truth, when it is leveled improperly against the gentleman in the well today.

Mr. Nader has proven himself to be incapable of producing a dependable report on the State of California's efforts to utilize its water and land resources. Whereas the gentleman from California, in my opinion, even though we have differed many times, has always attempted to conduct himself in such a way as to be totally fair and correct in his use of facts, even though the two of us may disagree in the interpretation of those facts.

I compliment the gentleman, Mr. HOLIFIELD, on the way he has conducted himself against these very unfair attacks.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, without taking up too much time I would like to say that the State of California for 35 years has been trying to solve its water problems and, finally, under the recent administration 6 or 8 years ago we did solve the difference between the regions in the thousand-mile-long State of California.

The people of the State of California passed a bond issue of $7 billion, the largest bond issue ever passed by any State in the history of the Nation, as an approval of that plan. Mr. Nader sent a couple of his "raiders" out to California for a couple of weeks, and then he denounced the water plan, saying that the people of the State of California did not know what they were doing, that it was a terrible travesty on the environment, and all that sort of thing.

That is the case to which the gentleman referred, and I just think the record ought to show that this man thinks he is an expert on everything.

Mr. ROUSSELOT. If the gentleman will yield further? One of Mr. Nader's own staff members this past week who helped him produce this same report admitted that there were factual errors in that California report, and that in some cases the report incorrectly used the term "fraud." I think this is further testimony of the fact that Mr. Nader cannot be relied upon for factual material but that the gentleman from California (Mr. HOLIFIELD) is always conducting himself in a correct and positive way. Unlike some of the people who are now attacking Mr. HOLIFIELD for his attempt to come up with what he feels is positive and constructive legislation, these other sources cannot be considered believable. They have proven to be incorrect in their own statements, and I think the public should know that the gentleman has conducted himself in a proper way. I am hopeful they will now correct the unfair charges they have leveled against Mr. HOLIFIELD.

Mr. HOLIFIELD. I thank my colleague from California.

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

Mr. HOLIFIELD. I yield also to a member of our subcommittee and full committee, the gentleman from Pennsylvania, (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I wish to join my colleague in praising the fairness of the gentleman in the well. I do serve on the subcommittee and the full committee. Every step of the way, even though at times there were amendments offered that did not have enough votes, they were always fairly and squarely presented to the subcommittee and we had our opportunity to work our will, which is the proper legislative process. I commend the gentleman.

Mr. HOLIFIELD. I thank the gentleman for his remarks.

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

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

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey (Mrs. DWYER) who is ranking Republican member of the House Government Operations Committee, a very strong consumer advocate, and a person who has been very helpful to us in the deliberations on this bill, one who was an original sponsor of the bill in the 91st Congress, a sponsor also of the original bill in the 92d Congress, and who also is a sponsor of the bill that is before us.

Mrs. DWYER. Mr. Chairman, I would be remiss if at this time I did not join my colleagues in singing the praises of my chairman, and as ranking minority member, I want him to know that I have full confidence in his fairness, and it is a great, great pleasure to work under his leadership.

Mr. Chairman, before I say anything else, let me make two points about this bill just as firmly and decisively as I know how:

First, as reported by the committee, this is a strong, responsible, and potentially very effective bill. There should be no misunderstanding this fact. Every effort to seriously weaken the bill both in subcommittee and full committee was defeated. No one devoted to consumer protection—and I say this as one dedicated to this cause for many years—need apologize for the bill the committee has produced. It is as good as most of us hoped for, and better than many of us feared.

Second, by the same token, this bill will not endanger the legitimate interests of businessmen, their companies or their organizations. Every reasonable effort to build into the emerging consumer protection organization at the Federal level a high degree of responsibility has been accepted by the committee. Neither individual companies nor Federal agencies—so long as they are acting in the public interest—need fear harassment by Federal consumer protection officials.

It should not be necessary to make these points so emphatically and so early in my remarks. I do so, however, because of the considerable degree of misinformation and misinterpretation which has plagued this bill since it was favorably reported by our committee.

A calculated effort has been made to portray our bill as weak and ineffectual. I strongly disagree. Those who contend it is weak have announced they will offer a single key amendment designed to transform a weak bill into a strong bill.

A careful examination of the proposed amendment will, I suggest, reveal how groundless are the contentions that the committee-reported bill is inadequate. The amendment, it is claimed, would clarify section 204(a)(2) in order to assure participation by the Consumer Protection Agency in proceedings which affect the consumer interest despite language excluding the Agency from participating in adjudications "seeking primarily to impose a fine, penalty, or forfeiture.

I am convinced, Mr. Chairman, the proposed amendment would not serve its stated purpose or any other constructive purpose. Experts in the administrative process rightly maintain that the term "fine, penalty, or forfeiture" encompasses only a small proportion of adjudications and that these seldom involve consumer interests. Moreover, I believe the committee has made it clear that in using this language, including the word "primarily," we intend that it be interpreted strictly so as not to exclude the Agency from proceedings affecting consumers and to apply only to situations where the presence of a "dual prosecutor" would endanger the interests of the police and the respondent.

Since proponents of the amendment express these same specific objectives, I see nothing their amendment would add to this section of the bill. On the other hand, it could detract, since it closely resembles a weakening amendment defeated by the committee and thus could confuse interpretation of the section.

The other purpose of the amendment, as stated by its authors, is to give the Consumer Protection Agency "some limited type of oversight" in the area of informal rulemaking and adjudicatory proceedings and in instances where other

agencies fail to institute formal proceedings.

Again, Mr. Chairman, I contend that the committee bill already provides for this authority and that the amendment would add nothing to the powers of the proposed new Agency. For example, the Agency, under our bill, already may undertake reviews and investigations; it already may require information from Federal agencies; and it already may submit findings and recommendations to the Congress—whether or not the other Federal agencies follow its advice.

On both counts, therefore, the proposed amendment would be duplicative and thus unnecessary. Consequently, the only conclusion one can draw is the obvious one that the committee bill is already an effective instrument for representing the interests of consumers whenever or wherever decisions are made or policies established which are important to consumers. This is the objective of the sponsors of the amendment and this is the objective of the committee bill.

Mr. Chairman, I deeply regret the divisions which have occurred within the ranks of consumer advocates regarding the committee bill. Those divisions are unnecessary. We should be united in support of the strong and effective bill which the committee reported.

The legislation establishes basically what it did last year: A tripartite organizational structure which, for the first time, insures the more than 200 million American consumers an effective voice in the making of decisions which affect them as consumers.

Yet, the changes and modifications in the committee-reported bill are significant improvements. I would summarize the several changes this way:

First, we have eliminated any likelihood of inefficient duplication between the activities of the Office of Consumer Affairs in the Executive office of the President and the proposed new Consumer Protection Agency.

Second, we have more carefully defined the manner and conditions under which the Agency can intervene before other Federal agencies and Federal courts in seeking to protect the interests of consumers, without impairing in any way effective intervention in all types and at all levels of proceedings.

Third, we have painstakingly related the intervening functions of the Consumer Protection Agency to the provisions of the Administrative Procedure Act and by so doing, we have clarified much of the ambiguity which this committee noted in last year's bill and greatly improved the potential effectiveness of the Agency as intervenor.

Fourth, we have strengthened provisions which will safeguard the legitimate rights of business organizations and Government agencies; I stress the word "legitimate" for we have not given in to the groundless fears which have motivated so much business opposition to the bill.

Fifth, we have provided greater assurance that trade secrets and essentially private business information will remain confidential.

And, sixth, we have carefully defined such key terms as "consumer" and "interest of consumers" so as to assure both adequate scope and needed precision.

Critics, I believe, tend to overlook the impressive array of powers and influence which the bill gives to the new Agency. In addition to its right to participate as a party in rulemaking and adjudicatory proceedings and its broad access to the courts, the Agency has the right to obtain information from other agencies, to request specific action by those agencies on behalf of consumers, to require public justification of an agency's refusal to act, to certify information and complaints to those agencies, to be informed by such agencies of all actions of any kind that affect consumers substantially, and to hold agencies legally responsible for giving due consideration to the interests of consumers in taking, or refusing to take, such actions.

I think it is especially worthy of note that, as a result of our work, the administration has seen fit to give this legislation its endorsement even though the administration was not successful in persuading our committee of the need to accept a number of the amendments which it supported. At the same time, this bill continues to deserve the description given to it by prominent consumer organizations that it is, "the most important consumer legislation ever considered by Congress."

In conclusion, Mr. Chairman, we believe we have a bill which deserves the support of this committee. While it is comprehensive in scope, it has been carefully drafted. While it represents potentially powerful intervention on behalf of consumers, it also contains the certainty of justice and due process and reasonable restraint.

This is pioneering legislation, and for the first time in history American consumers will be supported by a Federal organizational structure empowered to act effectively on their behalf wherever and whenever their interests are at stake.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, we are scheduled to debate H.R. 10835 today, the Consumer Protection Act of 1971, and one of the areas of great concern to many of us is whether the proposed adversary advocacy powers in the bill might result in the disruption of the activities of existing Federal agencies.

In this regard, an article by Thomas O'Toole was brought to my attention. It appeared in the September 4 edition of the Washington Post, and was titled: "Delays Work at 81 Installations: AEC Toughens A–Plant Rules."

The article points out that, due to court challenges by environmental activists, construction and operation of more than 100 atomic powerplants in 21 States will be disrupted. In addition, the article points out that the existence of five atomic plants is in jeopardy, even though they are producing 3.2 million kilowatts of power in Minnesota, Illinois, Connecticut, Wisconsin, and South Carolina.

The environmental activists used the recently enacted National Environmental Policy Act of 1970 to successfully get the Atomic Energy Commission to order suspension of these critical activities.

The proposed Consumer Protection Agency would have even stronger powers of adversary advocacy than those inherent in the National Environmental Policy Act of 1970. The major distinction between the two approaches is that the environmental protectionists were private citizens, charging that the AEC was not complying with a Federal law. Under the consumer bill that we are to debate, the Federal Government would take up the tools of adversary advocacy to attack the Federal Government.

One cannot criticize the environmental activists. They were successful in the traditional role of adversary advocacy of citizens challenging their Government. There is only one rule in adversary advocacy, the same rule that the late Vince Lombardi adhered to: To win for your special interests.

It is not the job of environmental advocates to balance the tremendous responsibilities that the AEC or any other agency has to the public at large—providing adequate power, and so forth. The private environmentalists should have only one concern: Stop, if they legally can, any Federal agency in its tracks when it takes an action contrary to their special interests.

But we must certainly wonder whether the Government should create one Federal agency with strong special interest adversary powers to attack other agencies in their proceedings or in court, knowing that, by statute, these other agencies have to balance many responsibilities. That is what the proposed Consumer Protection Act of 1971 would do.

There also was an interesting article in this morning's Washington Post by the Associated Press. This article reports that a Senator has asked Congress to determine whether the Nation's environmental laws are helping or harming the public. His concern appears to be that considerable delays are resulting from the environmental legislation.

I would ask the same question of the proposed Consumer Protection Act of 1971—will it help or hurt the public?

There are few who will argue that we do not need revitalized Federal consumer protection; certainly, I am not one of those. H.R. 10835, of which I am a cosponsor, attempts to address this basic objective, and for that reason I support it.

I have strong reservations, however, about the method adopted in this bill to implement these expansive new programs—particularly the extent of "intervention" and appeal powers granted in section 204 of the bill.

My concerns stem from both pragmatic and philosophical considerations. I believe there will be serious problems of delay, confusion, and decisionmaking breakdown with the addition of this new "special interest" advocate, particularly considering the broad right of appeal to the courts which this advocate is given. More basically, however, this approach would have one branch of Government

fighting another and that, in my opinion, is not good government. If an existing agency is not properly considering the interest of consumers, then Congress should correct this problem, but not by creating a new agency to attack existing ones.

Attached to my "Dear Colleague" letter, which you received this morning, was a chart indicating selected Federal agency proceedings in which the consumer advocate could intervene or participate in under H.R. 10835.

I find this list staggering, and would impress upon you that it is the product of a conservative interpretation of the bill's provisions. Certain language in the committee report on this bill would indicate that the scope could be much wider, thereby including innumerable other agency activities within the purview of the consumer advocate. This notwithstanding, consider, if you will, the impact of the consumer advocate appealing the decisions of Federal agencies in only the proceedings I have listed. Government could be brought to a standstill.

Our aim should be to enact a law that will allow the new consumer advocate healthy growth with an orderly progression of powers as experience over a number of years proves advisable and necessary. Such a law should neither place the agency in a position where progress would be impossible, nor should it give the agency responsibilities beyond its initial capabilities. I am afraid that the provisions of section 204 in H.R. 10835 fail in both these areas.

With these thoughts in mind, I have developed a set of amendments which I plan to offer on the floor. The approach I have taken is based upon the amicus curiae concept, with appropriate modifications to fit its application to Federal agencies.

These friend of the consumer amendments are in the nature of a substitute for section 204, together with three minor revisions to other sections made necessary by the change of section 204.

Briefly I would like to explain what my amendments would accomplish:

Paragraph (a) would require that every Federal agency prior to taking any action substantially affecting the interests of consumers must give notice of such proposed action to the Consumer Protection Office and Agency and that, consistent with its statutory responsibilities, it take such action with due consideration being given to the interests of consumers.

Paragraph (b) requires that every Federal agency, upon taking any action affecting consumers, must indicate in a public announcement the consideration it gave to consumer interests.

Paragraph (c), which is the heart of my amendment, provides that as a matter of right the consumer advocate may submit oral or written information before any Federal agency or court proceeding if the advocate finds that the result of such proceeding may substantially affect the interest of consumers, and such interests may not be adequately represented unless he participates. This is the amicus role which I mentioned earlier. It would allow the advocate to effectively present the consumer viewpoint, and then move on to other areas leaving the forum agency to make its own decision on the matter pursuant to its statutory responsibility. This paragraph would also allow the advocate to review and comment on any transcript of testimony or exhibits submitted in an agency proceeding in which the advocate had appeared, prior to the agency making its decision.

Paragraph (d) would allow the advocate to participate in any State or local court or administrative agency proceeding, provided such participation is at the discretion of the State or local court or agency, and limited to the amicus role allowed at the Federal level by paragraph (c).

Paragraph (e) limits the advocate's right to participate in Federal, State, or local court or agency proceedings to those specified in section 204. Additionally, the amendment makes it clear that nothing in the act is intended to affect the existing rights of other persons, classes of persons, or agencies.

Paragraphs (f), (g), and (h) are taken verbatim from existing provisions of section 204 in H.R. 10835.

Paragraph (i) is taken verbatim from section 302 of H.R. 10835.

Access to the subpena power of other Federal agencies is inconsistent with the amicus approach which I have taken and I have therefore specifically eliminated such right in section 203 of H.R. 10835 and in my substitute for section 204.

Section 302 is deleted entirely in my amendment, because I have incorporated it in paragraph (a) of my section 204 amendments.

At the suggestion of Mr. Roger Cramton, Chairman of the Administrative Conference of the United States, I have additionally proposed one small amendment to section 303 of H.R. 10835. Its purpose is to improve the drafting and clarity of the section rather than its substance.

In short, what I envision is requiring, by law, that all existing Federal agencies give due consideration to the interests of consumers, and empowering the Consumer Protection Agency to appear, as a matter of right, as a "friend of the consumer" in any agency or court proceeding of his choosing to effectively present the viewpoint of the consumer.

Under my amendments the Consumer Advocate would not have formal standing as a party or participant as defined in the Administrative Procedures Act, nor would he have the concomitant right to court appeal. We would, therefore, not be faced with the problems to which I have alluded above. We achieve, however, effective representations of consumer interests through an amicus presentation of consumer views before Federal agencies and courts in any relevant proceeding. Moreover, by not tying the Advocate down as a formal party, the limited resources of the agency are most effectively used.

Above all, I would emphasize that my "friend of the consumer" amendments are a positive, not negative, approach. The role of the amicus is to assist rather than oppose as an adversary advocate would do.

Such initial authority would give the untried agency a realistic chance to achieve immediate results and an opportunity to identify its strengths and weaknesses for future congressional modifications. It would only be a first step for the agency, but a sure one.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to place at this point in the RECORD my own remarks which have to do with differences between the Consumer Protection Act and the Environmental Protection Agency.

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

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, the Water and Environmental Quality Act of 1970 and related legislation have caused a number of difficulties that are avoided in the proposed Consumer Protection Act of 1971.

Two features of the environmental legislation have led to delays and confusion in the carrying out both of Federal projects and on non-Federal projects under Federal license.

One. The environmental laws have a very complicated and time consuming system of clearances involving Federal, State, and local governments. This creates a maze in which an agency or corporation seeking to construct a project can become lost. One wrong turn and months or even years can be lost.

Two. The environmental laws set forth principles and procedures to govern Federal agencies in terms which the courts have held gives private individuals and groups an opportunity to challenge the Federal agencies in court by alleging that a principle or procedure has not been followed. This has led to many time consuming lawsuits against Federal agencies trying to carry out their responsibilities.

The proposed Consumer Protection Act (H.R. 10835) does not burden Federal agencies with complicated procedures which can lead to challenges by private individuals and groups in court. Federal agencies are required to consider the interests of consumers in their actions and to give certain notices to the CPA. These procedures, set out in the bill, are simple. However, only the CPA can raise the issue of noncompliance in court and then only in the ways spelled out in the bill. H.R. 10835 does not give private individuals and groups a new cause of action against Federal agencies.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I believe that the Consumer Protection Act of 1971 as reported favorably by the Committee on Government Operations can and should be supported with confidence by the Members of this House. H.R. 10835 is a pioneering bill, but it is a bill which has withstood the rigors of an extremely careful and thorough legislative process.

We have all heard the very excellent

and comprehensive statement of the gentleman from California (Mr. HOLIFIELD), who has, in his usual and distinguished manner, provided a fair and in depth statement of the thrust of this bill and the issues that surround it. There is little anyone can add to his fine presentation of the work of our committee on this landmark proposal. As ranking minority member of the subcommittee which considered this bill, I do feel, however, that I can reemphasize and underscore some of the important points made by the chairman of the Government Operations Committee.

Last year, after thorough hearings, our committee sent a bill to the Rules Committee late in the session which provided both for a statutory Office of Consumer Affairs in the White House and a Consumer Protection Agency. This bill left much room for improvement. This year, our Legislation Subcommittee built upon the experience of the 91st Congress. In addition to sifting and reviewing the terms of last year's bill, we considered and heard testimony on bills offering different concepts for consumer protection, including those which would have sought to place primary consumer protection responsibility in existing Federal agencies. Last year, 26 witnesses were heard, and additional information from over 30 other sources was received and considered. This year, 24 witnesses testified and over 50 other sources offered information on the best means for Congress to approach the problem of consumer protection.

This process culminated in 2 weeks of day-long executive sessions of subcommittee, with over 50 amendments to the bill being considered. The full committee, in turn, debated over 20 amendments to the subcommittee bill. Some of these were adopted, some rejected, and some may in one form or other be offered during floor consideration of H.R. 10835.

The point, Mr. Chairman, is to emphasize strongly that the proposal that has reached the floor is a very complex and finely tuned piece of legislation designed to, in many cases, anticipate and deal with situations which have never before arisen in the Federal Government. I said earlier that this was a pioneering bill; it creates structures within the Federal executive which are designed to review, observe, and in the case of the Consumer Protection Agency, intervene in the affairs of other executive agencies. When one agency is given considerable power to intervene in the affairs of other agencies, a great number of conceptual and administrative as well as substantive problems can arise unless the legislation authorizing the intervention is very carefully thought out, and specific as to the scope and purposes of such intervention.

The reason that the creation of an independent consumer agency was agreed upon by the Government Operations Committee, as opposed to some more conventional and perhaps weaker approach to consumer protection is that the great majority of the committee members are convinced that under present laws and agencies, consumers are just not getting the protection they deserve from the Federal Government. Whether it be the purchase of adulterated or worthless drugs, contaminated foods, unsafe automotive products, or dangerous clothing, toys, appliances, or whether it be the possibility or inequitable and unfair regulation of utility or energy rates, communications facilities, transportation charges, oil imports, or other consumer-related matters, the consumers' interests have not been fully, fairly, or adequately represented.

The Congress has made many efforts in recent years to afford Government protection or regulation for certain categories of problems plagueing the consumer. The titles of many bills we have enacted would lead us to believe that we have already armed Government agencies with the power to protect against almost every conceivable consumer problem. We have authorized and created these powers, but experience under these laws has shown that one of two barriers stands in the way of effective consumer protection. We have found either that the Federal agencies charged with the exercise of this consumer protection power are too closely tied to the industries they are authorized and directed to regulate, with the results being that their regulation is inadequate or ineffective, or, the committee has found, that the regulating agency, despite its good intentions, is not fully enough informed of the areas of need for consumer protection, and we have concluded that this is, because there is no one really equipped to represent and advocate the interests of consumers before these agencies.

What this bill seeks to do, Mr. Chairman, is to provide a vehicle for the representation of the consumers' interests before Federal agencies in a fair and reasonable—and a workable—manner. We have deliberately avoided giving the structures created in this bill regulatory power or jurisdiction of their own, just as we avoided proposals that would have given the role of consumer advocate to agencies already charged with regulatory responsibility. Instead, and wisely, I think, we have created a strong and independent set of structures designed to provide full and strong advocacy of consumer interests throughout the Federal Government.

H.R. 10835 upgrades the Office of Consumer Affairs to a statutory unit in order to increase its effectiveness in assisting the President in coordinating the activities of Government agencies in protecting the interests of consumers.

In addition, and most importantly, the bill establishes a new and independent Consumer Protection Agency to present the views and needs of consumers before Federal agencies.

A 15-member Consumer Advisory Council rounds out the tripartite consumer structures created by this bill. The council is designed to afford an opportunity for continuing input from the consumer public and for review by representatives of the public of the activities of the other two structures, the Office of Consumer Affairs, and the Consumer Protection Agency.

The duties of the Office and the CPA are separate and distinct and will not duplicate each other. This is one of the significant improvements the committee made over last year's bill, which did provide for many overlapping and duplicative functions for the two structures.

The duties of the Consumer Protection Agency are primarily those of acting as a voice of consumers. No regulatory duties, as I have said, are to be conferred upon it in order that it will not get bogged down in redtape or enmeshed in conflict of interest. We avoided putting the consumer advocate role in existing Federal agencies for much the same reason—an agency charged with programs of regulation would frequently find itself in conflict with the interests of consumers.

THE CONCEPT OF CPA INTERVENTION

The Consumer Protection Agency in addition to being new in concept, is, in my judgment, the strongest Federal agency ever proposed for creation in terms of its ability and responsibility for reviewing, intervening in and publicly commenting upon the work of other Federal executive agencies. H.R. 10835 gives the CPA power to receive information from, to question, and to appear as a party in the proceedings, both formal and informal, of Federal agencies charged with responsibility affecting consumers and consumer interests. Only the Office of Management and Budget and General Accounting Office, which, of course is an arm of the Congress and not of the Executive, have anything like the power of the CPA to look over the shoulders of other Federal agencies.

I want to underscore the fact that the committee bill permits the Consumer Protection Agency to intervene as a party in Federal agency proceedings whether, under the Administrative Procedure Act, they would be considered formal or informal. The Consumer Federation of America, which has worked very diligently with us to create an effective bill, has indicated its concern that there be no question about the ability of the consumer advocate to intervene in informal agency proceedings as well as those which take the form of hearings and other more formal proceedings. Mr. Chairman, I invite the attention of our colleagues to page 9 of the committee report on H.R. 10835, and I think it would be well to quote at length from the language of the report to make absolutely clear that both the bill and the legislative history grant the Consumer Protection Agency the unquestionable right to intervene in informal proceedings. Under the subheading, "Intervention in Federal agency adjudications," the report states:

> Section 204(a)(2) of H.R. 10835 allows the Consumer Protection Agency to intervene as a party in agency adjudications without any reference to the degree of formality under which those adjudications are carried out. Adjudications are defined in the Administrative Procedure Act as agency proceedings, other than rulemaking, for the final disposition of a matter. Hence, the bill allows the Agency to intervene in a wide range of Federal agency proceedings so long as they fall under the definition of adjudications in the Administrative Procedure Act.
>
> In sections subsequent to the definition section, and particularly in 5 U.S.C. 554, the Administrative Procedure Act further distin-

guishes between two types of adjudications. The first type is that which is required by statutes (or, the courts have decided, by constitutional due process) to be determined on the record after opportunity for agency hearing. In his 1948 manual on the Administrative Procedure Act, the Attorney General at page 40 called this "formal administrative adjudication." The act specifically makes sections 554, 556 and 557 applicable to this type of adjudication.

The second type of adjudication is that in which there is no statutory requirement for a decision on the record after an agency hearing. There are, of course, a great number of agency proceedings leading to final dispositions of matters in which hearings are not required by statute or by constitutional due process, and these are sometimes called informal proceedings. While these adjudicatory proceedings are not subject to the requirements of sections 554, 556 and 557 of title 5, United States Code, they are, nevertheless, within the definition of "adjudication" in section 551 and are subject to other provisions of the act. For example, the provisions of section 555 apply to all adjudications whether or not they are under laws having a statutory requirement for hearing. Section 555 deals with such things as the opportunity for formal appearances, limitations and rules regarding subpoenas and other discovery processes, and prompt notices of denials. Section 558 governing and limiting the use of sanctions and powers also applies to all adjudications as do the judicial review provisions, now found in sections 701–706 of title 5, United States Code.

It should be noted that section 204 of H.R. 10835 applies to all adjudicatory proceedings under the act and is not limited to the first type of adjudications. The second type of adjudications is clearly within the definitions of the Administrative Procedure Act. Since some of the provisions of the act apply to them, such adjudicatory proceedings affecting the interests of consumers would fall within section 204(a) of H.R. 10835. These would include, for example, proceedings leading to a Federal Trade Commission consent decree, informal proceedings which could lead to an order revoking a motor carrier's license, and many other so-called informal proceedings.

The reason for giving the CPA this strong power to intervene in formal and informal proceedings is twofold, and it is designed to combat the same two flaws the committee found in the present functioning of Federal consumer protection laws. First, the presence and participation of a CPA before a Federal regulatory proceeding can help to insure that the agency and the industry being regulated are dealing at arm's length, and that the interests and problems of the industry and of consumers are getting fair and full consideration. Second, the participation of the CPA, armed with more expertise and information about consumer interests than have ever before been assembled, will mean that the Federal agency concerned is fully informed of the impact of its decisions on the interests of consumers. Thus, in brief, the CPA is designed and created to keep other Federal agencies honest, and to keep them fully informed about the problems of consumers.

In creating a consumer advocate with intervention power, the committee took great care to anticipate the kinds of administrative problems an interventionist agency would and could create. It is not our intention to create a consumer czar, which will so surround and tie up the functions of other agencies that the smooth running of Government will be impossible. It is intended to give the CPA a say in the findings and decisions of other agencies, and to give the CPA power to seek judicial review where it feels those decisions do damage to the consumer interest. It is not intended to give the CPA virtual control over the decisionmaking process in other agencies. And to insure that the agency we are proposing in this bill does not become a superagency, the committee has included several safeguards, and has made every possible effort to carefully and precisely define the very considerable power given to the consumer advocate. Three of the most important safeguards are provisions to assure, first, that only accurate information is released by the CPA; second, to assure that trade secrets and information that are legitimately confidential under the Freedom of Information Act remains confidential under the CPA; and, third, to prevent respondents to criminal or quasi-criminal agency actions seeking primarily to impose a fine, penalty, or forfeiture from being faced with a dual prosecutor situation. The CPA is banned under the bill from participating as a party in these quasi-criminal proceedings, but it may intervene as amicus curiae.

Mr. Chairman, no bill which has such a profound effect on the existing balance of interests between Government, consumers, and the business community can survive the legislative process of compromise, refinement, and debate without generating considerable controversy. This bill is no exception. Despite the committee's efforts to insure that the CPA is an effective consumer advocate, and not an overlord to other Federal agencies, charges have been made that this bill equips the consumer advocate with power that is too great. These critics seek to destroy the bill by removing power of the CPA to intervene as a party to any proceeding that is crucial to consumer interests, leaving it, instead, with the role of amicus curiae, or friend of the court—a weaker role which the committee felt was proper only in proceedings primarily seeking to impose a fine, penalty or forfeiture.

On the other side, there have been very vocal critics who feel that the state of consumer protection today is so inadequate that only a superagency, a consumer czar, can hope to right the present balance of power between consumers and business.

I think that these attacks from opposite viewpoints can best be answered by statements of the critics themselves. Yesterday, I received in my office a "Dear Colleague" letter signed by one of my distinguished colleagues in this House. The letter sought to convey the impression that without substantial additional powers in the area of intervention and investigation, the CPA as structured in the bill as reported by our committee would not provide even the minimum protection necessary for consumers. I quote from the letter:

> The Committee-reported bill excludes from the jurisdiction of the CPA *most* of these consumer-related policies and decisions.

I believe the distinguished chairman of our committee, has laid to rest the false allegation that informal proceedings to which this gentleman refers in his letter, would be outside the CPA's intervention powers.

In the same batch of mail, I received a letter from the vice president of the National Association of Manufacturers opposing the bill altogether. The NAM letter described the CPA, as proposed in the committee legislation as, and I quote:

> This new agency with unbridled power to ride roughshod over Federal agency proceedings and decisions. . . .

Obviously, this equally panic-stricken portrayal fails to take account of the safeguards included in the bill, the same safeguards which opponents on the other side are seeking to remove.

Mr. Chairman, I reject both extreme points of view expressed by those who would destroy the effectiveness of this bill from one direction or the other. The committee has tread boldly, yet carefully with this pioneer piece of legislation. The fact that the results of our deliberations fall somewhere between the fears of our critics is, in my judgment, to our credit. For we have carefully weighed the impact of this bill on all who would be affected by its enactment.

We have sought to develop a bill which would receive wide support among Members of Congress and the public and, at the same time, inspire as great cooperation and support as possible between the consumer agencies, the other Federal agencies, the consuming public, and the business community.

While it is virtually impossible to devise a perfect bill without having the benefit of some years of operating experience with these new structures, I think the bill we have before us comes as close to this goal as possible. I believe our bill meets the key tests of strength for the consumer, workability and effectiveness within the executive structure and fairness. The bill is worthy of defense against attacks from both sides, and is most worthy of the support of the Members of the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise first to express my admiration for the chairman of the Government Operations Committee who as chairman of the subcommittee and of the full committee provided the leadership which was necessary to get this bill to the floor of the House.

Some, particularly those who have not participated in the legislative process, have criticized the chairman.

These well-intentioned critics are wrong. I am convinced that the gentleman from California labored hard and long to produce a bill.

Mr. Chairman, the gentleman from California has succeeded.

H.R. 10835, as reported, is a step forward.

The bill, however, has certain serious defects, the two most important of which

can be cured by one relatively simple 15-line amendment.

The two most important defects are: first, the bill prohibits the Consumer Protection Agency from participating in most adjudicatory proceedings because most of such proceedings involve, in the words of the bill, "A fine, penalty, or forfeiture," and second, the bill does not give the Consumer Protection Agency any power where a Federal agency either refuses to act or, as is the practice with most agencies, acts through an informal proceeding.

As the Chairman of the Government Operations Committee graciously said in his letter to all the members:

> The critics of the bill from both sides will have an opportunity to offer amendments in the House; and we are prefectly willing to see these proposals tested before the full Membership.

I intend to oppose all amendments which would weaken the bill.

The consumers of America are entitled to protection legislation at least as strong as this bill.

There is one strengthening amendment which I will offer and urge every Member of the House to support.

It is a short amendment—just 15 lines long.

It is cosponsored or supported by a majority of the Democrats on the committee—15 of the 23 Democratic members.

It is not a partisan amendment, however, because it is supported or cosponsored by two of the Republican members of the committee.

The vote on this amendment, more than on any other issue, will determine whether the Members of the House want to give American consumers the protection they need.

I think it is significant that my amendment has been supported too, by the wise and respected Chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS).

This amendment seeks to correct defects in a portion of one section—§ 204—of the bill.

Section 204(a)(2) provides for Agency participation in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

This language in subsection 204(a)(2) involving pending adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "Primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not. An attempt to amend "Primarily" was defeated in committee by an 18–18 tie vote.

There is an overriding congressional policy to avoid subjecting parties and organizations to two prosecutors during any criminal adjudicatory proceeding. Although there are no criminal adjudications under the Administrative Procedure Act, the same circumstances may have criminal as well as civil consequences, therefore, the limitation in section 204(a)(2) should take the form of (a) a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and (b) the secondary use of the word "criminal" to mean criminal-type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture * * *." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings other than in those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in pending adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters when there is no formal rulemaking or adjudicatory proceeding pending, or the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis. According to leading experts on administrative law and the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers, that are within an agency's potential rulemaking or adjudicatory power, are either ignored or handled on an informal basis.

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of informed oversight of proceedings falling within the rulemaking and adjudicatory power of agency that are of an informal nature and in those instances where the agency fails or refuses to institute a proceeding.

To solve this problem, an additional subsection is added to section 204 as follows:

> (b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section.

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 304(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the *right to* initiate a rulemaking or adjudicatory proceeding, the amendment provides merely for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gaging the effectiveness of the agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

The adoption of this 15-line amendment will cure the most serious defects in the bill.

This 15-line amendment will not change the bill to create a super agency.

This 15-line amendment will, however, prevent us from creating and then hamstringing a consumer agency which, without the amendment, might otherwise be—in the words of the gentleman from New York (Mr. ROSENTHAL)—"a sheep in wolf's clothing."

The adoption of the amendment will not satisfy my friend from New York. He believes that much more should be done to strengthen the bill.

The amendment is a consensus amendment which 17 members of our committee have cosponsored or supported.

It is an amendment which the consumer groups will endorse as making this bill acceptable to consumers.

But it is an amendment the defeat of which they will consider a betrayal of their cause.

I urge every Member to study both prayerfully and politically this brief amendment so that when it is offered it will receive overwhelming support.

The vote on this amendment will be a test of the sincerity of the commitments which all of us have made to the 200 million American consumers.

Mr. Chairman, the amendment is as follows:

AMENDMENT TO H.R. 10835

As reported, to be offered by Mr. Moorhead for himself and Messrs. Fascell, Macdonald,

Conyers, St Germain, Mrs. Abzug, Messrs. Gallagher, Hicks of Washington, Reuss, Brooks, Wright, Rosenthal, Reid of New York, Moss, Collins, Culver, and McCloskey.

Page 15, strike out lines 2 through 6, inclusive, and insert the following: "adjudicatory proceeding (other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

"(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided for in subsection (h) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section."

And redesignate the succeeding subsections of section 204 accordingly.

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

Mr. MOORHEAD. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, does the gentleman's amendment foresee similar protection to consumers for practices by the professions? In other words, would the consumer be protected against excessive legal fees or other fees for professional services and could they seek relief under this amendment against such abuses?

Mr. MOORHEAD. Only in instances where the regulatory agency—that is, an existing regulatory agency—has that power.

Mr. HOLIFIELD. Mr. Chairman, I will take 1 additional minute and then I will move that the Committee rise.

Mr. Chairman, I would ask the gentleman from Pennsylvania if he will put a point-by-point analysis of the amendment and what it purports to do in the RECORD following his remarks. The reason I ask is that I have had this amendment—I was sent a copy, as the gentleman knows—looked at by a number of lawyers and, frankly, they cannot tell me what it means. It is ambiguous and it is unclear and if the gentleman would put in the RECORD a point-by-point analysis of exactly what this amendment does, it would be helpful to the Members to understand the amendment.

If not, during general debate I may ask the gentleman some questions as to what it does. But I would prefer the gentleman to have his own analysis of the amendment in the RECORD—and I mean a real analysis such as we have, a section by section analysis of the bill that is before the House.

Mr. MOORHEAD. The speech I just made was an attempt to present the analysis to which the gentleman has referred. I shall insert the amendment as a part of the RECORD and also a further explanation.

Section 204 of H.R. 10835 is the heart of the bill in that it delineates the Consumer Protection Agency's jurisdiction relating to the "representation of consumers."

Subsection 204(a)(1) provides for the Consumer Protection Agency's participation only in pending rulemaking procedures. Section 204(a)(2) provides for Agency participation only in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

Under authority of these subsections, the Consumer Protection Agency's authority in pending rulemaking procedures is adequate. However, the language in subsection 204(a)(2) involving pending adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in pending adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters where there is not yet any rulemaking or adjudicatory proceeding pending, where the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis outside the Administrative Procedure Act. According to the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers that are within the rulemaking or adjudicatory power of agencies are either ignored or handled on an informal basis.

THE PROBLEM

The problem is to provide a fair and reasonable amendment to H.R. 10835 that would deal effectively with these shortcomings in the bill. In more specific terms:

First, what can be done to clarify section 204(a)(2) to assure Consumer Protection Agency participation in adjudications affecting the interests of consumers and yet avoid confronting the defendant or respondent in the adjudications with two "prosecutors"—a matter of concern to Members of Congress. In this connection, the following should be considered:

The term, "fine, penalty, or forfeiture," as used in the bill, could apply to any of the following agency actions:

A "cease and desist" order or other similar type civil action aimed at protecting the public's interest;

The imposition of civil penalties, that is, fines that can be mitigated by the agency, assuming the individual or organization affected agrees; or

The forwarding of a citation to the Department of Justice urging criminal prosecution for violation of the criminal penalties that are also usually present in statutes involving consumer interests.

In adjudications, the Consumer Protection Agency would only be interested in proceedings or parts thereof relating to the action an agency takes to protect the public. In these instances, the "fine, penalty, or forfeiture" involved would either be a "cease and desist" type of civil proceeding or one in which civil penalties might ultimately be imposed. And, even in the latter instance, the Consumer Protection Agency would have no legitimate interest in matters directly relating to the nature of the penalty.

In light of these distinctions and the overriding congressional policy to avoid subjecting parties and organizations to two "prosecutors" during an adjudicatory proceeding, the limitation in section 204(a)(2) should take the form of a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and the secondary use of the word "criminal" to mean criminal type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public. Either civil or criminal punishment for any violation of a statute would be beyond the scope of its authority.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings "other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of oversight with respect to proceedings falling within the rulemaking and adjudicatory power of an agency that are of an informal nature and in those instances where the agency fails or refuses to institute an APA proceeding. In this connection, the following should be considered:

First. In practical terms, it is impossible to delegate authority to the Consumer Protection Agency to "participate" in an informal proceeding. The nature of the proceeding precludes any step-by-step participation.

Second. Under section 204(e), the bill authorizes the Consumer Protection Agency to request a Federal agency to initiate a proceeding. But the bill limits the "followthrough" of this request to the requirement that, if the agency fails to take the action requested, that it simply notify the Consumer Protection Agency of its reasons and that such notification will become a matter of public record.

Third. Under section 204(g), the Consumer Protection Agency, with strict

limitations, is given the direct subpena power, as is any other party to the proceeding, in pending cases to obtain data and information from the party subject to the proceedings. However, the bill does not provide the Consumer Protection Agency with general subpena power. While there may be precedents for such an extension, there are countervailing arguments. One is that the Consumer Protection Agency concept is not intended to give the Agency any power in its own right, but to represent consumers before other agencies, thus negating the need for direct subpena power.

To solve this problem, an additional subsection is added to section 204 as follows:

(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section.

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 204(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gaging the effectiveness of the Agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

Information from the private sector through the host agency is fully justified on the basis of providing Congress with an authoritative report concerning the problem involved. Furthermore, the limitation in the amendment that the agency have the authority to institute a rulemaking or adjudicatory proceeding as well as the limitation in subsection (e) that the agency must have refused to institute action further limit the scope of this exercise of information-seeking authority.

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

Mr. HOLIFIELD. Mr. Chairman, with regard to H.R. 10835, the Consumer Protection Act of 1971, which is scheduled for floor action today and tomorrow, you may have received a letter and additional material signed by 17 members of the Committee on Government Operations in support of the Nader-Rosenthal amendment. It will be introduced on the floor by Mr. Moorhead.

At a press conference last Thursday morning, Messrs. Nader and ROSENTHAL represented this amendment as the one move that will save the consumer protection bill from being worthless. To be charitable about it, this is complete nonsense. We can only conclude that the amendment was drafted as a last-minute face-saving device.

The Nader-Rosenthal amendment is faulty in these respects:

First. It is highly misleading, for implying that the Consumer Protection Agency could participate in civil penalty proceedings would open up only a narrow class of agency actions with little, if any, consumer interest. Against this dubious advantage, it creates the problem of "dual prosecutors" with serious constitutional implications.

Second. It is impracticable in that it assumes that a Federal agency proceeding can be so separated that the Consumer Protection Agency could intervene in one part and not in another.

Third. It is partly meaningless. Federal agencies do not impose any criminal fine, penalty, or forfeiture. Under the Constitution, this is done by the courts.

Fourth. It is partly redundant. The provisions for undertaking investigations and submitting information to the Congress are already contained in H.R. 10835.

Fifth. It is partly questionable, since it slips in through the back door a subpena power for the Consumer Protection Agency, an issue which was considered and rejected in committee. The key word here in the amendment is "require." Federal agencies would be required to give information demanded by the Consumer Protection Agency, including information gathered by use of agencies' subpena powers. Although the language can be interpreted several ways, Mr. ROSENTHAL makes clear in his October 11 memorandum that his intent is to retrieve the subpena power for the Agency.

Sixth. It is totally ambiguous, as the Legislative Counsel's Office in the House of Representatives affirms. We can only surmise that some Members have signed their names in support of this amendment because it can be read to be harmless and lacking in significant, substantive change, whereas others were persuaded that it is a rescue operation.

We intend to have the situation clarified in the floor debate and to oppose the amendment. The attached memorandum spells out the above points in more detail:

ANALYSIS OF THE MOORHEAD AMENDMENT

1. The amendment is misleading. The first part of the amendment is supposedly required because the present bill would "exclude the Agency's participation in most of the adjudications before Federal agencies." This simply is not the case.

In the first place, the "exclusion" applies only to a narrow category of adjudications where Federal agencies can impose fines, penalties, or forfeitures. Neither the Federal Trade Commission nor the Food and Drug Administration, two agencies of great significance to the consumer, can do this. The allegation that the Agency would be "excluded" is apparently based on mis-information. For example, one of the amendment's sponsors distributed a paper in which he stated his belief that adjudications for violations of the Stockyards and Packers Act, and the Federal Seed Act, were initiated to impose fines, penalties, or forfeitures. The Department of Agriculture has informed us that this is not so, and the relevant statutes, 7 U.S.C., Sections 193(b) and 1599, provide that the Secretary of the Department shall issue a cease-and-desist order for violations. These orders are in the nature of an injunction, proscribing future conduct, and are probably described as sanctions. They are not, as alleged in one letter supporting the amendment, fines, penalties, or forfeitures.

The Chairman of the Administrative Conference of the United States has analyzed the present language of the bill, in connection with a detailed study of agency powers, and concludes: "In summary, it is my view that "fines, penalties, or forfeitures" for violation of laws encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved."

In the second place, the Agency can always communicate information and, at Agency discretion, appear as *amicus curiae*. In the very few situations in which it would not be authorized to intervene as a party, it would be fully authorized to submit its views and to communicate any other information. There is absolutely no situation in which the CPA would be "excluded".

2. The amendment is impracticable. It presupposes it is feasible to separate out those parts of proceedings which relate to fines, penalties, or forfeitures and those which relate to other remedies. This concept was embodied in one of the amendments suggested by the Association of General Merchandise Chains, and it was rejected in part because of the obvious difficulty of deciding when a proceeding shifted gears. Adoption of this concept could cause great difficulty to the Consumer Protection Agency and to Federal agencies conducting proceedings. Further, this language would give a person against whom a proceeding is brought an opportunity to appeal on a very technical ground. That is, the offender could claim that a piece of evidence was presented at the wrong stage or in the wrong way according to the tenuous legal separation required by the language of the amendment. Thus, the amendment could give offenders an unwarranted loophole for appeals.

3. The amendment is partly meaningless. The language seems to allow the CPA to intervene in any agency adjudication relating to the imposition of *civil* fines, penalties, or forfeitures, but it purports to limit intervention in proceedings to impose *criminal* fines, penalties, or forfeitures. No instance has been pointed out where any Federal agency, other than a Federal court, has authority to impose a criminal fine, penalty, or forfeiture, and under the Constitution an agency could not be given such authority. Removing the CPA from those parts of proceedings "relating directly to the decision to impose any

criminal fine, penalty, or forfeiture" is meaningless. The type of adjudication from which the Agency would be excluded never occurs.

4. The amendment is partly redundant. The second part of the amendment aims at permitting the Agency to make reports to Congress about Federal agency failure to initiate a rule-making or adjudicatory proceeding pursuant to an Agency request. Except for the hidden subpena power discussed below, the amendment restates in different language authority already given the Agency in other sections.

First, the amendment provides that the Agency may undertake review and investigations. Under Section 203 of the bill, the Agency is authorized to conduct conferences, surveys, and investigations concerning the needs, interests, and problems of consumers. Second, the amendment authorizes the Agency to require information from Federal agencies. Section 201(c) of the bill already authorizes and *directs* all Federal agencies to furnish any information it requests, except where prohibited by law, a prohibition which would also apply under the proposed amendment. Third, the amendment authorizes the Agency to submit information, findings, or recommendations to the Congress. Section 203(b)(6) requires the Agency to keep appropriate committees of Congress fully and currently informed; Section 203(d) requires the transmittal of an annual report to the President and the Congress, including specifically a statement of the deficiencies the Agency finds in the enforcement of laws by Federal agencies. Thus, with the exception of the subpena provision, the present bill gives the Consumer Protection Agency authority to bring to the attention of the Congress any consumer problems created by inaction on the part of Federal agencies.

5. The amendment is partly questionable. Although on its face the use of subpena power is tied directly to Section 204(g) of the bill, which keeps it in the framework of agency proceedings, proponents state that the purpose is to extend the instances in which agency subpena may be used. Their explanation is to the effect that whenever a Federal agency refuses to initiate a proceeding upon request, the CPA can employ the subpena power of the agency as if a proceeding had been initiated. In effect, this would allow the Consumer Protection Agency to open up any area to subpena usage following a Federal agency's refusal to act.

The amendment carries built-in conflicts, in that the Consumer Protection Agency would be using a Federal agency's subpena powers to impeach that Federal agency before the Congress. Under this interpretation, this amendment overturns a carefully-considered decision by the subcommittee that the Agency would not be given wide-ranging subpena powers. The present bill limits subpenas by the Consumer Protection Agency to those instances where it is a party in an agency proceeding. By lodging requests which would create phantom proceedings, the Agency can employ a subpena in any area where government regulation affects the interests of consumers.

6. The amendment is totally ambiguous. The first part of the amendment replaces a section of the present bill containing the word "primarily", which was attacked because of its alleged difficulty of definition. But the substitute language, "Those parts of the proceeding relating directly to the decision to impose" is surely more productive of confusion. No instance is cited of a provision of this type in current agency or court law, and it is doubtful that any comparable provision, in fact, exists. The amendment requires that a proceeding be neatly separated into parts, presumably in advance of the proceeding, for if the CPA participated in a part later determined to be related directly to a decision, the whole proceeding could be attacked.

There is yet another ambiguity. Proponents of the amendment say that the word "criminal" means not only *criminal*, but also *criminal-type*, which is defined as "those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation." We are asked to re-define the word, which has its own specific meaning.

Another ambiguity exists in the second part of the amendment in the cross-reference to the subpena powers in agency proceedings. Read literally, the cross-reference would add nothing, since by definition this action is directed at those instances where there has been no proceeding instituted. With no proceeding, there could be no invoking of the subpena power of the present section 204(g). The interpretation put forth, however, is to the effect that the subpena power would, in fact, be used outside of agency proceedings, a concept which goes beyond the section to which reference is made.

The ambiguity in the amendment may have stood it in good stead up to this point, for some members may have signed their names in support of it because it can be read to be mainly a reaffirmation of powers already in the bill. Other members, particularly those deeply involved in the effort to work up this amendment, support it because they contend it will make significant changes. It is imperative that at the least the proponents define with precision just how the amendment will affect the operations of the Agency.

Mr. HORTON. Mr. Chairman, I yield myself 1 minute for the purpose of asking the Chairman a question. I have no further requests for time on this side, Mr. Chairman. I see one other member of the subcommittee, Mr. ROSENTHAL, present on the floor. I do not know how many requests for time the Chairman has, but I would hope that we could finish the debate this evening. We have 4 hours of debate, but we have no further requests for time on my side. I wonder if we could possibly finish the general debate tonight. That was the announced program anyway, to have the debate today and then go into the amendments tomorrow. I think it would facilitate the handling of time if we could dispose of the debate at this point. I say that because I have no further requests for time on this side.

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

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

Mr. HOLIFIELD. I have asked the gentleman from New York (Mr. ROSENTHAL) if he will use his time for general debate tonight. I will let him speak for himself on that point.

Mr. HORTON. I am glad to yield to the gentleman from New York.

Mr. ROSENTHAL. In response to the request of the distinguished Chairman, I do for a fact know that there are a number of Members on our side, a half dozen or more, who want to speak in favor of the Moorhead amendment who were led to believe, as I was, that the Committee would rise at 6 o'clock. Many of us made plans accordingly, not to speak tonight, including myself. If it is the wish of the Committee or the Chair to proceed, I am always perfectly willing to do so, but I do not think it would be useful, considering the arrangements other Members have made on the basis of the announcement that we would rise at 6 o'clock.

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

Mr. HORTON. Mr. Chairman, I yield myself an additional minute.

I am sure the gentleman from New York would agree with me that we wish to dispose of the general debate and get to the amendments as quickly as possible. I wonder if the gentleman knows of other Members who want to request time and actively present their views who perhaps would revise and extend their remarks at this point in the RECORD. I believe we are going to have a long day of debate on the amendments. I personally feel that every Member ought to have as much time as he would like to debate and speak with regard to the amendments. I know that the Chairman does not want to cut off debate, and I certainly do not want to cut off debate on the amendments.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HOLIFIELD. I appreciate very much what the gentleman has said, and I would be only too glad, of course, to speed this along. But I find that the leadership has told a couple of Members that we would rise tonight at 6 o'clock or thereabouts, and they have been assured that there would be time for them to speak in the general debate. So my judgment is that we should carry over until tomorrow, and then we will try to limit the time tomorrow. I do not want to be accused of trying to prevent some of the Members who wanted to speak on the bill from speaking, and in view of the fact that the leadership has notified some of the Members that they want to rise at this time tonight, I think it is better to carry over and settle the limitation of debate tomorrow.

Mr. ROSENTHAL. Mr. Chairman, tomorrow the House will vote on one of the most significant pieces of consumer legislation ever considered. This legislation, which culminates 12 years of effort by many persons, has the potential for upgrading dramatically the performance of Federal consumer protection agencies, and the quality of goods and services in the marketplace.

Unfortunately and tragically, this legislation, which is for America's 200 million consumers, will not be of real value to consumers unless it is substantially strengthened on the floor of the House.

Fifteen Democrats and two Republicans on the House Government Operations Committee are urging adoption of the Moorhead amendment. This amendment, if approved, will restore to the legislation much of the promise it contained when it was originally introduced last February and cosponsored by 170 Members.

I am including in the RECORD, at this point, a letter and some background material on the weakened committee-reported bill—H.R. 10835—and the

strengthening amendment to be offered tomorrow:

WASHINGTON, D.C.,
October 11, 1971.

DEAR COLLEAGUE: This letter, which concerns the Consumer Protection Agency Act of 1971 (H.R. 10835), supplements the letter sent to you on October 7, signed by Representatives Jack Brooks, John Moss, Dante Fascell, Henry Reuss, Torbert Macdonald, William Moorhead, Cornelius Gallagher, Ben Rosenthal, Jim Wright, Fred St Germain, John Culver, Floyd Hicks, George Collins, John Conyers, Bella Abzug, Ogden Reid and Paul McCloskey, Jr. In that letter, these members of the House Government Operations Committee urged your support for a single strengthening amendment, to be offered by Congressman William Moorhead, on which there will be a record teller vote.

The entire premise underlying the need for a new Consumer Protection Agency (CPA) is that consumers have been systematically excluded from the decision-making and policy-making processes by which Federal agencies seek to protect the health and economic well-being of the consuming public. It is both tragic and ironic, therefore, that the Committee-reported bill excludes from the jurisdiction of the CPA *most* of these consumer-related policies and decisions!

Those who support the Committee bill and oppose the strengthening Moorhead amendment, argue that it would be unwise for Congress to establish a "super-agency." No such result is intended nor could it be accomplished by adoption of the amendment. What is intended is that the new CPA be an "*effective*-agency," with authority to accomplish its intended purpose: *the representation of the interests of consumers whenever decisions are made or policies established which are important to consumers.*

It is vital to keep in mind that even with this amendment the Consumer Protection Agency has no regulatory powers: it *cannot* tell any business or industry how to manufacture, market or advertise its products and services; it *cannot* impose any penalties or sanctions; it *cannot* dictate to any other Federal agency how to decide cases or what policies to establish. All the CPA can do is present its case on the merits and then allow the host agency or the court to work their will.

The differences between the Committee-reported bill and the Moorhead amendment to that bill reduce themselves to a single subtle but vital question: will the CPA be allowed to represent consumers when and where necessary (keeping in mind that all representation must be pursuant to the rules of practice and procedure of the host agency or court); or will the CPA be excluded from most agency activities affecting consumers?

Despite all the rhetoric that the Committee-reported bill is adequate, the fact remains that the leading experts on administrative law have concluded that the CPA, under the language of the Committee bill, will be excluded from most agency matters of importance to consumers. Furthermore, the report on the legislation makes it abundantly clear that the Consumer Protection Agency has been engineered to be ineffective from the beginning. It estimates a first year budget for the Agency of only $5.4 million. This totally inadequate budget (which is only slightly more than that received by the American Battle Monuments Commission and the American Revolution Bicentennial Commission) will not permit the agency to be anything other than a weak and lonely voice in the wilderness.

While the amendment to be offered does not relate to the budget of the proposed Agency, its approval will not only give the CPA the basic authority it needs to prevent fraud, injuries and deaths, and sharp practices in the marketplace; it will also demonstrate that the House of Representatives is determined to give our 200 million consumers the kind of representation they need and deserve at the federal level. Please remember, this legislation is designed to aid not only consumers, but legitimate businessmen as well.

I urge your support for the Moorhead amendment.

Sincerely,

BENJAMIN S. ROSENTHAL,
Member of Congress.

EXPLANATION OF MOORHEAD AMENDMENT TO SECTION 204 OF H.R. 10835, THE PROPOSED CONSUMER PROTECTION ACT OF 1971.

BACKGROUND

Section 204 of H.R. 10835 is the heart of the bill in that it delineates the Consumer Protection Agency's jurisdiction relating to the "representation of consumers."

Subsection 204(a)(1) provides for the Consumer Protection Agency's participation only in *pending* rulemaking procedures. Section 204(a)(2) provides for Agency participation only in *pending* adjudicatory proceedings "other than an adjudication seeking, primarily to impose a fine, penalty, or forfeiture."

Under authority of these subsections, the Consumer Protection Agency's authority in pending rulemaking procedures is adequate. However, the language in subsection 204(a)(2) involving *pending* adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in *pending* adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters where there is not yet any rulemaking or adjudicatory proceeding pending, where the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis outside the Administrative Procedure Act. According to the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers that are within the rulemaking or adjudicatory power of agencies are either ignored or handled on an informal basis.

THE PROBLEM

The problem is to provide a fair and reasonable amendment to H.R. 10835 that would deal effectively with these shortcomings in the bill. In more specific terms:

First, what can be done to clarify section 204(a)(2) to assure Consumer Protection Agency participation in adjudications affecting the interests of consumers and yet avoid confronting the defendant or respondent in the adjudications with two "prosecutors"—a matter of concern to Members of Congress. In this connection, the following should be considered:

The term, "fine, penalty, or forfeiture," as used in the bill, could apply to any of the following agency actions:

(a) a "cease and desist" order or other similar type civil action aimed at protecting the public's interest;

(b) the imposition of civil penalties, that is, fines that can be mitigated by the agency, assuming the individual or organization affected agrees; or,

(c) the forwarding of a citation to the Department of Justice urging criminal prosecution for violation of the criminal penalties that are also usually present in statutes involving consumer interests.

In adjudications, the Consumer Protection Agency would only be interested in proceedings or parts thereof relating to the action an agency takes to protect the public. In these instances, the "fine, penalty, or forfeiture" involved would either be a "cease and desist" type of civil proceeding or one in which civil penalties might ultimately be imposed. And, even in the latter instance, the Consumer Protection Agency would have no legitimate interest in matters directly relating to the nature of the penalty.

In light of these distinctions and the overriding congressional policy to avoid subjecting parties and organizations to two "prosecutors" during an adjudicatory proceeding, the limitation in section 204(a)(2) should take the form of (a) a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and (b) the secondary use of the word "criminal" to mean criminal-type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public. Either civil or criminal punishment for any violation of a statute would be beyond the scope of its authority.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture * * *." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings "other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of oversight with respect to proceedings falling within the rulemaking and adjudicatory power of an agency that are of an informal nature and in those instances where the agency fails or refuses to institute an APA proceeding. In this connection, the following should be considered:

1. In practical terms, it is impossible to delegate authority to the Consumer Protection Agency to "participate" in an informal proceeding. The nature of the proceeding precludes any "step-by-step" participation.

2. Under section 204(e), the bill authorizes the Consumer Protection Agency to request a Federal agency to initiate a proceeding. But, the bill limits the "follow through" of this request to the requirement that, if the agency fails to take the action requested, that it simply notify the Consumer Protection Agency of its reasons and that such notification will become a matter of public record.

3. Under section 204(g), the Consumer Protection Agency, with strict limitations, is given the indirect subpoena power, as is any other party to the proceeding, in pending cases to obtain data and information from the party subject to the proceedings. However, the bill does not provide the Consumer Protection Agency with general subpoena power. While there may be precedents for such an extension, there are countervailing arguments. One is that the Consumer Protection Agency concept is not intended

to give the agency any power in its own right, but to represent consumers before other agencies, thus negating the need for direct subpoena power.

To solve this problem, an additional subsection is added to section 204 as follows:

"(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section."

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 204(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gauging the effectiveness of the Agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

Information from the private sector through the host agency is fully justified on the basis of providing Congress with an authoritative report concerning the problem involved. Furthermore, the limitation in the amendment that the agency have the authority to institute a rulemaking or adjudicatory proceeding as well as the limitation in subsection (e) that the agency must have refused to institute action further limit the scope of this exercise of information-seeking authority.

EXAMPLES

I. INFORMAL PROCEEDINGS

(Selected examples of informal Agency proceedings not performed under the Administrative Procedure Act and from which the Consumer Protection Agency [CPA] would be excluded entirely by section 204):

(1) Federal Trade Commission—Informal Enforcement of the Flammable Fabrics Act:

The American Academy of Pediatrics reported that in 1966 over 900 American children were burned to death as a result of the ignition of their clothing. In 1970, over 200,000 Americans of all ages suffered serious injuries.

Last year, the FTC disposed of over 250 flammability cases by the use of informal procedures for settlement. During FY 1971, the FTC issued formal adjudicatory complaints on less than 10% of the informal matters and investigations. Thus, 90% of the cases are handled informally without adequate scrutiny as to the quality and effectiveness of the settlement.

The Consumer Protection Agency should be able to contribute to the outcome of these informal settlements where the danger to the public is very great and where speedy and comprehensive FTC action is essential. Under the present language of Section 204, the CPA is barred from having any voice in these informal investigations, negotiations and settlements.

Additionally, in those instances where the FTC does file a formal complaint under the Administrative Procedure Act, the Consumer Protection Agency should be allowed to push for a sharp reduction in the existing 2 to 3 month delay between the time a Flammable Fabrics Act violation is discovered and the time the FTC issues a formal APA type complaint.

The attached FTC News Release of September 13, 1971, illustrates the FTC's failure to conduct thorough investigations regarding hazardous flammable wearing apparel. It shows that FTC's initial investigation (involving dangerously flammable Japanese scarfs in Los Angeles), *failed* to uncover the quantity of such scarfs on the market and the retail locations where they were being sold. If the Consumer Protection Agency is authorized to assist the FTC in such investigations (and the Subcommittee-reported bill prevents such assistance), then it is conceivable that the 200 dozen lethal scarfs and the outlets selling them would have been pinpointed and the purchasers notified when the original FTC investigation was conducted two months earlier.

(2) U.S. Department of Agriculture—Violations of the Meat and Poultry Inspection Acts:

Each and every year, the USDA receives reports and complaints alleging violations of the health and safety standards for food established under the Meat and Poultry Inspection Acts. The recently reported contamination of thousands of chickens with the pesticide PCB, is one example. Reports are also received regarding violations of other consumer protection laws, such as "bait and switch" tactics by meat locker firms (Packers & Stockyards Act), the misbranding of fruits and vegetables (Perishable Agricultural Commodities Act) and violations of the administratively imposed 30% fat limitation in hot dogs.

It is not surprising that all USDA investigations of reports of unsanitary food plant conditions and unwholesome food, fall outside of the Administrative Procedure Act. It may surprise some that while plant sanitation and food wholesomeness standards under the Meat and Poultry Inspection Acts are established by rule-making, the procedures governing the frequency and manner of food plant inspection are established informally outside of the APA.

Moreover, and most importantly, all of USDA's disciplinary actions against food processing firms which violate health and wholesomeness standards (including administrative detention of offending products for up to 20 days; fines, official warning letters, and the shutting down of the plants of systematic violators), are accomplished informally before a USDA attorney outside of the Administrative Procedure Act.

Incredibly, under the present language of Section 204, all of these vital health and wholesomeness proceedings would be outside of the reach of the Consumer Protection Agency. The effectiveness of meat inspection procedures, the thoroughness of investigations of suspected violations, and the imposition of disciplinary action—are all excluded now from any intervention by the CPA.

(3) Civil Aeronautics Board—Protects consumers' interest by enforcement of law and regulations:

(a) Every year the public is directly affected by *informal* CAB actions against airlines, and decisions with the airlines. Typical examples include the handling of investigations and public complaints. *Consumer Reports* said that over 128,000 passengers were inconvenienced by airline overbooking and bumping. *The informal disposition of complaints by the CAB is so important that the Board has both an "Informal Legal Division" as well as a "Formal Legal Division."*

(b) During the period June 30, 1970—July 1, 1971, the CAB had underway 350 investigations. All of these investigations were concluded *outside* the Administrative Procedure Act.

(c) During fiscal year 1971, the CAB instituted or concluded over 1800 *informal* complaint cases against the carriers for violations of the law. The total of formal proceedings during the same period was 231. All of the 1800 informal complaints were handled outside the APA and thus are outside the CPA's jurisdiction to offer help or give scrutiny.

(4) Interstate Commerce Commission—Actions which determine the cost of consumer goods by setting routes and rates of motor carriers:

(a) In FY 1970, the ICC took action on 8,410 requests from motor and water carriers for a *temporary* operating authority to operate moving vans or haul freight between two points. Temporary licenses are often opposed carriers. The CPA could not intervene even in the most important of these *informal* proceedings.

(b) The ICC also informally disposes of thousands of complaints alleging violations of law. During FY 1970, the ICC's Bureau of Traffic handled 3,007 informal complaints. Many of these resulted in refunds of overcharges by carriers. "Others, after informal handling with the carriers, were concluded with adjustment of claims for loss and damages to freight."

(c) During FY 1970, there were 805 informal proceedings to revoke a motor carrier's operating rights without a hearing; also there were 278 informal applications to deviate from regular routes.

(5) National Highway Traffic Safety Administration:

The National Highway Traffic Safety Administration is directed to protect American consumers by the Traffic Safety Act of 1966. At the present time, however, there still are over 50,000 fatalities and 2,000,000 disabling injuries every year. These accidents represent a property loss of over $13.6 billion dollars to the economy. To correct these problems, the NHTSA is directed to detect and investigate automobile defects before they affect consumers, and to require notification of such defective products. Since 1966, the NHTSA has undertaken over 250 separate defect investigations—relying *entirely* on informal procedures. At the same time there have been over 12 million vehicles recalled by the manufacturer, most of which followed NHTSA informal action.

Under the subcommittee bill the CPA would be excluded from auto defect information as well as negotiations and discussions leading to recalls.

(6) Federal Trade Commission—Consumer protection by enforcement of unfair trade practices:

Much of FTC enforcement is accomplished informally by the use of stipulations and "Assurances of Voluntary Compliance." "Stipulations" are informal settlements of violations of law prior to issuance of formal complaint. According to Kenneth C. Davis, leading expert on Administrative law, the FTC enters into thousands of stipulations each year. The resolution of violations of

consumer statutes are often decided by stipulation.

Among the matters handled informally is the FTC's enforcement of the *Truth-in-Lending Act*. In 1970 over 12,000 creditors agreed, informally, to discontinue violative practices and only 21 formal complaints were issued. Under the subcommittee bill the CPA cannot contribute to the development of better informal settlements of Truth-in-Lending violations.

II. FORMAL ADJUDICATIONS

(Proceedings in which the CPA would be excluded from intervention as a party in adjudicatory matters because they seek "primarily to impose a fine, penalty, or forfeiture".

All consumer protection statutes, in contemplation of possible violation, provide for the imposition of fines, and/or penalties and/or forfeitures.

In every instance in which a federal regulating agency files a complaint under a statute providing for fines, penalties or forfeitures it follows that the ultimate result of that action could be the imposition, by a court, of a penalty. It would be self-contradictory to suggest that a regulating agency would undertake an adjudication alleging the violation of law, which did not have, as its purpose, the imposition of a penalty.

Accordingly, all agency adjudications alleging a violation of such statutes, would probably be considered "an adjudication seeking primarily to impose a fine, penalty, or forfeiture . . ."—and the CPA would be prohibited from intervening as a party.

Even with respect to formal consent orders (which can incorporate cease and desist decrees), penalties and fines are frequently called for. For example, the latest Civil Aeronautics Board consent order was against Overseas National Airlines for charter violations, and called for a $71,000 fine.

In this type of case, the CPA would be excluded as a party intervenor because of the imposition of a fine!

These are the very types of vital cases in which the CPA should be a party intervenor.

Examples:

A. CAB (Civil Aeronautics Act provides for the imposition of civil penalties for charter violations, abuses by travel agents, misleading advertising, rebating, etc.)—

1. Between July 1, 1970 and June 30, 1971, the CAB had underway 378 formal adjudications involving alleged violations of the Civil Aeronautics Act. *All 378 adjudications sought the imposition of a penalty!* Accordingly, the CPA would have been prohibited in each case from intervening as a party.

2. U.S. Department of Agriculture: Violations of the Packers and Stockyards Act, Federal Seed Act, and other consumer statutes often lead to formal adjudications by USDA. These statutes also provide for the imposition of penalties. According to the general counsel's office of USDA, every formal adjudication involving the violation of a consumer protection statute, is instituted for purposes of disciplining the offending firm and imposing a fine, penalty or forfeiture.

Accordingly, the Consumer Protection Agency would be excluded from party intervention in all USDA consumer-related adjudications.

In fact, all adjudicatory proceedings can be put outside the scope of the CPA if the host agency merely drafts them so that *on their face* they appear to involve "primarily a fine, penalty or forfeiture."

Since adjudications, by definition, determine some of the rights of a party in relation to the Federal Government, they *all* are "primarily seeking to impose a fine, penalty or forfeiture."

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, had come to no resolution thereon.

DEATH DIMINISHES STATE'S PRESTIGE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a newspaper article.)

Mr. WHITTEN. Mr. Speaker, following the death of our beloved colleague, the Honorable John C. Watts, an article appeared in the Lexington, Ky., Herald on September 30 entitled, "Death Diminishes State's Prestige," by W. B. Ardery.

This article discussed generally the positions that two of our colleagues have held in the House for a number of years. Our friend, John C. Watts, as pointed out in this article, was the ranking majority member on the Committee on Ways and Means and had served in the Congress for 20 years. My friend, WILLIAM H. NATCHER, is a member of the Committee on Appropriations and the part that he has played, along with that of our late colleague, John C. Watts, has, as this article emphasized, brought distinction to the State of Kentucky and to the Second and Sixth Congressional Districts, respectively.

I have heard it said that every Kentuckian is convinced that his particular home area is the real garden spot of the world, whether it be the mountains, the bluegrass, the beargrass, the Pennyr'ile or the Purchase and he is only willing to grant second place to any of the other regions within his own State. Certainly this has never applied insofar as the Kentuckians that I have served with in the Congress are concerned because the members of this State's delegation, regardless of their politics and home area, have always tried to work together for the best interests of the Commonwealth of Kentucky. Definitely this has been the situation for a great many years with our friend, WILLIAM H. NATCHER and the late John C. Watts.

Kentucky is, I am sure, many things to many people, but I know full well, Mr. Speaker, that all Kentuckians are proud of the fact that their State produced such men as Abraham Lincoln, Jefferson Davis, Henry Clay, Alben W. Barkley, Irvin S. Cobb, Henry Watterson, John Griffin Carlisle, to name a few. Two of those named, Henry Clay and John Griffin Carlisle, served as Speaker of the House of Representatives. Traditionally, to most Americans, Kentucky means bluegrass, fast horses, beautiful women, and bourbon whisky. I feel sure that no Kentuckian would ever deny his pride in these assets, and at the same time, Mr. Speaker, is also proud of the many illustrious men and women produced by this great State. In my opinion, history will appropriately record the inclusion of John C. Watts and WILLIAM H. NATCHER in this State's list of illustrious and dedicated public officials.

I serve on three subcommittees on the Committee on Appropriations. As chairman of the subcommittee that appropriates the money for agriculture-environmental consumer protection I have the honor of sitting next to my friend, BILL NATCHER. He is the ranking majority member on this subcommittee and in addition to serving with me, serves on two other subcommittees. He is the ranking majority member on the subcommittee that appropriates the money for the Department of Labor and the Department of Health, Education, and Welfare, and is chairman of the Subcommittee on the District of Columbia Budget. He is a hard worker and is a loyal member of the Committee on Appropriations, and has established an outstanding record in the Congress of the United States.

Mr. Speaker, it has been a distinct honor for me to have been permitted to serve in the Congress with our departed colleague, John C. Watts, and our friend, WILLIAM H. NATCHER. Certainly I can understand the importance of the positions that these two gentlemen have held for many years in the House of Representatives and furthermore, I can understand the concern expressed in the article from the Lexington newspaper.

Mr. Speaker, I ask unanimous consent to insert the article which appeared in the September 30 edition of the Lexington, Ky., Herald entitled "Death Diminishes State's Prestige" at this point in the RECORD:

DEATH DIMINISHES STATE'S PRESTIGE

(By W. B. Ardery)

Regardless of who is chosen in a special election to succeed the late John C. Watts as Sixth District congressman, it may well be years before Kentucky regains a place on the powerful House Ways and Means Committee.

Membership on this committee is by invitation only and members are invited under the seniority rule—usually representatives who have attained a degree of seniority on other House committees. Rep. Watts left the House Agriculture Committee to take a place on the coveted Ways and Means body.

Since raising and spending money is the most vital domestic function of Congress, Kentucky has been fortunate to have a member on both the money-spending and money-raising committees—Rep. William H. Natcher of the Second District on the Appropriations Committee and Mr. Watts on Ways and Means.

The later group makes assignments to other House committees as well as having jurisdiction over all revenue legislation which, under the Constitution, must originate in the House.

Mr. Watts had 20 years in Congress and Mr. Natcher has had 18.

When he was in the Blue Grass for Mr. Watts' funeral Tuesday, Chairman Wilbur D. Mills of the Ways and Means Committee was asked how long it might be before the Sixth District could hope to have a representative with the equivalent of Mr. Watts' power in the House.

He pointed out that, in 20 years, Mr. Watts had not only won membership on the Ways and Means Committee but had made a vast number of friends in the House. It might

take a new man 20 years to gain such an influential position, he added—"if ever" he could.

Gov. Louie B. Nunn has not yet set a date for a special election to fill the Watts vacancy.

The governor is required to give sheriffs in the district 20 days notice ahead of the election date but he does not have to call the special election for Nov. 2, the date of the general election.

The Louisville Times said yesterday that Gov. Nunn himself was "considering the possibility" of running for the Watts seat. From Frankfort last night, however, the governor said he has no intention at this time to become a candidate. "I feel I am being set up as a 'straw man' by the opposition party," Mr. Nunn declared.

When the governor does set a special election date, candidates for representative will be nominated by the Democratic and Republican organizations in the district.

Because they are situated in the county which cast the most votes in the last election, the Fayette County party chairman will be responsible for calling conventions of county chairman in the district.

James S. Shropshire, Fayette Republican chairman, said last night he hoped Gov. Nunn would call the special election for a date after the general election but that he had no information about the governor's intentions.

Steve J. Banahan, Fayette Democratic chairman, said the Democratic convention would be held in Lexington but that he had no preference as to a date for the election.

He added that he had heard one unsubstantiated report that the governor might act today.

REPRESENTATION REQUESTED—NOT POLITICS NOR SYMPATHY

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

Mr. MELCHER. Mr. Speaker, yesterday I sent a letter to President Nixon telling him of my concern with the failure of the phase II economic plan to include agricultural representations in the policymaking levels of the Price Commission and the Wage Board. I urged the President before making his 22 appointments to these two groups to consider representation from the Nation's largest industry with annual sales of $50 billion which it in turn spends for supplies, labor, fuel, equipment and services.

Agriculture is very much involved in the decisions that will be made within the framework of the groups composed under the overall direction of the Cost of Living Council, and the success of the whole operation will depend on fairness and cooperation among the various components of our economy.

The new economic plan calls for including some agricultural representation in what is called the Productivity Commission which is advisory to the Council concerning improved efficiency but far removed from the crucial area of determining policy.

With what it buys and sells agriculture can be hurt coming and going by decisions made by the price control panels. Prices on agricultural raw products are not frozen, but that means little since food retail prices are frozen. Producer's meager share of that—less than one-third of the 1 percent of the Nation's disposable income that goes to purchase food—may be locked tighter than the price of supplies and materials and equipment that agriculture must buy to keep operating. The least that can be expected by agriculture is representation in the groups that are going to make the decisions and policies of the economic control programs.

I do not think that is asking too much, and I do not think it is a question of politics. I suspect that there may be some feeling from Democratic circles that the administration is again blundering into a mistake concerning agriculture that will tarnish the administration's record. And I suspect that Republicans might feel that while this is an error to omit agricultural representation in these important groups, that it is expedient to say nothing and do nothing for the present and try to make up for it later by hoping for sympathy for agriculture in the decisions of the Price Commission, Wage Board, and Cost of Living Council.

For my part, I believe agriculture should have representation on the panels rather than sympathy. And to both Democrats and Republicans I say that the question of representation for agriculture is much more important than politics. Now is the time to advise the President with sincerity and objectivity. I hope my colleagues in the House will join me in doing so.

COLUMBUS DAY, 1971

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

Mr. PODELL. Mr. Speaker, 479 years ago, 90 men with the crudest ships and the most rudimentary instruments first sighted the American continent. This small complement, riding on three tiny ships, was led by the greatest of men. Christopher Columbus, with unending faith and courage drove the *Niña, Pinta,* and *Santa Maria* farther than man had ever sailed and discovered a previously unknown land.

That brave Genoan was responsible for opening this great continent to settlement. Because of Columbus, people came to this new land of opportunity. They came, year after year, the tired and the poor, the downtrodden and the oppressed, the lovers of liberty and the seekers of freedom. They came to this new land called America, named after another great Italian, Amerigo Vespucci, knowing that they would have dignity, equality, and opportunity.

The explorations of Columbus and the subsequent migration caused America to grow and prosper. People came to this new land and brought their religion and their culture, their arts and their crafts, their skills and ambitions. They came young and old with the determination to succeed, and succeed they did, forming a free and prosperous nation, a nation which we all have inherited.

The observance of Columbus Day as a national holiday means more than honoring the discovery of America. It has become an occasion to mark the courage of those subsequent individuals who came to form a life in this rough and wild continent. The backbone of this country are those people. Forging out into the unknown as Columbus did was done again and again by those many minorities that came to America. Our forefathers' spirit of perseverence was the same as that of Columbus when he set out on his epic voyage.

Because of the unswerving determination of our first American, this country became the melting pot of the world. The United States opened its doors to all men giving them a place to call their own.

In the years since that first discovery, this melting pot of individuals transformed the uncharted wilderness of America into the greatest nation in the world.

It is particularly fitting that this Nation should honor Columbus, the Italian-American who made this all possible. Columbus Day is not a holiday only for Americans of Italian heritage. It is a holiday for all Americans who are justly proud of their common heritage.

Today, if Christopher Columbus could see the results of his voyages and explorations, he would be most gratified. Every one of us owe him a debt, a debt that can only be repaid by keeping America free.

FRANCIS J. "SPIKE" McADAMS

(Mr. THOMPSON of New Jersey 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 New Jersey. Mr. Speaker, on September 19 death came to a man who had been a dear friend of mine for 29 years—since the day I first met him as a fellow naval officer at the amphibious training base at Solomons, Md.

I was but one of literally thousands of friends of Spike McAdams—friends from all walks of life and from all parts of the United States. In his 64 years Spike McAdams led a most colorful, interesting, and useful life. He was a man of tremendous loyalty, compassion, and affection, but his greatest characteristic was his unbelievable courage.

Spike McAdams was the commanding officer of the U.S.S. LCI(L) 424, one of the earliest of those beloved, effective, and uncomfortable vessels. He commanded her with great skill and achieved rapid promotion from his superior officers who recognized his ship-handling and leadership talents. At the same time I commanded the U.S.S. LCI(L) 428, in the same squadron.

Mr. Speaker, Spike McAdams was unique among his fellow commanding officers, not only because he was the most popular, but because he really did not have to be there. He was 34 years old at the time, was married and the father of young children. He could have stayed at home, but not Spike. Our Nation was at war—in a fight—and he had to be there, for he loved nothing better than a fight. I was 23 years old at that time, the same age as all of the others except Spike. I did not resent it in the slightest when he insisted upon calling me "Kid." Neither did the other fellows.

When the U.S. Navy developed the ship to be called an LSM—landing ship machines—for the transportation of tanks and vehicles in amphibious landings, it chose Spike McAdams, from among thousands of amphibious commanding officers, to command the first one, the U.S.S. LSM 1. A great honor and responsibility, indeed.

McAdams sailed his USS LSM 1 from the Atlantic to the Pacific theatres and on to Leyte Gulf. Shortly after Spike had beached his ship and had seen his precious cargo of men, tanks, and vehicles safely ashore, a Japanese mortar landed in his conning tower killing all of the other occupants and leaving Spike critically wounded. Only by a combination of his great courage and splendid medical treatment did McAdams survive.

I visited Spike in the Pacific Naval Hospital where his prognosis was extremely poor. He whispered to me that he was going to make it. I will never forget telling the doctor what Spike said. The doctor replied:

If he does it will be because of his guts. We've done all we can.

The wounds from Leyte Gulf won McAdams several high decorations for bravery and, quite accidentally, caused him to meet a brave and great Marine in the hospital. Former Senator Paul H. Douglas was that brave Marine. The rest of the story is best told in the newspaper stories which follow.

Mr. Speaker, I eulogize my late friend today because although he was not a typical human being—he was too brave to be one of us—but because he was typical of the very few who have been the very bravest among all of us. There have been Spike McAdams'—rare though they are—in every generation and in every war. They are too often forgotten.

Following is a lovely, touching homily to Spike McAdams, written by his youngest daughter. There also follows a wonderful tribute by our former colleague, Senator Paul H. Douglas.

HOMILY FOR SPIKE

(By Patricia McAdams)

Spike was born September, married September, died September. This is the way one of Spike's favorite poets looked upon the subject of death.

Death in John Donne's words is "slave to fate, chance, Kings and desperate men.

Spike was very fond of a few poets and oftentimes repeated verses at home, when he felt the time was appropriate and the verse fitting the occasion. Those of us who were close to Spike know that he added a very refreshing and unique dimension to our lives. He was by no means a conventional man. The more unusual an idea was, the longer and harder Spike entertained it. Yet he was conscious of certain limitations of human nature and the human experience.

The boast of heraldry, the pomp of power
All that beauty, all that wealth e'er-gone
Awaits alike the inevitable hour
The paths of glory lead but to the grave

But though he did acknowledge the limitations of the human experience and "that life was a relentless weeding-out process," Spike did live life to the fullest degree and managed to experience an uncommon amount of joy, suffering, laughter and tears. Glad did I live and gladly die

Here he lies where he longed to be
Home is the sailor, home from the sea
And the hunter home from the hill

As a father, husband and friend, Spike gave us a view of life whose limits most people could neither see nor understand. His advice to his children reads "do everything possible, see everything possible while you are there at your age because you might not go down that road again. I did it when I was much younger than you, you name it and I did it, I was there."

And a fitting close to Spike's life is again captured in the words of his favorites. . . .

No father seek his merits to disclose
Or draw his frailities from their dread abode
There they alike in trembling hope repose
The bosom of his father and his God.

STATEMENT ABOUT FRANK J. MCADAMS

(By Paul H. Douglas)

The death of my dear friend, Frank J. (Spike) McAdams, is a great loss to our country. It is an especial loss to me personally, for we were friends for a third of a century. His wit, humor, courage, and loyalty warmed and lifted those who knew him.

During World War II Spike was commanding officer of a destroyer escort in the Pacific. He was seriously wounded at the battle of Leyte Gulf, and the commanding officers despaired of his life. But with characteristic bravery, he refused to admit he was grievously wounded; he insisted he was all right and ready to return to battle.

I shall never know why he became devoted to me and my battles. He helped me immensely, even though he never really obtained anything in return.

I loved him as a brother and I have not yet recovered from his untimely death. He was one of the truly noble friends I have known and one of the most lovable, loyal and brave. He not only commanded the respect but the affection of all.

[From the Chicago Sun-Times, Sept. 22, 1971]

SPIKE MCADAMS' FRIENDS CAME FROM MANY WORLDS

(By Tom Fitzpatrick)

They piled into the John Carroll funeral home Tuesday night from all walks of life to say goodbye to Spike McAdams.

Frank J. McAdams had lived in many worlds and so his friends came from politics, boxing and the legal profession.

In a lifetime that lasted 64 years, he had managed to get himself involved in enough escapades to satisfy half a dozen lives.

Among those showing up were former Gov. William Stratton, Lt. Gov. Paul Simon, State Auditor Michael J. Howlett. From the boxing world came Ben Bentley and King Solomon.

Former Sen. Paul Douglas sent a wreath from Washington.

Spike McAdams was a man who had had more than 250 fights in the ring before he went away to serve in the Navy during World War II.

But that didn't begin to account for all the impromptu bashes Spike took part in just for the fun of it.

Ben Bentley still marvels at the number of battles Spike could get into.

"He was a great old Notre Dame guy," Ben was saying. "He was captain of the boxing team down there and used to love to go down on weekends to see the football games.

"One weekend he went down with Jack Kearns, the old fight promoter, and they were on the same floor with some of the football team after the game.

"The football players were awful noisy and Doc and Spike suggested that they calm down. The football players didn't want to. It took Spike and Doc Kearns less than three minutes to flatten five of them.

"Boy, he was a man who loved a good clean brawl."

Spike, who went on to become a skillful trial lawyer, was also rated as being one of the finest boxing referees and judges. He served as a judge, in fact, at more championship professional fights than any other official in Illinois boxing history.

But probably Spike's toughest fight was the one he fought to live after being wounded during the invasion of Leyte on Oct. 20, 1944.

Spike's son Frank was talking about that Tuesday night.

"He was a Lt. Commander then and he was standing on the right side of the bridge as the ship moved in toward shore. All of a sudden they came under attack and dad was hit first.

"He went down and all the other men with him were thrown on top of him. He always told me he thought he was the luckiest man in the world to be alive after that.

"In fact they told him he might not make it and the priest even came to give him the last rites. But dad told them he wasn't ready to die because he had to go back home and make enough money to send his kids through college."

Spike suffered severe shrapnel wounds in his right arm that eventually made it necessary to amputate and while he was in the hospital he met Paul Douglas who had been wounded in the left arm on Saipan.

They became a team and Spike served as Douglas' campaign manager in his campaign for senator. He served in the same capacity for the late Adlai Stevenson, too, during his campaign for governor.

Frank thought for awhile about his dad and then tried to put it into words.

"I'm sure if you asked me a week or so from now I'd be able to say it better," he said, but I remembered him telling me several times that he regarded life as a relentless weeding out process.

"He felt that each person should do their own thing and make no excuse for what he was. He was a man who might take a punch at you if he didn't like you. But if he did like you . . . well, you found out right away that he was a very warm-hearted man."

There will be a mass for Spike at 9:30 a.m. Wednesday at Holy Name Cathedral.

And judging from the size of the crowd that poured into that funeral home at Erie and Wabash Tuesday night, it's going to be a very big funeral.

[From the Chicago Sun-Times, Sept. 20, 1971]

'SPIKE' MCADAMS FOUND DEAD IN HOTEL

Frank J. (Spike) McAdams, Jr., 64, a lawyer and one-time activist in Democratic Party politics, was found dead Sunday in his room in the Croydon Hotel, 616 N. Rush.

The coroner's office said he apparently died of natural causes.

Mr. McAdams, who had his law office at 100 N. LaSalle, formerly was an assistant state's attorney and special assistant U.S. attorney here.

When Mr. McAdams was a student at the University of Notre Dame, he won the featherweight boxing championship at the university. Later he was a referee for the Illinois Boxing Commission.

He was a nephew of the late U.S. District Court Judge Philip L. Sullivan. Mr. McAdams was graduated from Notre Dame and the Kent-Chicago College of Law.

SERVED AT LEYTE

In World War II, Mr. McAdams was a lieutenant in the Navy, commanding an invasion ship at the Leyte landing in the Philippines. His right arm was shattered by shrapnel and in 1959 was amputated at the elbow.

In 1948, he resigned as a special assistant U.S. attorney to run for congressman-at-large here and to serve as manager of Paul H. Douglas's campaign for U.S. senator. Mr. McAdams was defeated in the primary, but Douglas won.

[From the Chicago Tribune, Sept. 20, 1971]

ATTORNEY MCADAMS DEAD AT 64

Frank J. [Spike] McAdams, a breezy, fast-talking Chicago criminal lawyer and onetime

boxer, died yesterday in his hotel room on the Near North Side.

Mr. McAdams, 64, was proud of his days in the fight game, and his crooked nose was a reminder of the 250 amateur and professional matches he fought during his youth.

His fight manager billed him as "The Kid from Kokomo," but it is doubtful the colorful featherweight fighter ever set foot in the Indiana city. He was born in Chicago.

WITH STATE'S ATTORNEY

When he settled down, Mr. McAdams became an assistant Cook County State's attorney and later a special assistant United States attorney representing the Army Corps of Engineers.

The wiry, short lawyer was a familiar figure around City Hall. He lost most of his right arm during the World War II invasion of the Philippines at Leyte, but the handicap never appeared to bother him.

A Democrat, he was a protege of Paul Douglas, the former Illinois senator, but when he ran for congressman-at-large, state senator and sheriff over a period of several years, not even the help of Douglas could give him victory.

[From the Chicago Today, Sept. 20, 1971]

"SPIKE" MCADAMS, DEM ATTORNEY, FOUND DEAD

Services for Frank J. [Spike] McAdams, 64, a criminal lawyer who was at one time active in Democratic party politics, were being arranged today by John Carroll Sons Funeral Home, 25 E. Erie St.

McAdams, a World War II naval hero, was found dead yesterday of natural causes in the Croydon Hotel, 616 N. Rush St., where he lived. He had office at 100 N. La Salle St.

A breezy, personable lawyer, McAdams once was an assistant Cook County state's attorney and a special assistant United States attorney representing the Army Corps of Engineers.

Over the years, he was unsuccessful Democratic candidate, first as a candidate-at-large for Congress in 1942 and then later for state senator and Cook County sheriff.

McAdams was a nephew of the late United States Circuit Court Judge Philip L. Sullivan and was considered a protege of Sen. Paul H. Douglas, once serving as his manager during the latter's campaign for the United States Senate.

Born and raised on the South Side, McAdams attended Culver Military Academy and the University of Notre Dame, where he was an outstanding athlete and featherweight boxing champion for four years. He fought more than 250 amateur and professional matches during his youth.

After leaving Notre Dame, he was graduated from the Kent College of Law in 1934 and later received a master's degree from the same college in 1937.

During World War II, he was a lieutenant commander in the Navy and was severely wounded during the invasion of the Philippines at Leyte.

A shell struck the deck of McAdams' ship, killing seven other officers standing with him. His right arm was shattered by shrapnel and in 1959 was amputated at the elbow. He received a Purple Heart for the wound.

McAdams is survived by the widow, Irene; three daughters, Joan Ann, Molly and Patricia; and four sons, including Frank J. III, Michael and Brian.

[From the Chicago Daily News, Sept. 20, 1971]

MCADAMS RITES BEING ARRANGED

Services are being arranged for Frank J. (Spike) McAdams, 64, a former assistant state's attorney and special assistant U.S. attorney here.

Mr. McAdams was found dead Sunday in his room at the Croydon Hotel, 616 N. Rush. The coroner's office listed his death as due to natural causes.

Mr. McAdams had law offices at 100 N. LaSalle. He had been active in Democratic politics.

A graduate of the University of Notre Dame and the Chicago Kent College of Law, Mr. McAdams was a champion boxer while in college. He later served as a referee for the Illinois Boxing Commission.

GEN. LEWIS BURWELL PULLER, 1898–1971

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

Mr. COUGHLIN. Mr. Speaker, it is with a heavy heart that I stand in the well of this House to note the death last night of Gen. Lewis Burwell Puller, U.S. Marine Corps.

To marines everywhere, "Chesty" Puller was a legend in his own time. He was a marine's marine. a man's man, an American's American, and a true American hero in the highest sense of the word.

It was my high privilege and honor to serve as aide-de-camp to General Puller during my tour of active duty in the Marine Corps. Perhaps no single event had more influence on my life than my association with this great man and his family.

Chesty Puller wore five Navy Crosses on his tunic for valor in battle serving his countrymen. He wore a total of 56 decorations for bravery in battle.

He served his country in two World Wars, in Haiti, in Nicaragua, and in Korea. He volunteered for service in Vietnam as well.

Marine Corps records and historians will chronicle the feats of this gallant man. Marines everywhere will pass down legendary stories. I would like to recall the personal side of Gen. Lewis Burwell Puller.

General Puller was, first and foremost, a professional—that was his career. He did not believe in war, but did believe that when called upon to fight, America must have the toughest, best trained, finest troops anywhere.

He was also a student—particularly of history and especially of military history. He was one of the best-read men I have ever known.

General Puller eschewed the complicated modern definitions of the purpose of military training and preferred the simple three words: success in battle. He wanted to keep a jeep simple enough so any American farm boy could repair it.

He carried into battle a well-worn copy of Caesar's Gaelic Wars.

Chesty Puller's courage was not confined to the battlefield. He was perhaps the only man I have ever known who could look at his face in the mirror in the morning and say: Not only have you never said something you did not believe in, but you have never even kept quiet when something you did not believe in was going on.

Yet, beneath the rough exterior was a completely chivalrous, thoughtful and almost gentle husband, father, and commanding officer. Deeply religious, he was a patient, tireless teacher to his children. Professionally, his first concern was always for the welfare of his men, particularly the young men under his command.

The entire Puller family stands among the first families in service to America. His wife, Virginia Montague Evans Puller, served as truly as he did. His younger brother was killed in action in the Pacific in World War II. Both of his daughters are married to Marines who have served in Vietnam.

His only son lost both legs and parts of both hands in that conflict. How much can any family give to their country?

Finally, Lewis Burwell Puller had an intense and abiding belief in the young people of America. He believed they were the finest in the world and could rise to any occasion. And because he believed in the young people, he was—and will always be—an inspiration to them and to all Americans.

GENERAL LEAVE TO EXTEND

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the late Gen. Lewis B. "Chesty" Puller.

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

There was no objection.

CONTE PRAISES AGRICULTURE DEPARTMENT MOVE TO REDUCE EVASIONS OF FARM SUBSIDY CEILING

(Mr. CONTE asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, just last Thursday, October 7, 1971, Agriculture Secretary Clifford M. Hardin published in the Federal Register—page 19505—some important proposed modifications in the regulations governing farm subsidy payment limitations for the 1972 crop year. While it is too early to tell just how effective they will be, even a preliminary examination reveals that they represent a marked improvement over the existing regulations. I commend the Secretary for taking these important, if long overdue, steps.

Included in the corrective action taken are steps to assure that partnership agreements are truly genuine business transactions, and stricter controls on so-called custom farming which has been an especially popular method of evasion.

On several occasions in recent months I protested to the Secretary that his 1971 regulations were largely ineffective, and I was shocked at the news reports of legal evasions of the intent of Congress. The knowledge of their inadequacy and the resulting fact that litle savings were projected from the present $55,000 ceiling was a major reason for the success of my amendment to reduce the individual producer ceiling to $20,000 per crop which passed the House on June 23, 1971. While the Senate regrettably failed to go along with the House amendment, I think all of us who supported this reform can take some credit for these improvements.

In my earlier correspondence with Secretary Hardin I was keenly disappointed that his Department refused to make an extensive study of these evasion methods in order to inform itself and the Congress.

Failing to get a satisfactory response from Secretary Hardin, I asked the General Accounting Office to undertake a comprehensive study. The GAO is now making such a study, and expects to complete an initial draft of its report by the end of the year.

No doubt these changes in the regulations are in part a response to the GAO study. As the current studies are continued, additional amendments to the existing regulations no doubt will be found desirable.

I am glad to note that Secretary Hardin has promised that "further amendments to the regulations may be proposed in the light of those studies."

A copy of the proposed amended regulations follow:

[Department of Agriculture, Agricultural Stabilization and Conservation Service, 7 CFR Part 795]

PROPOSED RULEMAKING: PAYMENT LIMITATION FOR 1972 CROP YEAR

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Department of Agriculture proposes to issue an amendment to the regulations governing the payment limitation (35 F.R. 19339) effective with respect to the 1972 crop year.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed changes to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. In order to be assured of consideration, submissions should be submitted within 20 days after the date of publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

Studies are currently underway concerning the application of the payment limitation in 1971. Further amendments to the regulations may be proposed in the light of those studies.

The proposed amendment is issued pursuant to title I of the Agricultural Act of 1970 (7 U.S.C. 1307) to provide miscellaneous changes in the regulations as follows:

1. *Partnerships.* Section 795.6 of the regulations provides that each member of a partnership or other joint operation shall be regarded as a separate person for payment limitation purposes. In order to establish that a partnership or other joint venture is an ongoing and viable operation, members have been required to furnish satisfactory evidence that they are actively engaged in the farming operation and that their contributions to the joint operation are commensurate with their claimed shares of the proceeds. Individual contributions usually consist of land, labor, management, equipment, or capital. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the individual.

We propose to clarify this rule. Where an individual's contribution consists principally of capital, we propose to require that such capital be furnished directly by that individual. If the money is borrowed, it must be acquired by the individual with no guarantees or cosignatures by other partners or members of the joint operations.

2. *Corporations.* Section 795.7 of the regulations provides that a corporation may be regarded as a separate person from its stockholders under certain conditions. It is proposed to amend the rule to require that, for any individual (or other entity) that owns more than 10 percent of the stock, the pro rata share of program earnings by the corporation based on the stockholder's interest in the corporation shall also be attributed to the stockholder for purposes of applying the payment limitation. The rule providing that a corporation and its majority stockholder are one person would be deleted since it would no longer be necessary.

The following example illustrates how the proposed rule would be applied. Producer A owns 75 percent of the value of the outstanding stock of corporation AB and producer B owns the remaining 25 percent. The corporation earns a computed program payment of $60,000 which must be reduced to $55,000 because of the limitation. Pro rata earnings attributable to the producers are, for A, 75 percent of $55,000 or $41,250, and for B, 25 percent of $55,000 or $13,750. Producer A has a separate farming interest and earns a computed payment under the same program of $20,000. In applying the limitation to producer A, his pro rata share of payments to the corporation would be added to his other earnings under the program. Thus $41,250 would be added to $20,000 for a total of $61,250, which would be reduced to $55,000 under the proposed rule. Likewise, if producer B had separate farming interests and earned a computed payment under the same program of $50,000, his pro rata share of the corporation payment would be added to his separate earnings for purposes of applying the limitation. Thus, $13,750 added to $50,000 would be $63,750, which would be reduced to $55,000 under the proposed rule.

3. *Changes in farming operations.* Section 795.13 of the regulations recognizes changes in farming operations. Informational material furnished to affected producers and interpretations relating to the payment limitation published in the FEDERAL REGISTER (36 F.R. 16569) provide that such changes can be recognized only if they are bona fide and substantive.

We propose to clarify the regulations by (1) stating specifically that any change in farming operations under § 795.13 must be bona fide and substantive and (2) listing examples of the kinds of changes that would not be considered as substantive.

4. *Custom farming.* Section 795.15 contains rules for applying the limitation where custom farming is involved. The general rule is that the person performing the custom farming must have no interest in the farm or in the crop in order to be regarded as a separate person from the producers on the farm. It is proposed that the rule be strengthened by providing that the person performing the custom farming must likewise have no interest in the allotments on the farm.

It is proposed that the amendment to the regulations would read as follows:

1. Section 795.6 is amended by adding the following at the end thereof:

§ 795.6 Entities or other joint operations not considered as a person.

* * * Notwithstanding the foregoing, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall not be considered as a separate person unless the individual or other legal entity is actively engaged in the farming operations of the partnership or other joint operation. An individual or other legal entity shall be considered as actively engaged in the farming operation only if its contribution to the joint operation is commensurate with its share in the proceeds derived from farming by such joint operation. If the contribution consists principally of capital, such capital must have been contributed directly to the joint operation by the individual or other legal entity and not acquired as a result of a loan made to the joint operation or a loan guaranteed by the joint operation or any of its other members or related entities.

2. Section 795.7 is revised to read as follows:

§ 795.7 Corporations and stockholders.

A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that where a stockholder owns more than a 10-percent share of the value of the outstanding stock of the corporation (including the stock owned by the individual's spouse and minor children), the stockholder's pro rata share of program payments to the corporation shall also be attributed to the stockholder for purposes of applying the limitation. A stockholder's pro rata share of the payment to a corporation shall be determined by multiplying his percentage share of the value of the outstanding stock (including the stock owned by the individual's spouse and minor children) by the amount of the payment to the corporation. Where the same two or more individuals or other legal entities own more than 50 percent of the value of the outstanding stock in each of two or more corporations, all such corporations shall be considered as one person.

3. Section 795.13 is amended by adding the following at the end thereof:

§ 795.13 Changes in farming operations.

* * * Any change in farming operations under this section must be bona fide and substantive.

(a) A substantive change includes, for example, a change from a cash lease to a share lease or vice versa, reduction in the size of the farm by sale or lease, increase in the size of the farm by purchase or lease, reduction in cotton allotment by sale or lease, increase in cotton allotment by purchase or lease, and dissolution of an entity such as a corporation or partnership.

(b) Examples of the types of changes that would not be considered as substantive are the following:

"*Example 1.* A corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in the prior year carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.6 of the regulations.

"The formation of such a partnership and the leasing of land from a corporation in which they hold a major interest would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners would be limited to a single payment limitation.

"*Example 2.* Three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

"The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations. The formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the three individuals would be limited to three payment limitations."

4. Section 795.15 is revised to read as follows:

§ 795.15 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, applying pesticides, and harvesting for hire with remuneration on a unit of work basis. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person performing the custom farming (and any other entity in which such person has more than a 20-percent interest) has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper or any other similar capacity.

(b) A person having more than a 20 percent interest in any legal entity performing custom farming shall be considered as being separate from the person from whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent on the amount of the crop produced, and (2) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

Signed at Washington, D.C., on October 1, 1971.

CLIFFORD M. HARDIN,
Secretary.

ANTI-FORCED-SCHOOL-BUSING AMENDMENT GAINS SUPPORT

(Mr. BROYHILL of Virgina 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, an article in "Human Events" for October 9, 1971, reports that the controversy over forced school busing "continues to grow as parents of all races are becoming increasingly angry over the amount of time their children must spend riding to and from schools outside their neighborhoods." This is only one of the many reasons why there is nationwide parental opposition to the forced busing of children out of their neighborhoods for the purpose, not of improving their educational opportunities, but solely for the purpose of achieving a so-called "racial balance" in schools.

The article in "Human Events" points out that the anti-forced-school-busing constitutional amendment resolution, House Joint Resolution 620, of which I am one of the sponsors, is gaining support in the Senate as well as in the House. The article also sets forth some other important considerations relating to the forced-school-busing issue. For these reasons I insert the text of the article in the RECORD at this point:

ANTI-BUSING AMENDMENT GAINS CONGRESSIONAL SUPPORT [FROM HUMAN EVENTS, OCT. 9, 1971, FULL TEXT, EMPHASIS ADDED]

While most of the nation's schools have been in session for more than a month, the controversy over forced busing continues to grow as parents of all races are becoming increasingly angry over the amount of time their children must spend riding to and from schools outside their neighborhoods.

More than 30 proposals for a constitutional amendment to ban forced busing merely on racial grounds have been introduced in the House alone. Similar legislation is pending in the Senate.

As in the case of the school prayer amendment, the powerful, portside chairman of the House Judiciary Committee, Rep. Emanuel Celler (D.-N.Y.), is sitting on these House resolutions. The 83-year-old solon has refused to schedule hearings on any of these proposals for a change in the U.S. Constitution.

"A number of people are frankly disgusted with the refusal of the chairman to hold hearings," said Rep. Fletcher Thompson (R.-Ga.), "but he seems determined not to act."

Heartened by the successful move last month when 218 congressmen signed a discharge petition to drag the prayer amendment from Celler's clutches after seven years of intransigence (see Human Events, Oct. 2, 1971, page 5), opponents of forced busing have banded together in support of a constitutional amendment proposed by Rep. Norman Lent (R.-N.Y.) and will attempt another end run to counter Celler's stubbornness.

About 60 House members of both parties have decided to throw their collective weight behind Lent's H.J. Res. 620, which reads: "No public student shall, because of his race, creed, or color, be assigned to or required to attend a particular school." This suggested constitutional amendment is virtually the same as the Senate version introduced by Sen. Bill Brock (R.-Tenn.).

In introducing the House proposal, Lent, the freshman congressman who last year unseated Rep. Allard Lowenstein, the Democratic anti-war activist and organizer of the "dump LBJ" drive, said: "I believe the best interests of parents, children and the community are served by neighborhood school systems that assign children to the schools nearest their homes, without regard to race, color or other distinguishing characteristics. Neighborhood school systems relieve communities already hard-pressed to meet their financial needs from the considerable additional expense of massive busing programs."

"The real answer to the problem of the culturally deprived youngster," concluded the 40-year-old former New York state senator, who authored that state's anti-busing law, "lies in improving teaching techniques, expanding pre-kindergarten programs and enriching remedial programs in reading and other basic skills. We should not divert our resources and talents from these goals to massive cross-busing programs which divert necessary funds from the true educational objective."

House proponents of the Lent amendment, taking into consideration the reluctance of their colleagues to force Celler to surrender a second bill in less than a month by way of a discharge petition, have decided on a complicated process to accomplish the same results.

Rather than file a discharge order to remove the Lent proposal from Celler's Judiciary Committee, Rep. Tom Steed (D.-Okla.) has requested a decision from the Rules Committee that the measure be yanked from the Judiciary and be brought to the floor for three hours of debate.

Due to congressional protocol, Rep. William Colmer (D.-Miss.), who reportedly favors the amendment, has indicated he will rule against such a move. Steed will then file his discharge petition against the Rules Committee, rather than the Judiciary .

Insiders note this tactic is aimed less at saving face for Celler than at encouraging those congressmen, who might not wish to embarrass the elderly chairman, to sign the petition without qualms. "The effect is the same," said one congressional staffer, "but the procedure is less painful to administer." Amendment supporters are quite optimistic on the chances for success.

The reason for their optimism is the number of protests against forced busing that are sweeping the country, supported by parents of all races—including Chinese-Americans in San Francisco and black parents in Arlington, Va., Hobson City, Ala. (an all-black community), and several other areas.

Recent polls show 86 per cent of the nation's parents oppose forced busing.

In the Senate, which has been seething with anti-busing proposals of its own, those senators urging passage of a constitutional amendment to end forced busing are, in many cases, strong Nixon supporters. In fact, Sen. Brock, whose proposed constitutional amendment was introduced last June, was one of the earliest endorsers of Nixon's 1968 candidacy.

Brock and fellow Tennessee GOP Sen. Howard Baker have met with Administration officials, including Health, Education, and Welfare Secretary Elliot Richardson, Atty. Gen. John Mitchell, Presidential Assistant John Ehrlichman and Presidential Consultant Leonard Garment, in an attempt to work out some sort of solution to the massive busing problems of the Volunteer State, but there has been little action from the White House despite the President's strong anti-busing statements of recent months.

The amount of pressure on Congress to end massive busing was indicated last week when Senate GOP whip Robert Griffin (Mich.) implied in a speech that he might support the Brock proposal if the Justice Department and the courts do not come up with a solution to the problems.

Griffin has supported every civil rights bill that has come up in the 15 years he has served in Congress and just two weeks ago voted with Senate liberals against the Byrd amendment to permit the importation of Rhodesian chrome ore.

Political observers claim Griffin's stepped-up anti-busing activities could also be attributed to Michigan conservatives, who have been threatening to oppose the Wolverine lawmaker in next year's senatorial election with a third-party candidate—former State Sen. Robert J. Huber, head of Michigan's Conservative party.

In addition to this, Griffin is reportedly hard-pressed by constituents' complaints over recent school desegregation problems in Pontiac, where 10 school buses were firebombed by vandals, and in Detroit, which last week was the scene of court actions in which a federal district judge ruled the state and the Detroit school system guilty of deliberately maintaining segregated schools. Judge Stephen Roth touched off a storm of complaints by finding the state's officials guilty for withholding busing money from Detroit, thus allegedly promoting segregation. The decision has caused a furor among Detroit citizens.

In a Senate speech last week, Griffin called forced busing "counter-productive." "It should not be necessary," said the GOP leader, "to add more and more amendments to the Constitution of the United States. However, I have no doubt that Congress stands ready to approve a constitutional amendment on this issue unless the Supreme

Court moves much closer to the views of a large majority of the American people, black and white."

Like its House counterpart, the bipartisan Brock amendment is having committee problems. The measure is currently in the Senate Judiciary Committee's Subcommittee on Constitutional Amendments, headed by liberal Birch Bayh (D.-Ind.).

Pro-amendment forces are hopeful that increasing public demands for an end to forced busing and the urgings of Judiciary Chairman Chairman James Eastland (D.-Miss.) will persuade the Hoosier senator to schedule hearings soon.

Since the no-busing amendment was proposed, more than 3,000 letters have poured into Brock's office praising him for introducing the measure, while virtually no mail has been received by the Tennessean opposing the resolution.

Thus, despite attempts by such as Celler and Bayh to block anti-busing proposals, for the first time it appears likely that—should public pressure on lawmakers continue to mount—Congress will have the opportunity to ban busing in a manner which the Supreme Court could not circumvent.

FOOD INSPECTION

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

Mr. EVANS of Colorado. Mr. Speaker, one of the highest priorities of our Government must be to assure that the food consumed by the American public is produced and processed in a safe and sanitary manner. The emergencies of the last few months and the testimony of Commissioner Edwards, have raised serious doubts in my mind as to whether the Food and Drug Administration has either the manpower or the resources to assure sufficient protection of the consumer in the food area.

Events of the last few months are most disturbing. In April when Commissioner Edwards made his request for appropriations, I specifically asked him whether the FDA needed increased funding over and above the amount requested in the President's budget. Commissioner Edwards responded that, "I think that what we are requesting in fiscal year 1972 is about what we are capable of really responsibly putting into operation." Subsequent events have led me to believe that the Commissioner was under severe and unreasonable restraint from the President and the Office of Management and the Budget.

Almost immediately after our hearings serious problems began to throw doubt upon the President's budget request as testified to by the Commissioner. Mercury residues were found in tuna and swordfish, causing FDA to charge the fish industry with "grossly inadequate processing to assure safety from food poisoning and disease." Commissioner Edwards in response to this emergency called for increased funding and manpower to regulate the fish industry, stressing that "FDA is probably the most underfinanced and understaffed agency in the Federal Government given its responsibilities."

Shortly thereafter botulism was found in Bon Vivant soup. Commissioner Edwards, thereupon testified before the Public Health and Environment Subcommittee of the Interstate Commerce Committee, where he then maintained that for FDA to adequately carry out its responsibilities in the food area, it would need somewhere in the range of "five to six times" what it presently has been allocated. Under further questioning Commissioner Edwards estimated that the amount of money required to pay for increased personnel would be approximately "$75 to $85 million."

If this was not bad enough, Commissioner Edwards pointed out that FDA in meeting these special difficulties was forced to drastically curtail regular food inspections. He stated that because of the Bon Vivant, tuna, and swordfish crises, FDA would be unable to inspect 2,300 food plants that otherwise would have been inspected. Therefore, one-fifth of FDA's domestic food inspection activity was curtailed by these unexpected emergencies.

Furthermore, Commissioner Edwards stated that FDA seriously lagged in its ability to inspect imported food products. Noting that FDA carries out only 51,000 inspections a year of imported foods, he stressed that the "minimum figure" he felt would be adequate in this area would be "75,000 to 100,000 inspections a year."

Unfortunately at this critical juncture further serious problems began to accumulate. Two types of Campbell's soups were found to be contaminated. This necessitated a recall of over 53,280 cans of soup—an undertaking further taxing FDA's overworked manpower.

Events compounded events. FDA found the hazard caused by the contamination of food from a highly toxic industrial chemical—polychlorinated biphenyls, PCB's—even more vexing.

PCB's were found to have contaminated 50,000 turkeys in Minnesota and to be contaminating a number of goods packaged in recycled paper. In fact, as Congressman RYAN has pointed out, over the course of the summer, PCB contamination has been found in "chickens, turkeys, swine, shell eggs, catfish feed, broken egg products, and frozen and poultry products."

Particularly distressing was the admission by FDA that "overall guidelines" promulgated by the Office of Management and Budget had placed the Agency in an extremely tight budgetary posture in light of the critical nature of FDA's functions.

Clearly the record of these last 6 months shows that an extremely serious situation exists in the regulation of the food industry. Such a potential gap in regulation and inspection cannot be allowed to remain. Only a shortsighted sense of priorities would allow us to wait for any more emergencies before we take action.

Commissioner Edwards has now finally and forthrightly agreed that FDA is seriously underfinanced and undermanned. It would be derelict in the extreme if the administration does not back him up by coming forward with a request for increased funding of FDA. If such a concrete request is brought forward by the President, Congress can act to protect the consuming public. Failure of the President to act, in my opinion, would not only be shortsighted, but it would be in complete disregard of the dangers pointed out by the press and high-level agency personnel.

FARMERS HOME ADMINISTRATION IMPROVES QUALITY OF LIFE IN RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, perhaps the single, most important agency the Congress has created to improve the quality of life in rural America is the Farmers Home Administration. There is a story that needs to be told about the fine work being done by FHA and it is, therefore, appropriate that we take this time to point up some of the meaningful accomplishments of this agency under the able leadership of Administrator Jim Smith.

It used to be that rural communities were showered with advice, surveys, and sympathy in their problems of survival and modernization.

Although numerous programs have been in effect, it has been in the last 2 years that the most progress has been made by the Farmers Home Administration in the way of practical, productive service for rural America. Many other agencies which have authority to help acquire necessities such as up-to-date housing and public facilities are preoccupied with demands of the cities.

We have a report from Administrator James V. Smith of the Farmers Home Administration on the work of his agency the past year in rural Ohio. This report demonstrates that rural needs are getting increasing attention from the present administration.

There is now an FHA program of housing credit in rural areas comparable to the insured loan program long available in urban areas.

There is now a rural community facilities program that concentrates on the need of smaller towns, farmers, and other people who live in rural areas for safe and reliable water service and modern sanitation systems.

The agency extending this service to smaller towns and country areas is the Farmers Home Administration of the U.S. Department of Agriculture.

For many years, its programs were undernourished as compared with the needs of rural America, where, on a per capita basis, bad housing is twice as prevalent as in the cities, and over 60,000 new or updated community water and sewer systems still are needed.

As late as fiscal year 1968–69, the best year we had for rural FHA housing to that date in the *State of Ohio* produced less than 1,000 homes with loans totaling only about $9.1 million for the entire State.

However, in the past 2 years, Farmers Home has transformed its services into something substantial and meaningful.

In the fiscal year 1971 that ended last June, its housing credit program produced 2,571 new rural homes in Ohio, for a total of $32½ million in FHA-insured loans.

Our 10th Congressional District of southeastern Ohio is realizing tremendous benefits from this much-improved rual housing program.

We are perhaps the most predominantly rural district in Ohio. Most of our area is in Appalachia. We have no large cities. We have been accustomed to a position low on the totem pole in programs largely gobbled up by the cities.

But we rank first among Ohio districts in the rural FHA housing program. We accounted last year for over one-fifth of the new housing realized through FHA rural services in Ohio—546 new homes financed with loans totaling $6,892,000. That is more than a third of the 1,400 rural housing FHA loans totaling $14.7 million now understanding in the 10th District of Ohio.

These homes, all for families of low and moderate income who had no other source of housing credit, are making their mark on the appearance of our small communities and the outlook of our people.

For many families, there is now optimism where once there was little hope for an opportunity to buy and live in a genuinely adequate home and to have what you and I would call an acceptable standard of living.

The rural water and sewer program also is one in which our southeastern Ohio district is a leader, not a stepchild. Twenty-five modern water system projects, the most of any district in the State, have been built or approved for $14.1 million in loan financing, supplemented by $790,000 in grants, through the Farmers Home Administration. These projects assure adequate city-style water service for some 14,000 town and country families who in the past have endured old-fashioned methods of water supply that would be looked upon as scandalous in a city.

Four communities also have been helped to install modern sewage disposal systems with loans totaling about $400,000 supplemented by $130,000 in grants.

As evidence of the faster pacing of this rural community facilities program, 11 of those 29 water and sewer projects were brought to approval within the past year.

Since 2 years ago, President Nixon has seen to the doubling of resources devoted to the rural facilities program and a tripling of credit available through the rural housing program. He also has acted to strengthen FHA farm credit programs which account for $3.7 million in farm ownership and production credit now outstanding through more than 500 farm loans in our congressional district.

Farmers Home is accomplishing this acceleration of service despite a thin line of personnel to man its county offices where loans are worked out directly with the local people. Willingness to put forth overtime and extra effort characterizes the work of these Farmers Home Administration local representatives. At the State level, dedicated people like Ralph Voorhis, chief of community programs, provide the kind of coordination and expertise that is helping to rebuild and revitalize our rural communities.

This record being made by the rural FHA under Administrator James V. Smith and our Ohio State Director Lester Stone, is one of the bright spots of public service in this administration. It points up the need to retain the identity of rural programs and rural services in any future consolidation of Federal agencies, so that the momentum of rural development can be maintained in the years to come.

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

Mr. MILLER of Ohio. I am happy to yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, a clear indication as to how rural communities and rural families will respond to a fair opportunity to help themselves is seen in their response to services of the Farmers Home Administration.

This farm credit agency of the Department of Agriculture has had its duties expanded to embrace programs for better housing in small towns as well as countryside, and modern water and sewer services in town and country areas.

Farmers Home is an agency that supports family initiative and community initiative. Its services are based with a few exceptions on loans, not grants. Families repay what they borrow to own and operate farms, or to buy adequate homes. Communities pay back, to the maximum of their resources, the financing they get for water or sewer improvements, or for community-sponsored apartment centers that ease their shortage of rental housing.

During the past 2 years, Farmers Home has been given increased authority to attract private capital from the major sources and put it to work in rural areas.

Insured loans, funded by private investors whose risk is insured by the Government, make up $2.2 billion of the $2.7 billion of lending scheduled through the Farmers Home Administration this fiscal year. This attraction of private capital for rural development has more than doubled during the present administration. Direct Government funds are now used for less than 20 percent of the agency's lending, and grants for some types of community projects account for only about 2 percent of the Farmers Home program budget.

This opportunity for credit to secure family farms, build homes for families of modest means, and modernize community services has been a boon to our towns and counties of the Sixth Congressional District in northwestern Iowa, which I have the honor to represent.

No less than 1,778 farm ownership, operating, and disaster emergency loans totaling $12.2 million are in force and under repayment in our district today. This supplement to commercial farm credit available has been the difference between failure and survival for hundreds of families. This is a service destined for substantial increase during the current year at the express order of President Nixon.

The availability of Farmers Home insured credit for housing in rural areas has been tripled since 3 years ago—one of the resounding accomplishments of this agency under the guidance of its present Administrator, James V. Smith. More than 1,200 families now live in new and improved homes through loans totaling $12½ million. More than 300 of these secured their homes just this past year, with loans totaling $3.1 million.

Iowa communities, with a high percentage of elderly people living on modest retirement incomes, have taken widespread community action to provide these senior citizens with up-to-date, safe, and convenient garden apartments where they can live in self-reliance and dignity. The State has 114 such projects in that many rural towns, operated by private local community corporations on a nonprofit basis, ranging in size from four to more than 30 apartment units.

Thirty of these projects are in the Sixth Congressional District, and every dollar of the $2½ million in financing secured through Farmers Home's rural housing program is a loan that is being repaid.

Eighteen community sewer systems and four central water systems, bringing these essential modern services to town and country areas for the first time, have been built or improved in our district with $1½ million in financing through the Farmers Home rural community facilities program. A dozen more such projects have been approved for early development.

And to illustrate the initiative and capacity for action of the leaders of our rural communities, when President Nixon last spring made an additional $100 million immediately available for loans under this program, Iowa's Sixth District communities responded so quickly with well-formulated project plans that our district qualified for a $5 million share.

In the search for solutions to problems of living in this country, many grand schemes have foundered on the rocks of economic reality—especially when they were based on the concept of government domination, government spending on the multibillion-dollar scale.

But rural communities are demonstrating how the people can generate their own progressive action and pay their way, if given access to a reasonable supply of credit.

I am satisfied that these opportunities developed through the Farmers Home Administration, growing in effect as they are under the able administration of Mr. Smith and State Director Robert R. Pim in our State, are among the most productive and effective of all Federal service programs.

The Farmers Home Administration has earned and will continue to have my fullest support.

Mr. Speaker, I want to thank the distinguished gentleman from Ohio (Mr. MILLER) for yielding to me this time in order to participate in this statement. Certainly, the gentleman from Ohio has shown great leadership in this important

field of support to the Farmers Home Administration.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from Iowa for his contribution.

Mr. HARSHA. Mr. Speaker, it was my pleasure to join recently with Administrator James V. Smith of the Farmers Home Administration in dedicating two Sixth District projects that mark a real turning point for two counties and several of their surrounding communities—that is, the beginning of service of the Highland County and Adams County rural water systems. These projects typify a new wave of modernization that is taking place in rural areas under a program administered by the FHA.

It may seem a much belated time to celebrate the advent of water piped into the house from a communitywide pipeline. This has been a standard convenience in cities for generations. But it is new, in this year 1971, for many rural communities over the United States.

Such a facility never was available to thousands of smaller towns and open country areas until the present rural community facilities program was developed. This program is succeeding because it meets the special requirements and cost limitations imposed by the challenge of building water systems that reach out through rural areas.

Now this movement which might be called "rural waterization" is spreading rapidly throughout the country, and outstanding examples will be found in several counties of our Sixth Congressional District in southern Ohio. We are one of the leading districts in development of the countywide water system.

The Highland County system, which, along with the Adams County system was formally opened on Friday, September 24, covers a large section of the county outlying from Hillsboro, the county seat. The new rural water lines reach hundreds of homes, farms as well as schools in an area including the smaller communities of Lynchburg and New Vienna. It involves a $4 million loan financed through the FHA.

Adams County's system is assisted by a sizable grant—about $1.4 million—from the Economic Development Administration. The balance of $1,459,000 needed for the project came in a loan from the FHA. The system will serve the county seat town of West Union, the villages of Peebles, Seman, and Winchester and the rural areas surrounding—altogether 412 towns and nonfarm rural homes, 227 farms, 20 places of business, and six schools. A new industry that will employ 800 to 1,000 people already has come into the area of this new rural water system.

Scioto County, outside the city area of Portsmouth, is almost entirely covered by projects completed or pending that have received $5.2 million in loan financing through the rural program. Ross, Pike, Brown, Clermont, and Warren Counties are rapidly solving their water supply problems in the same way. The districtwide development now completed or assured embraces nine large intercommunity systems, and four more for small outlying communities, all to be made possible by about $24 million in loans from the FHA.

This is a stake for rural community development in southern Ohio that will come back to the Federal Government, the State of Ohio, and the communities of this region many times over.

The day is passing when people who contemplate life in a rural area must resign themselves to hauling water, or pumping it from an unreliable well, or carrying it into the kitchen or bathroom by the bucket.

Likewise, the day is passing when a rural town must watch an opportunity for some valuable business or industry pass on by, because the town cannot provide essential services such as a reliable clean-water supply.

Conversion to modern methods of water supply is a major reason why new homebuilding is sharply on the increase in our district, through another much improved credit program of the FHA. More than 1,200 homes have been produced in our counties through $12.4 million of credit made available through FHA and nearly 500 of these were accounted for within the past year.

Obviously, momentum is building in the progressive efforts of our rural communities. Their determination and perseverance, coupled with invaluable assistance from the Farmers Home Administration, played an important part in bringing these projects to fruition.

Mr. DELLENBACK. Mr. Speaker, during these times when we are hearing so much about the two-fold problem of urban sprawl and rural decay, I think it fitting to call attention to a Federal agency that is making significant contributions toward the solution of this problem.

The State of Oregon, like most others, has experienced the outmigration of our people, particularly our youth, from rural communities due to a lack of opportunity for them to remain there and earn a livelihood. They do not want to leave—they are forced to do so.

To help correct this situation we depend heavily on rural service agencies for the help we need to convert our rural communities and countryside into places of opportunity, this insuring that our youth can remain there and find their future rather than wandering off to distant cities which are already overcrowded and overburdened.

In this regard I am particularly gratified at the determination with which the Farmers Home Administration of the U.S. Department of Agriculture is tackling this problem through its renewed efforts of placing much needed resources at the disposal of rural people.

Through the various FHA programs $21.9 million was pumped into the rural Oregon economy during fiscal year 1971 to stimulate agricultural and community development. This represents a substantial gain over the previous year's $14.5 million.

My Fourth Congressional District received $4.8 million of the State's total.

Major uses of these funds in the district include loans to 14 young families to purchase farms; loans averaging $14,500 each to 239 rural families enabling them to become owners of nice, though not elaborate, homes which are equipped with modern facilities; a loan and grant to the city of Elkton to construct a water system that will serve 55 families; and, in cooperation with the Soil Conservation Service's cost sharing program, a watershed loan to the Junction City Water Control District in Lane County to help finance flood prevention and protection. This watershed when complete will protect 17,000 acres of land, including the city of Junction City, Eugene Municipal Airport, and an urban area north of Junction City. Three thousand families will benefit from the project. These are but a few examples of the Farmers Home Administration's input into the total progressive efforts of our Nation's rural communities.

These basic FHA services that provide for better family living contribute significantly to creating badly needed job opportunities in rural communities which will help solve the problem of outmigration and bring on a rural-urban balance.

This is exemplified in Sutherlin, a small rural community in Douglas County, Oreg. Sutherlin once depended almost entirely, and still depends heavily, on lumbering and agriculture, both of which depend on water—and the water in this community was uncontrolled. Winter flooding and summer droughts periodically damaged the city and surrounding area severely. If progress was to be realized, indeed if Sutherlin was to survive, the water would have to be tamed. It has been. With a loan from the Farmers Home Administration, a grant from the Soil Conservation Service, excellent local support, and outstanding leadership from George Stubbert, Sutherlin's City Manager, reservoirs have been built that provide for flood protection, for the irrigation of several hundred acres of farmland, and for water for municipal and industrial uses.

They have gotten the water under control and now distribute it evenly and reliably through a modern water system. Farmers have been able to change from pasture to diversified row crops. New industries have come in—established industries have expanded and 15 small businesses have been set up, broadening the area's economic base and giving the area a badly needed assist in its reach for economic growth.

As a result, the community has once again begun to grow. Ten years ago the population was down to 2,500 and dropping. Today it is more than 3,000 and growing.

This is only one example of what the FHA is doing for rural communities. Through the agency's farm loan programs, rural housing loan programs, community facilities loan and grant programs, rural communities are being revitalized all over this Nation.

I commend Mr. James V. Smith, Administrator of the Farmers Home Administration, for the excellent leadership he is providing and express to him and to Mr. Kenneth Sawyer, Oregon State FHA Director, my sincere appreciation for the services they have rendered and are rendering to Oregon and, in particu-

lar, to the Fourth Congressional District and its people.

Mr. STEIGER of Arizona. Mr. Speaker, in rural communities the Farmers Home Administration of the U.S. Department of Agriculture is earning praise as an agency that has delivered perhaps the greatest increase of public service at the lowest public cost.

Farmers Home is building the first really meaningful program of insured housing credit, as well as water and sewer system financing in rural areas.

In Arizona throughout the 1960's, our State's reputation for booming growth and modern progress had a hollow ring for thousands of people in the smaller towns, the less developed and more remote areas.

It was boom time in the main centers, but not much improvement out in the open spaces. There was little housing credit for the family of modest income living in a rundown old house in a small town, or a small farm or ranch, or out in the mountains or the desert.

But within the past year, Farmers Home has started in earnest to change this picture.

With new and expanded authorities and resourceful leadership, this agency launched into a rural housing program which, in fiscal 1971, tripled all previous efforts in Arizona. What had been a $7 million a year program, accounting for only about 600 homes a year statewide, became a $25½ million program in fiscal 1971, producing more than 1,800 new homes in rural sections of Arizona.

My Third Congressional District, whose area is predominantly rural, accounted for about 1,000 of the homes and $14 million of the loan funds.

The current year promises to push up to the 3,000-home rate or more. This means wholesale replacement of substandard housing in smaller communities where, until now, many families had nowhere to turn for credit to fulfill their need for decent, up-to-date homes.

Farmers Home Administration, its jurisdiction now extended to all rural territory including towns of up to 10,000, thus is giving rural areas new hope for effective housing development in high risk areas. Where commercial housing credit is not available, families of low or moderate income may turn as an alternative to their local county office of the Farmers Home Administration.

Farmers Home has achieved its great expansion of service with only an insignificant increase in its forces—just one additional county office in Arizona which was opened at Flagstaff in our third district the past year.

The loan money comes from private investors, rather than from the Government. Farmers Home has developed the capacity to bring extra millions of private capital into rural areas by insuring the risk of investors.

Fully modernized and adequate, three-bedroom houses are being built for families in our Arizona rural areas at an average of $14,000 a house, thanks to the efficiency of this rural FHA program in its adaptation to rural resources and conditions. This cost range may be an eye-opening attraction to the urban family of lesser means who would have to pay about twice as much for the same quality of living in a big city or its suburbs.

In our district we are doing our best to help spread the word far back into our rural areas that this new housing opportunity exists, for families who never had much hope for the kind of homes all Americans want, and ought to have a chance to live in.

The same Farmers Home Administration offices that provide this rural housing service also administer the water and waste facilities program that is helping to overcome the water supply problems of rural communities and agricultural areas.

Water is a scarcity in many sections of our district of Arizona. Ground water in some places cannot be made fit to drink without extremely expensive treatment to remove harmful mineral content. A method for solving this situation might well be investigated by the Congress.

However, the Farmers Home Administration has helped local communities plan and finance 13 central community water systems as well as six farm irrigation systems, and three new rural community sewer systems in our district. Much more remains to be done; but Farmers Home's increasing efforts are proved by the fact that seven of those 16 central community systems were brought to approval for loan and grant financing within the past year.

Our commendation is due the national administration of Farmers Home, under Administrator James V. Smith, and the small but excellent and dedicated forces of his agency in Arizona, led by State Director Andrew B. Maberry, for their work to extend the benefits of good rural housing and modern community services throughout our district and State.

Mr. SCHERLE. Mr. Speaker, Guthrie County, Iowa, has earned for itself something in the way of distinction. It has provided multi-rental housing units for elderly and lower-income families, in every town within its boundaries. These units are equipped with modern facilities, constructed in a manner to help the elderly overcome their handicaps and rent at rates that the occupants can afford. All of this was possible because of financial assistance from the Farmers Home Administration of the U.S. Department of Agriculture.

I cite this as one outstanding example of how this fine agency, under the capable leadership of Mr. James V. Smith, national FHA Administrator, and Mr. Robert Pim, State FHA Director in Iowa is serving the rural communities of this Nation. There are many more of these rental housing projects spread throughout Iowa—and there are more on the way. During fiscal year 1971, in my congressional district alone, 21 loans totaling $1.1 million were made available by the Farmers Home Administration for the construction of such additional units.

But rental housing is only one of many services being provided by this agency to improve the quality of life for rural people. Loans also are made for home ownership to low- and moderate-income rural residents, and loans and grants are provided for small rural communities to build water and waste disposal systems.

Loans are provided to farm families for such purposes as farm and home operating expenses, capital expenditures, purchasing farms, soil improvement, water supply, and drainage.

During fiscal year 1971, 775 loans and grants totaling $11.6 million were made available by the FHA in my congressional district. In addition to the 21 rental housing projects I have mentioned, my district has also used funds for these major purposes: 336 loans to farm families for operating farms, 66 loans for purchasing farms, 267 individual home ownership loans, 12 loans and six grants for community water systems, and six loans and two grants for waste disposal systems.

Mr. Speaker, I submit that these services which are being provided by the FHA to the rural people of America represent rural development at its finest. Community facilities and improved housing make rural communities more attractive and pleasant places to live, thus tending to decrease outmigration to the distant cities. This is reflected somewhat in the small towns of Bradyville in Page County and Bayard in Guthrie County. Through assistance provided by the FHA, Bradyville has constructed a central water system to serve the local residents and the census report shows that the town's population increased by 5.3 percent in 1970 over 1960. In Bayard where the FHA assisted the local people in constructing 15 or 16 rental housing units, the population increase over the 10-year period 1960–70 was 5.2 percent. There can be little doubt but that these improvements were contributing factors to population increases.

Mr. Speaker, of all of the services the FHA provides, I think there are none finer than helping young farm families who wish to do so enter the business of farming. During the past 2 years, 26 such families in my congressional district have received assistance from the FHA for this purpose. These families are in their twenties and they wanted to farm for a livelihood. They believed they could and the FHA believed they could. So working together the necessary financing was arranged and these 26 families are doing well at their chosen profession. The overpopulated cities will not be bothered by them.

The Farmers Home Administration is indeed providing services that are bringing a better life to millions of Americans, through its various programs and services. We owe a debt of gratitude to Administrator James V. Smith and his staff for the excellent job they are doing.

Mr. KYL. Mr. Speaker, one of the greatest pleasures I experience when visiting the rural areas of my district is to observe the inputs of the Farmers Home Administration, an agency of the U.S. Department of Agriculture.

Many nice, but modest homes equipped with modern facilities that now appear in our towns and countryside have been acquired by low- to moderate-income families through loans they received from the Farmers Home Administration. Many communities are proud of their rental housing projects which this agency has helped to provide for their lower income and elderly people, rented at rates

within their means and constructed in such a manner as to help them overcome their handicaps.

Also, it is impressive to pass through small rural communities and observe towering new water tanks, indicating they are enjoying central water systems made possible by financial assistance received from the FHA.

In fiscal year 1971 alone this agency made 1,049 loans and grants totaling $15.2 million in my district. This includes loans to 485 rural families enabling them to become homeowners. Also 21 loans were made for apartment-type rental housing that is usually constructed on the style of a duplex or similar multiunit dwelling of up to eight units.

A loan was made to the Appanoose Water Association, Inc., for a rural community water system that serves 300 families in the rural areas of Appanoose County. Also seven small towns throughout my congressional district received financial assistance in loans and grants for constructing water systems, and three others for constructing waste disposal systems.

Mr. Speaker, 10 years ago much of this—in fact, most of this—did not exist. It is only fairly recent that we have been seeing such development take place. And under the leadership of Mr. James V. Smith, National Administrator of the Farmers Home Administration, and Mr. Robert R. Pim, State FHA Director in Iowa, the momentum is increasing. Indeed, the Farmers Home Administration is providing for a better way of life for the rural residents of Iowa and the Nation.

In addition, I want to emphasize that the FHA is making valuable contributions in the area of agriculture. It is dispelling beyond all doubt the often-heard theory that there is no future in farming. Bob Pim informed me that during the past 2 years the FHA has helped 42 young farm families in my congressional district enter full-time farming. These young families were previously part-time farmers or in nonfarm occupations. But they wanted to farm. So they turned deaf ears to the "no future in farming philosophy" and secured operating loans from the FHA and went into the business.

Throughout all of Iowa a total of 110 young families received help from the FHA during fiscal year 1970, and an additional 113 entered full-time farming last year. Of the 110 young families who entered in 1970, 104 are remaining. Their average age is 27 years and the average increase in their net worth since beginning their farm operations is $2,753. The average size farm they are operating is 271 acres of which 218 are crop acres. Of the 113 who entered the farming business this year 1971, the average age is 24 and the average size farm they are operating is 282 acres of which 210 are crop acres. Present indications are that most will remain and do a good job.

Mr. Speaker, we need good farmers for the future, and we need good, solid citizens in rural areas, and the Farmers Home Administration is helping provide them. This agency, through the assistance it is providing in rural America for better homes, for community facilities and for improved agriculture, is creating a better life for millions of Americans. Administrator James V. Smith and his entire staff are to be commended for the excellent contributions they are making.

Mr. WYLIE. Mr. Speaker, an encouraging development for rural areas is the rapid improvement of services extended through the Farmers Home Administration.

Sections such as our 15th District of Ohio, much of which lies between two major urban centers, suffered for many years in a comparative void of credit resources, especially in the field of housing. Lending capacity of local institutions fell short of demand as town and farm housing deteriorated. No adequate supplementary program such as Government-insured housing loans extended far beyond the cities.

However, new authorities recently enacted by Congress, and a resolute effort on the part of the administration as directed by President Nixon, has made this long-time agricultural agency, the Farmers Home Administration, into the effective credit service that rural areas have long needed.

Housing credit fully comparable to that of the urban FHA is now present in rural counties including towns of up to 10,000 population. Loans are made in the localities through county offices of the Farmers Home Administration. Any family of low or moderate income, rural or urban, is eligible to be considered for financing of a home in a rural location.

In rural sections of the three counties of my district west and south of the city of Columbus, Ohio, the new and improved homes added to our progress in housing now totals nearly 500. Some $5½ million of FHA loans are now in effect.

We have the assurance of Administrator James V. Smith and State Director Lester M. Stone, whose able leadership is reflected in the fine record of this program, that the day of housing credit vacuum is ended in rural areas.

GENERAL LEAVE

Mr. MILLER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the same subject of my special order today.

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

There was no objection.

WE MUST SETTLE THE ISSUE OF GENERAL REVENUE SHARING NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 60 minutes.

Mr. CONABLE. Mr. Speaker, with the greatest of respect and with an admiration built out of some years of association and approval, I urge the distinguished chairman of the Ways and Means Committee to use his great influence so that the issue of general revenue sharing can be resolved sooner rather than later. We have scheduled hearings—but no executive sessions—on health insurance starting October 19. Except for possibly a few minor matters, that is likely to be the only further activity for our committee this year, despite a House legislative schedule probably stretching into December.

Can anyone here doubt that we are going to have some form of revenue sharing? The original effective date, as established by the President's budget request is already passed, and the President asked in his economic message that that date be set back by only 3 months. Most of our legislatures will be meeting again the first of the year, and will be planning their programs for aid to cities and other local government units without any assurance of a changed pattern of tax aid. Unless we give them that assurance, we can easily anticipate the crushing increases visited on the real estate and sales taxpayers which are causing a breakdown in citizen support of even the most basic local services.

We have reason to believe the staff of the Joint Committee on Internal Revenue Taxation has worked out an alternative to the administration's formula which would eliminate the major objections voiced during the 2 months of executive sessions we held on this subject during this summer. The administration has not taken an inflexible attitude about possible alternatives, understanding that the need for action overrides questions of formula desirability. Existence of this alternative, and the availability of time to consider it are the major reasons for my taking the unusual step of asking my chairman publicly to cast his immense influence on the side of resolution rather than delay. Next year, with its presidential politics, will not provide a happy environment for the resolution of basic issues, and the intensity of feeling about the problems of our federal system will not diminish with the passage of time.

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

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. BETTS. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. CONABLE). I am in complete support of the President's program of general revenue sharing. I am aware of the fact that the measures which have been assigned for hearing and discussion in our committee since we last considered the issue of revenue sharing are administrative measures, and I am happy for that. But at the same time I had hoped that before we got into these we might finally consider revenue sharing, because it seems to me there should be some continuity between the hearings and the decisionmaking process.

As the gentleman in the well has said, we have completed the public hearings, and the executive session consideration of the general revenue-sharing measure, and all that needs to be done now is to make the decision which I am sure the

gentleman will agree would take practically very little time in relationship to the rest of the legislative year, and the time assigned for public hearings on the public health bill.

So I repeat that I was hopeful that we might have this continuity of consideration of the general revenue-sharing measure so that we might have arrived at a decision before we entered into the discussion of any other measures. I am grateful to the gentleman from New York (Mr. CONABLE) for bringing this to the attention of the House.

Mr. CONABLE. Mr. Speaker, I thank the gentleman for his contribution.

I wonder if the gentleman would not agree with me that it is very important for our State legislators and our mayors, as for the directors of other units of government, to have some advance notice of what they can or cannot plan on. We are in limbo at the present time, having considered this measure and having not dealt definitively with it and we really have some need being able to give some assurance to them in one way or another.

Mr. BETTS. Mr. Speaker, I agree with the gentleman, particularly because most of the legislators and mayors in this country are in complete support of the general revenue-sharing measure.

Mr. CONABLE. I think it is also important to add that the administration has shown considerable flexibility in this matter. They have not ruled out any possibility in the way of aiding and nourishing our Federal system. I certainly hope it will be within the capacity of those who direct our committee and those who make the decisions in the Congress here to move this along so that we can have an opportunity to give some assurance that the Federal system will not wither on the vine and that the State and local taxpayers will not have to carry, through regressive taxes, a burden which has become very onerous to them.

CHRISTOPHER COLUMBUS—FATHER OF IMMIGRATION, FIRST NATIONAL CELEBRATION IN HIS HONOR—OCTOBER 11, 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 60 minutes.

Mr. RODINO. Mr. Speaker, on the occasion of the first observance of Columbus Day as a national holiday in the United States, I was privileged and honored to lead a delegation of my colleagues whom you designated to represent this Nation—to Genoa—the birthplace of Columbus.

For me it was a sentimental journey to the homeland of my father. It was a memorable occasion too because we extended to the people of Italy and especially to the city of Genoa, the grateful appreciation of the American people for the realization of a major milestone in the history of mankind by their native son, Christopher Columbus.

Columbus Day is an appropriate occasion to pay homage to the cause and challenge of discovery, invention, and exploration—a time to renew our progress in search for technical advances to improve our way of life.

A national holiday honoring Columbus is the culmination of a goal which we have long sought. At times the obstacles seemed as difficult as those encountered by the man we honor today. But the day has arrived and it is fitting that Columbus, the father of immigration, has been given a place equal to that of George Washington, the father of our country, for it was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs.

Those of us of Italian heritage rightly point with pride to his origins and achievements, while not forgetting the Hispanic contribution which supported his venture, the Portuguese charts which guided him, the British who colonized our shores, and the Irish and Italians and Germans and Slavs and Poles and men from every part of the globe of every color and every creed who inhabited them and improved them and who inspired their development.

Columbus was a prophecy of the America to come—of the immigrant who uprooted himself from his homeland in search of opportunities. This is the legacy of Columbus—a land where all men regardless of how humble or exhalted their origins could achieve their full potential.

Columbus will be remembered as a man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph. This great journeyman personifies the spirit of discovery, of distilling truth from myth, of overcoming seemingly insurmountable odds. It is appropriate that we rededicate ourselves today to a voyage toward peace, justice, and brotherhood for all men.

Speaking on behalf of my colleagues present in Genoa to present on behalf of the American people the document which established Columbus Day as a national holiday, I wish to express the gratitude of all to the people of Italy for the warm reception we received.

And I wish to include in the RECORD the gracious welcoming remarks of the President of the Region of Liguria as well as President Nixon's greetings in a letter presented by my distinguished colleague, BOB MCCLORY—author of the Monday holiday bill; greetings to the people of Italy from our distinguished speaker, the Honorable CARL ALBERT; the enrolled copy of the bill establishing Columbus Day as a national holiday and the proclamation presented to the city of Genoa by my dear friend and colleague, FRANK ANNUNZIO, all of which now hold an historic place with the other Columbus memorabilis in Genoa:

WELCOME GREETING OF THE PRESIDENT OF THE LIGURIA REGION, HON. GIANNI DAGNINO TO THE AMERICAN CONGRESSMEN, ON THEIR VISIT TO GENOA AND LIGURIA FOR THE FIRST CELEBRATION OF "COLUMBUS DAY" IN THE UNITED STATES, OCTOBER 2–5, 1971

Ladies and Gentlemen: In the name of "Regione Liguria", and of the President of the Genoa Province I am very pleased to receive you in the country and the town of Christopher Columbus, the bold Genoese conqueror who opened new ways over the unknown sea and discovered the other half of the globe to the old world.

Our meeting takes place in honor of Columbus, who was born in Genoa, in vico Olivetta; Columbus son of Domenicus and grandson of Johannes of Moconesi, as it is historically proved by the act of Attorney Quilico of Albenga.

But our meeting is also a vivid witness of the good relations between Italy and your great country, the United States of America, to which Italians brought with skill and intelligence a remarkable contribution to the development of American culture and civilization. And for the same reason, there is an affinity of ideals and feelings between your people and ours.

What does Christopher Columbus mean to us, to men of the twentieth century?

Columbus is the man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph.

He gave the world, that was living in a wrong conception of the structure of the universe an audacious idea, a great enterprise and he accomplished it, even in contempt of his life.

Columbus fought very hard to convince the others of his trust in his idea and, also, to gain support from the others for his own doubts.

He fought against an old and overcome conception in order to reach an ideal, the "virtude e conoscenza" which Dante's Ulisses followed up to his death.

He roused the world, he stirred it up, and he launched it toward a new destiny.

In order to win he lived his great spiritual toil, his great suffrance; through his own feelings he came to know man, he penetrated deep into the human soul.

In my opinion, this is the true meaning of the message Columbus has left to us, to the men of our century.

Columbus is a great example, a great light that permits us to understand in a better way our world of today, our people wrought by doubts, by a toiled seeking of the truth, but also supported and consoled by the faith in fundamental human values, such as liberty and solidarity; by the travail for the discovery of new worlds and new horizons in the earth and in the skies, on the moon, and particularly, for the discovery of the world within ourselves, within our spirit, that is still the vastest and deepest world to be explored.

Your visit, kind ladies and honorable Congressmen, has this meaning to us: to honor Columbus because we appreciate and honor the ideals which he pursued and accomplished with his great venture.

THE SPEAKER'S ROOMS,
Washington, D.C., September 17, 1971.

Dr. CIANNI DAGNINO,
President of the District Council,
District of Liguria,
Genoa, Italy.

DEAR MR. PRESIDENT: I am happy to advise that a committee of members of the United States House of Representatives, together with other distinguished American public officials, will represent this nation in the City of Genoa on the occasion of your commemoration of Christopher Columbus. I have the honor of sending with them a copy of the public law which made Columbus Day a national holiday. The people of the United States will officially celebrate this holiday for the first time this year.

The American people consider Columbus as much a part of our heritage and our history as any of our most renowned citizens

in all our annals, whether native or foreign-born. It may be of interest to you and your people to know that the enactment of the legislation creating Columbus Day makes your renowned son, the father of American immigrants, one of only two individuals whose birthdates are recognized as official national holidays in the United States, the only other being George Washington, the Father of our Country.

In the same vein, Genoa is more familiar to the average school child in this country than most cities of the United States of equal size. It is a part of the fibre and the fabric of our thinking and of our national life. Municipalities in every part of this country have been named after the discoverer of America. Statutes have been erected to his honor in every section. The story of his life, his resolution, and his contribution to world history, can be found in the schoolbooks of every child. We claim him, in fact, as one of our own.

The list of Members whom I have designated to represent the House of Representatives, and through it the American people, is as follows:

Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph P. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.
Honorable Robert McClory, Ill.
Honorable Bertram Podell, N.Y.
Honorable Melvin Price, Ill.

As the Speaker of the House of Representatives, it has been my honor and my privilege to work closely with all of the twenty American Representatives, eighteen of whom are of Italian descent, comprising the committee that will represent this country in your city. I have served in Congress with most of them for many years. They include some of our most distinguished legislators. I am proud to be able to call each of them my friend.

Americans of Italian origin have held high places in every walk of life and have added to the culture and to the strength of this nation. We are proud of them and through them we are most happy to send to the citizens of Genoa, and to all the fine people of Italy, the greetings of our own people and our gratitude to your city for giving to the world the man who discovered America.

Gratefully to your City,

CARL ALBERT,
The Speaker.

GREETINGS FROM THE PRESIDENT

THE WHITE HOUSE,
Washington, D.C., September 23, 1971.

Hon. GIANNI DAGNINO,
President of Regional Executive,
Region of Liguria,
Genoa.

DEAR DR. DAGNINO: I am pleased to extend my warmest greetings to you and the people of Genoa on the occasion of your commemoration of Christopher Columbus. This year, for the first time, Columbus Day will be celebrated in the United States as a national holiday. Of course, the American people have long honored Columbus, whose historic voyage led to the emergence of a new world and a new chapter in the history of our planet. We have particularly cherished the ties between the United States and the City of Genoa which, since that early beginning, have been reinforced by the many sons and daughters of Italy who have contributed so much to the growth of the American nation.

I am particularly pleased that this message to you can be carried by a distinguished group of American political leaders who are of Italian descent. They are eminently representative of that special part of our national heritage that is Italian. These men embody the finest traditions of America and they also take great pride in the cultural heritage of the land of their ancestors.

It is, therefore, with a deep sense of pride in our common traditions that I convey to you on this occasion the very best wishes of the American people.

Sincerely,

RICHARD NIXON.

PRESENTED TO THE PEOPLE OF GENOA ON THE OCCASION OF THE FIRST CELEBRATION OF NATIONAL CHRISTOPHER COLUMBUS DAY BY THE U.S. MEMBERS OF CONGRESS OF ITALIAN HERITAGE

To the Mayor and People of Genoa: From the journey of Christopher Columbus almost five centuries ago to the present day, Italians have played a major role in the life of the New World. "Every ship," wrote Emerson, "that comes to America got its chart from Columbus."

The dauntless spirit of this great Genoese navigator which is also the spirit of his homeland, has profoundly shaped the destiny of the American Nation. The esteem in which Americans hold Christopher Columbus goes beyond the man. He has come to symbolize for Americans the highest ideals of the Italian people.

Now the American people have declared to the world their admiration and respect for this courageous explorer by proclaiming Christopher Columbus Day a national public holiday.

When Americans pay tribute to Christopher Columbus they express their deep appreciation and gratitude to the people of Italy for their immense contribution to the history and ideals of our country.

In commemoration of this historic event we are delighted to present a copy of the Act establishing Columbus Day as a national public holiday.

John O. Pastore, Peter W. Rodino, Jr., Joseph P. Addabbo, Frank Annunzio, Mario Biaggi, Frank J. Brasco, Silvio O. Conte, Dominick V. Daniels, Ella Grasso, Robert L. Leggett, Romano L. Mazzoli, Robert McClory, George P. Miller, Joseph G. Minish, John M. Murphy, and Bertram L. Podell.

NINETIETH CONGRESS OF THE UNITED STATES OF AMERICA AT THE SECOND SESSION

(Begun and held at the city of Washington on Monday, the fifteenth day of January, one thousand nine hundred and sixty-eight)

An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

"§ 6103. Holidays

"(a) The following are legal public holidays:

"New Year's Day, January 1.

"Washington's Birthday, the third Monday in February.

"Memorial Day, the last Monday in May.

"Independence Day, July 4.

"Labor Day, the first Monday in September.

"Columbus Day, the second Monday in October.

"Veterans Day, the fourth Monday in October.

"Thanksgiving Day, the fourth Thursday in November.

"Christmas Day, December 25."

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

John O. Pastore, Peter W. Rodino, Joseph P. Addabbo, Frank Annunzio, Mario Biaggi, Frank J. Brasco, Silvio O. Conte, Dominick V. Daniels, John H. Dent, Dante B. Fascell, Robert N. Giaimo, Ella Grasso, Robert L. Leggett, Romano L. Mazzoli, Robert McClory, George P. Miller, Joseph P. Minish, John M. Murphy, Bertram L. Podell, Teno Roncalio, and Joseph P. Vigorito.

Mr. Speaker, in my own city of Newark, N.J. I was privileged yesterday to participate in ceremonies and a parade sponsored by Mr. Ace Alagna, publisher of the Italian Tribune News, on the occasion of the first national celebration of Columbus Day. The festivities which took place were a fitting tribute to Columbus. I commend my good friend Mr. Alagna for his great initiative and effort in making possible so fine a program and I include the very pertinent remarks of the Columbus Day parade grand marshal, Mr. Joseph Sivolella:

REMARKS OF JOSEPH SIVOLELLA, GRAND MARSHAL, COLUMBUS DAY PARADE, NEWARK, N.J.

I should like to begin my statement today by confessing that I, like so many others knew very little about Christopher Columbus other than the fact that he was Genoese, succeeded in convincing King Ferdinand and Queen Isabella of Spain to finance his venture, and then promptly proceeded to discover a New World on October 12, 1492.

When I was advised several weeks ago that I had been selected to be the Grand Marshal for today's Columbus Day parade, I felt it was only fitting and proper that I learn as many of the historical facts as possible about this great discoverer and navigator and about his many exploits. To say that my pride and admiration for him increased with each chapter I read would be a gross understatement.

There can be no doubt that this great man, who began with an inspired idea, and after many years of suffering and want, frustrations and disappointments, but with complete confidence in his beliefs and a dogged determination to prove he was right, is deserving to be remembered anew each year on the day of the anniversary of his great discovery.

I would be remiss if at this point I did not pay tribute to Congressman P. W. Rodino for sponsoring the bill which decreed Columbus Day a National Holiday, and to Congressman Joe Minish as one of the staunchest supporters of the bill.

During his presentation of the measure to the House, Congressman Rodino made a speech which I feel should be must reading for everyone, and for those of you who are interested, you will find it quoted in the latest edition of the Italian Tribune News. I was especially impressed with the concluding paragraph, and I quote it verbatim "Finally, Columbus Day would be a day to honor immigrants of all nationalities and acknowledge their contributions to building of a

strong, just and prosperous United States of America." And we can add to that, that while we are justly proud of our heritage, we have the utmost respect for all others, regardless of heritage who are equally proud of theirs.

There are times, and certainly this is one of them, when one finds it difficult to describe his feelings and to express his true sentiments. Somehow, to merely say I thank Ace Alanga and his wonderful and hard-working committees for having selected me to serve as the Grand Marshal today, and to thank all of you for accepting the committee's decision seems to me completely inadequate and certainly not reflective of my true feelings. To serve as Grand Marshal on the occasion of the 1st celebration of Columbus Day as a National Holiday is an honor I am humbly grateful for and one I shall always remember.

The Columbus Day celebration was also marked by the following historic proclamation issued on behalf of the citizens of Newark by the Honorable Kenneth A. Gibson, mayor of Newark.

PROCLAMATION: COLUMBUS DAY

Whereas: the 11th day of October, 1971 will mark the first national Columbus Day Holiday and the 479th anniversary of the discovery of America by Christopher Columbus; and

Whereas: by his courage and fortitude Columbus gave to the World vast virgin territories, whose rich fertility, natural resources and unbounded grandeur were to challenge the honest toil and initiative and were to give promise for the fulfillment of the hope and aspirations of all liberty-loving people; and

Whereas: the entire population of our great city—those who trace their origin to the land of the great Italian navigator as well as their fellow-citizens will express reverence and pride in him and his accomplishments with appropriate parade and gala pageant on Columbus Day; and

Whereas: the Italian Tribune News, sponsors of the 1971 Columbus Day Celebration and it's General Chairman, Ace Alagana, publisher of the Italian Tribune News, and his committee have arranged for a parade and dedication ceremonies to commemorate the discovery of America by Christopher Columbus;

Now, therefore, I, Kenneth A. Gibson, Mayor of the City of Newark, New Jersey, do hereby call attention of our citizens to this great day in our history and do urge all of our citizens to join in it's observance.

Mr. Speaker, I was also proud to participate on October 10, in a Columbus Day festival sponsored by the North Ward Educational and Cultural Center. And, I am pleased to bring to the attention of my colleagues the remarks of the center's director, Mr. Stephen Adubata:

THE MEANING OF COLUMBUS DAY

(By Stephen N. Adubato)

The courage of Columbus, the greatness of America, and the nobility of a people are meaningful when shared universally by all men. As the sons and daughters of Columbus, we should never exclude anyone from participating in our joy, in our genius, and in the many positive things we have to offer to our fellowman.

Citizenship in Rome was not limited to the inhabitants of the Italian peninsula. All through the world, including other parts of Europe, Africa, and Asia, men were proud to say that they were "a citizen of Rome". Rome was a great civilization, because she shared her gifts with all men.

The Catholic church has its geographic center in Italy. Yet, the strength of the church is that it shares its teachings with everyone. Even the word "catholic" means universal. Indeed, in the ecumenical movement of our times, we have seen a great awakening to truth.

When the light of Rome was extinguished and the world was plunged into the Dark Ages, it was again on the soil of our ancestors that emerged the rebirth of hope for mankind. The Renaissance was significant, because we shared this rekindling of spirit with all men.

And finally, Columbus himself. We pay homage to the great navigator, the discoverer of America, because his perserverance, his skill, and that mystical quality of leadership enabled him to write the first chapter in the history of our nation. Just think! He may well have been the only Italian aboard that historic expedition.

So, the great lesson of our own history points clearly to how we can continue in this tradition. Citizenship in the United States of America is the greatest opportunity that mankind has ever known—for many peoples to live together in peace, to share the wealth of all cultures of mankind, and to give the fullest meaning to our own traditions.

We, the descendants of the great navigator say—"Avanti! Forward! Together!"

(Mr. RODINO asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my distinguished colleague from New Jersey, the Honorable PETER W. RODINO, JR., dean of the U.S. Congressmen of Italian ancestry, who 23 years ago initially proposed making Columbus Day a national holiday.

As one of the Members of the congressional delegation which visited Genoa, Italy, from October 1–5, 1971, I had the high honor in presenting, on behalf of our group, to Dr. Gianni Dagnino, president of the region of Liguria, where Genoa, Italy, the birthplace of Christopher Columbus is located, and to the people of the region of Liguria, a large parchment scroll containing a painting of the three ships of Columbus, a copy of the resolution of our delegation commemorating the trip, and a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national public holiday.

It was also my privilege to present to President Dagnino and to the 20 members of the regional administration of Liguria gold commemorative medals struck in Chicago especially to mark the first celebration of Columbus Day in America as a national public holiday.

The trip of our congressional delegation to Genoa last week is but another bridge between two great countries—America, our native land and the greatest country in the world—and Italy, the country of our cultural heritage. It was a privilege to participate in this official ceremony in Genoa, because I know that the bonds of friendship between our two great countries have been renewed and strengthened as a result of our visit to the birthplace of Christopher Columbus.

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

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

Mr. MCCLORY. I thank the gentleman for yielding. I want to say how delighted I have been to participate with my Italian-American colleagues in this mission to Genoa to receive the accolades of the government of the Province of Liguria and the city of Genoa, and to have been a part of this wonderful experience.

As the gentleman knows, I very fortunately have quite a bit of Italian experience in my own life, my sister having married an Italian and I having had the opportunity to spend quite a bit of time in Italy. I want to say to the Members of the House that the gentleman in the well made a most eloquent and impressive emotional talk in the Italian language at one of the celebrations that we attended there. It was really very inspiring to all of us as it was to those who had gathered from the Italian Government to receive us.

I also had the privilege myself, and I appreciated the privilege of reading a letter from the President to Mr. Dagnino, who is president of the region of Liguria. We had this letter translated, and with my limited experience with the Italian language, nevertheless I was able to read this in Italian, and, of course, it got through a lot better that way.

As the gentleman in the well knows, my affiliation with this is through the Monday holiday bill, which, of course, never would have been possible without the cosponsorship of the gentleman in the well and others who supported establishing Columbus Day as a national legal holiday, and by adding this new national holiday, and then developing these other Monday holidays we benefited all the people of America, all the workers, and all those who supported this very useful legislation and, of course, gave appropriate recognition to Christopher Columbus, who, of course, is treasured foremost by those of Italian extraction, Christopher Columbus having been born and raised in that part of Italy where Genoa is located, but also, of course, by many other people, particularly those of Spanish extraction, because of the fact that he sailed from Spain, I believe, and had many Spanish, Portuguese, and other sailors with him, and he has been an inspiration to people from all over the world.

Therefore, although being one of Irish descent, I feel no qualms at all about joining in honoring Christopher Columbus and participating in this tremendously exciting and important activity.

I might just add that I feel very sincerely that those of us who went to Italy, representing our U.S. Congress, and had the opportunity to meet with representatives of the Italian Government really promoted good will, better understanding, and closer relationships between the people of our country and the people of Italy, and contributed a great deal in that behalf, which, if we multiplied that many times could, of course, help to produce a generation of peace which the President is so earnestly seeking.

I commend the gentleman in the well, the gentleman from New Jersey, as well as my colleague, the gentleman from Illinois (Mr. ANNUNZIO) for their leadership in this mission to Genoa. I also compliment the gentleman in the well for taking this special order today in order to call to the attention of Members of the House and the people of the Nation this inter-

esting and important activity which surrounded the commemoration of Christopher Columbus and the recognition of the celebration of Columbus Day as a great national legal holiday.

Mr. Speaker, I am pleased to participate in this discussion relative to the recent ceremonies in Genoa, Italy, in connection with the first observance of Columbus Day as a national legal holiday.

In the company of a number of my colleagues—mostly of Italian ancestry—I found many opportunities for communicating the respect of the people of our Nation to the people of Italy, and particularly of the Province of Liguria where Christopher Columbus was born and raised.

As author of the Monday holiday bill, H.R. 15951, of the 90th Congress in which my distinguished colleagues from Illinois (Mr. ANNUNZIO) and New Jersey (Mr. RODINO) were important cosponsors, I was privileged to take an active part in the ceremonies in Italy.

Mr. Speaker, included in these activities were the opening day reception and dinner meeting at the Palazzo Spinola—the seat of the parliament of the region of Liguria—where the Honorable Gianni Dagnino, president of the region, and my long time friend Dr. Carlo Pastorino, vice president of the regional council, assisted by his gracious signora, served as our hosts. On that occasion, I presented a letter to Dr. Dagnino from President Nixon which is herein included. I had arranged for the President's letter to be translated into the Italian language which I read to those assembled at the Palazzo Spinola.

Mr. Speaker, the presentation of your letter—also translated into Italian—and the accompanying remarks by the dean of the Italian-American membership and chairman of the Judiciary Subcommittee on Immigration, Mr. RODINO, as well as the delivery of a large montage on which the names of our Italian-American colleagues and others who participated in the Columbus Day legislation were inscribed—were highlights of the proceedings in Genoa. My colleague from Illinois (Mr. ANNUNZIO) spoke eloquently and passionately in presenting this colorful montage.

At a subsequent luncheon meeting in Rapallo our colleague, Mr. RODINO, in extemporary remarks in Italian, delivered a very moving and impressive message in behalf of this body and of the American people.

Mr. Speaker, I am confident that my colleagues with whom I had the privilege of serving on this mission to Columbus' birthplace will describe in greater detail the events which occurred during our 3-day visit. In any event, I would like to emphasize that a great deal of goodwill was generated between our Representatives of the Congress and the political leaders of Italy with whom we came in contact.

I am proud indeed of the part which I have had to play in promoting Columbus Day as a national legal holiday and for all the benefits which have flowed from this significant legislation. Mr. Speaker, let me say quite frankly that the success of the Monday holiday legislation was due in large part to the appropriate national recognition given to the courage and foresight which guided Christopher Columbus in his discovery of the Western Hemisphere.

Mr. Speaker, while special pride on the part of Italian-Americans is felt in the Columbus Day observance, let me add that those North and South Americans of Spanish and Portuguese descent also take special pride in the significant part which their antecedents played in the voyages which resulted in Christopher Columbus' discoveries. Mr. Speaker, in a large sense the courage and determination of Christopher Columbus are an inspiration to all Americans. Almost immediately following Columbus' voyages, the permanent colonization of the Western World began. Since that time immigrants have come from every part of the world—and truly the heritage of Columbus belongs to all Americans.

Mr. Speaker, Columbus Day as it was this year—will be celebrated in every year hereafter—on the second Monday in October. It will live in the memories of us all. Especially those of us who had the privilege of taking part in the recent ceremonies in Genoa, Columbus Day, 1971, will be and remain most vivid of all.

Mr. Speaker, I would be quite remiss if I did not add an expression of gratitude to the consul general of the United States—Mr. Thomas H. Murfin and Mrs. Murfin, as well as to our American Consul—Carl Bastiani and Mrs. Bastiani for their support of our activities in and around Genoa.

Mr. DULSKI. Mr. Speaker, today is October 12 and, for the first time in my memory, it is not officially considered to be Columbus Day.

Effective this year—and finally—Columbus Day became a legal national holiday, but with a movable date in order to conform with the so-called Monday holiday legislation enacted several years ago by the Congress.

Therefore, yesterday, October 11, was the official observance of Christopher Columbus Day in 1971.

Today, October 12, marks the 479th anniversary of that day in 1492 when Christopher Columbus discovered the New World.

It took us many, many years to obtain legislation designating Columbus Day as a legal national holiday. The importance is in the national recognition finally given to this anniversary and the movable date is of secondary concern.

Indeed, our country has done all too little in recognition of Christopher Columbus. There was an exposition in 1892, a commemorative coin, and, of course, there are statues and monuments erected, streets, circles, and so forth, named in his honor.

The vision of Columbus in the face of ridicule in his time is an example of independence and perseverance that should never be forgotten.

I am grateful that at long last Columbus Day is a legal national holiday—allowing the peoples of all our 50 States to honor the man who set foot on the shores of America 479 years ago and set the stage for the development of the United States of America, the world's greatest power today.

I am happy to join with my colleagues in paying due recognition today to the discoverer of our Nation, Christopher Columbus.

Mr. O'NEILL. Mr. Speaker, Columbus Day is traditionally marked by parades, pageants, and celebrations. Oftentimes, the true significance of Columbus Day is obscured by the activities and the festivities which surround it. Every schoolchild is aware that Columbus discovered America, what the names of his three ships were, and the perils and hardships which the crew faced during that famous transatlantic crossing.

Of far greater significance is the fact that Columbus started in motion a chain of events which has culminated in the 20th century in the development of the United States as the greatest Nation in the world. Historians have told us that Columbus' discovery of America was quite accidental, that Columbus actually intended to reach the Far East and thus chart a route which would lead to the riches of that part of the world. Instead, he stumbled upon a wilderness possessing not the riches of the East, but far greater riches in terms of natural and geographic potential.

Columbus brought with him to America the spirit and enlightenment of a European age of rediscovery and scientific exploration. His voyage across the Atlantic in ill-equipped and tiny vessels serves as the prototype of the American spirit of energy and purpose. Thousands of Americans were to follow in his footsteps in the fields of science, government, business, and labor, in overcoming great odds to achieve a seemingly impossible goal. Each has contributed his share in making America's greatness possible.

However, on Columbus Day, 1971, I think it is proper to remember and ponder the original spirit and determination of that great Italian born explorer and scientist in order that America face the coming decades with the same resolve and resource with which we have faced the last 500 years of our growth as a nation. Amid the pageantry of Columbus Day let us not forget that the mission which Columbus began in 1492 is still to be completed in many ways. And with that view toward the future, I believe that we can more fully appreciate and understand the significance of Columbus Day in 20th century America.

Mr. PUCINSKI. Mr. Speaker, I join the gentleman from New Jersey (Mr. RODINO) in paying tribute to the first national holiday honoring Christopher Columbus.

Yesterday Chicago witnessed its largest Columbus Day parade marking this first national holiday.

It was a beautiful day and a beautiful parade bringing into sharp focus the enormous contribution made by Columbus and millions of Italian-Americans who came to America since the founding of the Republic.

The Chicago Italian American Joint Civic Committee presented to tens of thousands of Chicagoans a spectacular panorama of Italo-American contributions.

The colorful parade was headed by Mayor Daley and virtually the entire contingent of distinguished Italian-American civic, political, industrial, commercial and labor leaders, as well as almost all of our non-Italian political figures who proudly proclaimed themselves sons of Italy for this historic day.

I wish to especially call attention of our colleagues in the House to the special contribution made by our colleague Congressman FRANK ANNUNZIO in helping organize yesterday's Chicago parade and in helping enact legislation making Columbus Day a national holiday.

FRANK ANNUNZIO is one of the most highly respected Members of this House. His tireless effort in behalf of human dignity is rapidly becoming a source of inspiration to all of us.

FRANK ANNUNZIO said at the ceremony in Chicago yesterday that when we honor we honor America's ethnicity.

It was fitting that the hundred or more floats in yesterday's Columbus Day parade paid tribute to all ethnic groups in Chicago.

It was a magnificent day and I predict the fact that we made Columbus Day a national holiday will be the turning point in America's new appreciation for her ethnic groups of all nationalities.

I congratulate FRANK ANNUNZIO and the entire Italian-American community for their inspiring contribution.

Mr. BRASCO. Mr. Speaker, this year Columbus Day emerges as a national holiday in every sense of the word. Finally it is recognized for what it has always been—a celebration of the true discovery of this Nation. Yet it symbolizes so much more.

Columbus is much more than an explorer who made a landfall in the New World. He was a pathfinder for a new spirit. One that resulted in a New World ethic symbolized by the flow of refugees that still continues. Our Nation contains today the heirs and assigns of all those millions who followed him.

From his discovery came the establishment of an entire new set of ideas that have been expanded into what we now know as the American way of life.

Thirty million refugees have come to these shores. Almost all of them have sought freedom, liberty, and the chance to live a better life than the one they left. All were the refugees that other nations did not want. All were fleeing oppression of one sort or another. All have found a haven and refuge because one man lit the lamp here first by his deeds of discovery and exploration.

If we proceed down the list, the truth of this becomes obvious. Millions of Americans are here today because their fathers sought religious liberty. Others are here because they sought freedom of political expression. Still others sought a place to farm and raise families free of the rules and regulations of the Old World.

In turn, these people have given freely of their labor and blood so that our land might be preserved and its ideals might be strengthened and given to others. The beacon first lit by that first seeker has been a light to the world and oppressed peoples everywhere.

Columbus symbolizes each new search for something better. His memory epitomizes any lost soul's desire to attain something better than what exists in an old, oppressive place. It is a manifestation of that unquenchable fire in every man who thirsts for a new life for himself and his family.

It is for all these reasons that our Nation has been able to absorb these varied peoples and weld them into the mightiest power the face of the earth has ever seen or felt.

Even though we have at times abused such influence, still there is an American conscience that cries out against any such evil.

It is altogether fitting for our Nation to pay tribute to Columbus, his sponsors, his nation of origin, and the tradition he represents. They have all mingled inextricably in the American lifestream, contributing much that is vital and precious. The Western World owes so very much to that intrepid adventurer who dared so much because he believed.

Without such believers, man and his works would be poor things, indeed. In fact, would that we could take more of an inspiration from his example, for it was more than a pathfinder's journey into the unknown that yielded bountiful results.

It showed that a dream, no matter how far-fetched in the eyes of such a man's contemporaries, could and should be followed through. It showed that from such hopes, massive ventures result. It showed that a vital tradition can take root and grow, no matter what earth it is transplanted into. It showed that deathless truths can be viable and meaningful in every age and every people.

Today, Italo-Americans take special pride in joining the Nation and the entire western world in paying a deserved, resounding tribute to that Admiral of the Western Ocean, founder and discoverer of the New World, Christopher Columbus. His memory grows fresher and greener in our hearts and minds as the ages pass.

Mrs. HICKS of Massachusetts. Mr. Speaker, this is the first year in which the celebration of Columbus Day, observed in this country since 1792, has become a national holiday, officially recognized as such by the Congress of the United States and commended to all of the States.

Since 1892, the occasion of the 400th anniversary of the discovery of America, prominent citizens have championed the cause of Columbus Day as an especially appropriate time to mark the great and distinctive contributions of Italian-Americans to the mainstream of our common life. Now, on the 480th anniversary, we pay just tribute to the character and achievement of Columbus as well as to the impact of his great journey.

In honoring Columbus, we are honoring that spirit of bold adventure and unshakable determination which has made America great. The example of his life—and especially of his historic voyage—continues to inspire and sustain our people from age to age.

Moreover, the observance of Columbus Day reminds us of the contribution which Italian-Americans have made to the strength and vitality of our national life.

They came as explorers and as settlers; they joined in that struggle for freedom and justice characteristic of our history.

Today, over 25 million Americans of Italian descent witness to the impact of the Italian culture and religious heritage in this land.

It is appropriate, indeed, that the name of Columbus should be—as it is—as familiar to every citizen as the names of Washington or Lincoln.

It is the Columbian spirit—that spirit which welcomes heroism and sacrifice in pursuit of an ideal—which is at the heart of all that is best in America.

May our celebration rekindle that spirit in us today as we face the challenges of this troubled century.

Mr. FLOOD. Mr. Speaker, the coming of Columbus Day marks our annual remembrance of one of history's truly great spirits. It is a story ever new in the retelling for its speaks to us of the timeless saga of human courage, triumphant over defeat. Columbus was confronted by every kind of obstacle—poverty, ridicule, physical anguish, disappointment, treachery, and ingratitude. Yet not one nor all of them together could frustrate his "magnificient obsession," an obsession which was destined to alter the destiny of the world.

Whether he was, in fact, the first European to touch land in the Western Hemisphere is a largely academic matter of relatively little interest: the inescapable evidence of history testifies to the decisive impact of Columbus' discoveries in bringing the New World into the consciousness of the Old. With good reason, poets and dramatists have immortalized Columbus and his journeys:

> Behind him lay the gray Azores,
> Behind, the Gates of Hercules;
> Before him not the ghost of shores;
> Before him only shoreless seas.
> —*Joaquin Miller.*

Our American sage, Emerson, once observed that:

> Every ship that comes to America got its chart from Columbus.

So it is that, by opening up the Americas to European settlement, Columbus paved the way for the transformation of Western society. It is hardly surprising that his name is as familiar to our school children as the names of Lincoln or Washington—and perhaps even more such is the enduring fascination inspired by the epic journeys of the great Genoese "Admiral of the Western Sea."

Our celebration of Columbus Day, now happily included for the first time among our national Federal holidays, involves considerably more than the honoring of Columbus. Rather, it includes in some sense all those many millions who have come to these shores in his wake, immigrants from virtually every nation, enriching our common heritage beyond measure. Columbus Day reminds us that, except for those who are descendants of the American Indians, we are all the sons and daughters of immigrants. Columbus Day commemorates the fact that our greatest strength as a people, ever since the days of the first settlers, had been

an ability to live together in some degree of harmony, overcoming tensions and strains, to build a nation together.

Certainly this has been true for our Italian Americans, and it is they who are our special concern at this time, sharing the cultural and national patrimony of Columbus himself. Italy has contributed a larger number of immigrants to American shores than has any other nation in the world, except for Germany. The contribution of Italians and Italian Americans to America has been continuous and significant, touching every area of life and thought with distinction: explorers and discoverers, patriots—including William Paca, a signer of the Declaration of Independence—leaders in the world of Independence—leaders in the world of the arts, in sports, in political life, in commerce and in industry.

Apart from any litany of great names, Italian Americans have given the Nation a large community among whom the values of family life have fluorished—at a time when these values are badly eroded throughout our society. Stability, hard work, decency, honesty—these are characteristic of the vast majority of Italian American families; unspectacular in themselves, they help maintain the fabric of American life. It is no accident that the first American to win canonization by the Catholic Church was Mother Cabrini, whose example of sacrificial love for the immigrant has inspired all who know of her, regardless of creed.

Perhaps the greatest thing about Columbus Day is its reminder that life can be lived in the light of faith and conceived as divine vocation: Columbus believed that it was his mission to bring the Christian Gospel to the Americas. His finest tribute is found in the words of Santayana.

Columbus found a world and had no chart,
Save one that faith deciphered in the skies;
To trust the soul's invincible surmise
Was all his science and his only art.

I suggest that it is the soul's invincible surmise which will carry our Nation through the troubled waters of today into the great horizons of the future.

God give such dawns as when, his venture o'er,
The Sailor looked upon San Salvador.
God lead us past the setting of the sun
To wizard islands, of august surprise;
God make our blunders wise.

—*Vachel Lindsay.*

Mr. COUGHLIN. Mr. Speaker, it is fitting that we should pause for a brief time to reflect upon the magnitude of the achievements of Christopher Columbus for he is responsible for the first chapter of our American history.

His initial journey across thousands of miles of unknown ocean, amid the mutinous grievances and tensions of his crew, was not only one of the most significant achievements of recorded human history, but was also a demonstration of Columbus' supremacy as a mariner and navigator. Columbus was, and is, a symbol of resourcefulness, courage, and energy.

Born in the early dawn of the Renaissance, Columbus had all the sicentific curiosity, the zest for life and the striving for novelty that we associate with the advancement of learning. By the age of 24 he was in Lisbon, the center for exploration and discovery. Yet even here his idea of sailing west to the Indies was considered as absurd as the idea of man-made flight in 1900. His first effort to interest John II of Portugal in the project began a series of battles against prejudice and sheer indifference which lasted 10 years, until the contracts were finally signed with Spain in 1492.

Since the time of Columbus' discovery of the New World, other vast contributions have been made by Italian immigrants to the physical and social development of the United States; many of them have profoundly affected the destiny of our country. Every industry in the United States today feels their impact.

In my own 13th Congressional District of Pennsylvania, I take great pride in a sizable Italian-American constituency, many of whom are my personal friends. I feel highly qualified, therefore, to attest to their extraordinary qualities of courage, dedication, warmth, and generosity which dominated the spirit of the man we honor today.

With deep pride and gratitude, I join my colleagues in the Congress and my fellow Americans in commemorating the anniversary of the discovery of America by Christopher Columbus. He occupies a unique place in our history and in all our hearts.

Mr. LENT. Mr. Speaker, on this Columbus Day, I rise to pay tribute not only to the great navigator, Christopher Columbus, but to those millions of Americans of Italian ancestry who we also honor on Columbus Day.

In my State of New York, Columbus Day had long been an official holiday before the Congress saw fit to honor the farsighted Italian with a National holiday on this, the 479th anniversary of his landing in this hemisphere. This setting aside of the great discoverer's day was done not only to mark the discovery itself, but also to honor the men and women from Italy who emigrated to these shores and their descendents.

We are a nation of immigrants. The cultural landscape of America is a vast mosaic created from the melting of many cultures and many customs from many lands. Each national group has stamped the fabric of our society with its own imprint, and surely none of these has been richer than the Italian mark on America.

Like the rest of America, the Fifth Congressional District of New York which I have the honor of representing in Congress, has benefited tremendously from the dedication, loyalty, and hard work of the Italian-American. In business, in the professions, in our lives of public service, they are leaders. They have truly been a molding force in our Nation.

The Italy that gave us Columbus has provided us with millions of our finest citizens. Today, Mr. Speaker, when America attempts to pioneer in the social, economical, and political seas, we are often given the same discouraging advice that Christopher Columbus heard—it is too dangerous, disaster will result.

In setting aside this day, we would all do well as Americans to emulate that same spirit that Columbus and the many of his Italian-American descendents have demonstrated to us so well.

Mr. BYRNE of Pennsylvania. Mr. Speaker, Columbus Day, which we are marking today, has traditionally been a special day for the Italian-American community. It was through the strenuous and untiring efforts of many Italian-Americans that Columbus Day finally became a legal holiday—in the 90th Congress.

This will be a day of parades, and celebrations and feasting—all marking the 479th anniversary of the discovery of America—the Western Hemisphere—by Christopher Columbus.

No, I am not suggesting that anyone try to take Columbus away from the Italian-American community; what I am indicating is that this is a day for all Americans to share; because while Christopher Columbus is a special son of the Italian community by reasons of birth, all of us should pause today to pay tribute to the man who was directly responsible for all of us being here today.

I do not intend to get involved in arguments on who first set foot on the Western lands—I do not think that this is germane to honoring Christopher Columbus.

The fact stands—and it is uncontrovertible—that Christopher Columbus opened the Western World to settlement from Europe. It is as simple as that. That is why the Western Hemisphere exists today as a civilized and settled land.

Therefore, I would ask my colleagues to pause just a brief moment today and join with me when I say, "Thanks, Chris."

Mr. PATTEN. Mr. Speaker, for the first time this year Columbus Day is recognized as a national holiday. Celebrations will be forthcoming all across the Nation in honor of the man who discovered our great country.

Of all the famous people whose achievements have become an important part of history, Columbus is the man whose fame will most certainly last forever. He has contributed a great deal to the history of the world in general and to our continent and country in particular.

But Columbus has done much more than discover America. He serves as an example for all mankind even to this day. In the 15th century when little was known about the world we live in Christopher Columbus had the courage to explore the unknown. He saw a way to further mankind by the possibility of discovery through exploration.

We, in the 20th century, have many new worlds to explore. Our space explorations have opened up so many new possibilities for further research into various aspects of the unknown. We can only hope that we have the courage and bravery of Christopher Columbus. Here was a man who used everything at his disposal to move mankind forward. We must try to continue this movement for progress.

This year we are doing to fully acknowledge a great man, Christopher Columbus, and the tremendous contribution he has made to mankind.

Mr. ADDABBO. Mr. Speaker, this marks the first time that Columbus Day is being celebrated as a national holiday. This year's celebration is a very special one for me since I, along with several of our colleagues, had the honor of representing the President of the United States in Italy last week. The occasion was the presentation of a scroll to the Italian Government on behalf of the U.S. Government. I commend the officials and people of Genoa for their hospitality and warm reception.

The courage and spirit of discovery which the birthday of Columbus brings to mind are qualities so urgently needed now if we are to improve the qualities of our society for our children and grandchildren. The society in which we live must be rediscovered by community leaders dedicated to imaginative and creative steps to find a better way of life for all Americans.

The adventures of Columbus are honored by all Americans this year, not just by those of Italian descent. We can all be proud of the discoveries of Columbus and we can all share in the desire to see that spirit of discovery continued as part of our national heritage. The Congress has declared this day a national holiday as part of the "Monday holiday" law and I believe our Nation will benefit from this national celebration.

Mr. Speaker, at this time I would like to insert an editorial from the New York Daily News on the greatness of Christopher Columbus:

WHAT MADE THE UNITED STATES GREAT

This series of Sunday News editorials comes today to Christopher Columbus, one of the greatest explorers, adventurers and colonizers of all recorded history.

Columbus' discoveries in the Western Hemisphere inspired innumerable later explorers, and thus started the development of the hemisphere by people from Europe.

But if you want to be a bit mystical, you can theorize that Columbus was even more than all that—that his spirit lives today, and has lived for generations, in the American people's subconscious and has done much to make them what they are.

Columbus was a chance-taker, a gambler if you prefer that word, a man of fierce curiosity and intellectual vigor, and as courageous a human as ever has roamed this globe. The majority of Americans are that same kind of people.

Born almost certainly in Genoa, Italy, anywhere from 1446 to 1451, Columbus became a sailor at age 14. He did a lot of sailing and trading in the Mediterranean; visited England at least once; and voyaged to Ireland, to the islands off western Scotland, and (so he said, though some historians doubt it) to the big sub-Arctic island of Iceland.

The story of how Columbus induced Queen Isabella of Spain to gamble a considerable sum on financing his first Atlantic voyage has often been told.

So has the story of his first voyage westward which began at Spain's port of Palos Aug. 3, 1492, climaxed in the discovery of what probably now is Watling's Island in the Bahamas Oct. 12, 1492, and ended with his return to Palos March 15, 1493.

To the end of his life, Columbus thought he had (1) proved the earth to be a globe instead of flat (he had), and (2) discovered a westward route to the East Indies, of the coasts of Asia. Hence, his name Indians for the natives he encountered on his westward voyages.

There were four of these all told, and the remaining three were as interesting, as productive of knowledge and as profitable as the first.

Columbus' second expedition was a much larger undertaking than the first, and its prime objective was to set up a colony or colonies for Spain.

It sailed from Spain Sept. 25, 1493, and included three big galleons, 14 light frigates, more than 1,500 men (among them 12 missionaries), animals and other colonizing supplies, and presents for the natives.

On this voyage, Columbus discovered the West Indies islands of Dominica, Puerto Rico and Jamaica. His followers explored Cuba's south coast rather thoroughly, and the expedition sailed all the way around the island of Hispaniola.

Hispaniola nowadays is divided between Haiti and the Dominican Republic. Columbus planted the town of Isabella on Hispaniola's north coast, left his brother Bartholomew in charge, and sailed for home. Bartholomew in 1496 moved the Spanish settlers to the south coast of Hispaniola, founding the city of Santo Domingo.

It was on this third voyage—May 30, 1498, to Nov. 25, 1500—that Columbus discovered the big island of Trinidad, off the north coast of South America and then the great continent of South America itself.

He explored the South American coast from the mouth of the Orinoco River to Margarita Island, then went back to visit Hispaniola. A rebellion blew up in Columbus' face there, and a judge sent from Spain to settle matters shipped Columbus and his brother home as prisoners. The government freed them, with honors and apologies; and on May 11, 1502, the great admiral set out on his fourth and last voyage to the New World.

On this trip, he hit the coast of Honduras, in what we now know as Central America, sailed southward as far as Panama, was shipwrecked just off Jamaica, and at last got home to Spain Nov. 7, 1504.

Christopher Columbus died at Valladolid, Spain, May 21, 1506. In his lifetime, he had opened paths to changes and expansions in human knowledge, outlooks, hopes and potentialities as no man before him ever had done—but as the early space explorers in all likelihood are doing in our own times.

Mr. HELSTOSKI. Mr. Speaker, I am pleased to join with my colleagues in paying homage to the great explorer who opened the New World to the Old World, Christopher Columbus.

This brave Italian navigator was one of the few individuals in history whose actions substantially altered the progress of human development. As history acknowledges, he deserves great honor for defying the strictures of reactionary conventions. His persistence in pursuit of an ideal to which he was unflinchingly dedicated made Columbus one of those rare people who acted in a way wholly consistent with his convictions.

It is important to remember that the influence of Italy upon America began with the discovery by Columbus of this New World. The achievements of Italian-Americans are too numerous to detail here. However, in the spheres of science, government, and the arts—music, sculpture, and painting—the creativity of the Italian heritage has been a monumental contribution to the greatness of our Republic.

Let no voice discredit this amazing Italian navigator of ingenuity and devotion. His indefatigable efforts were motivated by religious and explorational dedication. He wanted to reach the far continents believed to be in Asia and propagate Christianity, sailing westward to reach the East in support of his theory that the earth was round. In short, confronted with grave obstacles and hardships, his great faith and progressive outlook are models for us all.

Mr. EVANS of Colorado. Mr. Speaker, I rise today not only to pay tribute to Christopher Columbus, but to the millions of Americans of Italian ancestry who we also honor on Columbus Day.

Colorado is not without her share of Italian-Americans who have made notable contributions to the growth of Colorado. One of our many mountain peaks which is over 14,000 feet above sea level is named for Christopher Columbus. Mr. Angelo Noce was instrumental in getting this peak named for the great Italian explorer. Mr. Noce also helped get August 1 designated as Colorado Day, our Fourth of July. Through his Italian language newspaper, La Stella, Mr. Noce made many other fine contributions to the State of Colorado.

The founder of the Denver Post, Frederick G. Bonfils was actually of Italian ancestry. His grandfather's name was originally Bunofiglio which meant "good son." But grandfather Bunofiglio followed Napoleon into France after he invaded Italy, and changed his name to Bonfils, which is French for "good son."

Antonio Vagino founded the American Beauty Macaroni Co. which now has four factories throughout the country. Frank Damascio of Trinidad was involved in the building trade and helped contribute to Denver's early 20th century skyline with the old Mining and Exchange Building. Rafaello Cavallo started Denver's first symphony orchestra at the turn of the century.

In 1905, Mother Cabrini started the Queen of Heaven Orphanage which has started her on the path to sainthood in the Roman Catholic Church. Mr. Alfred Adamo gave the city of Denver the statue of Christopher Columbus that stands in the Civic Center today.

The Zarlengo family of Colorado has contributed many doctors and lawyers and the Mapelli brothers have provided the Nation with beef products for many years.

Genevieve Fiorri is the Colorado Secretary of the United Nations Council. Mr. Frank Mancini is still active in government posts after a distinguished career. Mr. Joe Ciancio is now head of the parks and recreation department in Denver after many years on the city council.

Mr. Vincent Massari has been a member of the Colorado State Senate since 1955 and has long been a respected newspaperman in Pueblo.

Mr. Speaker, it is with a great deal of pleasure that I rise in salute to those Coloradans, past and present, of Italian descent who have made our State the great place it is today.

Mr. ZABLOCKI. Mr. Speaker, I wish to thank our esteemed colleague, the gentleman from New Jersey (Mr. RODINO) for arranging today's special order commemorating Columbus Day.

For the first time Columbus Day was celebrated as a national holiday on Monday, October 11, 1971. Columbus Day

is not only a day of honoring Christopher Columbus, it also honors and pays tribute to the immigrants from every nation and reminds us of our heritage—that except for the American Indian, we are all sons of immigrants.

Since October 12, 1792, when the first celebration was held in New York City, the anniversary of the discovery of America has been observed in our many cities by Italian-Americans and others commemorating that memorable day. It has been my pleasure to share in many of these celebrations in the past.

It is fitting that all of us as a Nation should participate in celebrating the anniversary of the discovery of a land of opportunity for the oppressed, the hungry and the adventurous. This national holiday gives us an opportunity to reflect that in the time since Christopher Columbus first set foot on this continent, our land has grown from a wilderness, a land of mountains, dense forests, and vast prairies to become the most powerful and advanced Nation on earth. The work of countless people of many nations has made this transformation possible and fellow countrymen of Columbus have contributed to much of this growth.

Columbus Day is an appropriate time for us to consider the Italians who have followed Columbus to the New World and to honor all of those who explored and settled this land. Italians were among the first settlers and have participated in the building of our Nation. The list of distinguished Italian Americans is long and impressive and they are known for contributions in every field of endeavor. In every area of our life, from our food to our music, we can be thankful for the steady stream of Italians who began moving westward to the New World since 1492. Christopher Columbus deserves to be remembered as the "Father of All Immigrants." From the very beginning this country has been indebted to the courage and sacrifice of the men of more than one nation. It is also fitting that we honor immigrants of all nationalities and acknowledge their contributions to the building of a strong, just and prosperous United States of America.

Mr. Speaker, in paying tribute to Christopher Columbus we also reaffirm our faith in his spirit of courage, stamina, and determination to continue, undaunted and unafraid, in the enlightened pursuit of humanitarian goals and honorable objectives.

Mr. BURKE of Florida. Mr. Speaker, 479 years ago Columbus discovered America. We pause today to pay tribute to him. His journey stands as a monument of human courage, bravery, and enthusiasm. In 1892, 400 years after the discovery of this continent, President Benjamin Harrison recommended that October 12 be a general holiday. President Harrison called for Americans, as much as possible, to "cease from toil" and devote themselves to such exercises as may best express honor to the discoverer. Today is the first time Columbus Day will be celebrated as a legal national holiday. Under the "Monday holiday" law adopted by Congress Columbus Day is being celebrated on the 11th instead of the traditional 12th.

The example set by Columbus in braving an unknown ocean in three small ships has given countless others the courage to probe into the unknown. Who can say how much impact his voyage has had not only on global exploration, but on our present exploration of space. His voyage triggered the exploration of North America and South America, led to its settlement, and to our present United States of America. His leadership will continue to inspire many generations to come.

Columbus is a multinational hero. He is not only the discoverer of America, North and South, but the Caribbean Islands as well. He was Italian by birth and the Italian-Americans claim him proudly and are particularly close to this holiday. The Portuguese point out that Columbus used their charts. The Spanish point out that he used their ships and was financed by their Queen. Truly, he is a hero of the whole Western World.

His example of courage and persistence in the face of many obstacles comforts and gives heart to us today. His achievements gain added stature when you realize that he was only 24 years old at the time.

If judged by results, Columbus was the greatest explorer who ever lived, or ever will live, until such time as we adventure through space to the other planets.

If judged by daring, Columbus who led an unwilling crew in three small ships into an unknown ocean, peopled with all sorts of legendary monsters and dangers, yields to no man in history.

If judged by determination, no man can be ranked higher than Columbus, whose life from boyhood was dedicated to the project of sailing westward to find the Indies; who struggled against poverty, argued with geographers and sailors, and coped with court intrigues until he enlisted the support of the Queen and the Court Treasurer; who kept his rebellious and fearful crew on their westward course until his ships reached what he supposed to be the Indies of his dreams.

It is fitting that this should be the first legal national holiday celebrating Columbus' discovery of America. At no time in history has Christopher Columbus' example of singular virtues been more needed than today. As we face new worlds of space, new worlds of scientific discovery, and new worlds of human relationships, his example will give us heart to look further into the unknown. Americans should rededicate themselves to strive to emulate the determination, bravery, and foresightedness of Christopher Columbus.

Mr. LEGGETT. Mr. Speaker, Columbus Day 1971 is a special occasion for all Americans. Although we have recognized and commemorated the discovery of the American continent by Christopher Columbus for many years, the commemoration of Columbus Day on October 12, 1971, marks the first time that the epic voyage of this Genoese explorer is recognized as a national holiday.

In 1968, the 90th Congress enacted legislation making Columbus Day a Federal holiday, effective this year. At the time of enactment of this legislation, I addressed the House of Representatives in support of this bill, and today it gives me special pleasure to remark on the first anniversary of this Federal holiday which honors the man who discovered the continent on which this great country came into existence.

While a transatlantic passage is commonplace today, the Columbian voyage in 1492 was fraught with greater dangers and uncertainties than is a space voyage of the mid-20th century. Columbus set off on this exploration with three small and crude sailing vessels with a minimum of navigational instruments and a crew which was far from confident of success. Yet, this weaver's son from Genoa mastered the seas and ably led his officers and men to the new lands in the West.

Almost 500 years have passed since the first voyage to the New World. In the ensuing years we clearly see that Columbus not only became the recognized discoverer of the Americas, but more importantly, the father of immigration and founder of the diversified land that is the United States.

Year after year, thousands of immigrants have come to our shores in the tradition of Christopher Columbus. They set out from their homelands with boundless courage and optimism, not knowing what their fortunes would be, but with faith that they would prosper and contribute to this new land. As did Columbus, they came with a determination to succeed, and succeed they did. With their hands and their minds, they built the great cities of America, its roads and highways, its railways and skyscrapers.

Many of these voyagers came from the land of Columbus, continuing the indelible imprint that Italy has made on the American society.

Italy has contributed many of the great men in American history, names that stand out in all historical accounts of the United States. Yet, it is not the famous scientists and jurors, artists and musicians who stand alone as tribute to the Italian contribution to our society. It is the hundreds of thousands of Italian-Americans who came with nothing but their skills and determination, the hundreds of thousands of post-Columbian voyagers who settled their families in our cities and joined in the building of what is the most powerful and bountiful country on this earth.

Earlier this month myself and other Members of Congress of Italian extraction traveled to Genoa, the home of Columbus, as guests of the Genoese Government. This trip in commemoration of Columbus' voyage was but another symbol of the close relationship between our countries. At the official reception by the President of Genoa Province, the following remarks were made which I wish to share with my colleagues on the commemoration of Columbus Day:

WELCOMING REMARKS

Ladies and gentleman, in the name of "Regione Liguria", and of the President of the Genoa Province I am very pleased to receive you in the country and the town of Christopher Columbus, the bold Genoese conquerer who opened new ways over the unknown sea and discovered the other half of the globe to the old world.

Our meeting takes place in honor of Columbus, who was born in Genoa, in vico Olivetta; Columbus son of Domenicus and grandson of Johannes of Moconesi, as it is historically proved by the act of Attorney Ouilico of Albenga.

But our meeting is also a vivid witness of the good relations between Italy and your great Country, the United States of America, to which Italians brought with skill and intelligence a remarkable contribution to the development of American culture and civilization. And for the same reason, there is an affinity of ideals and feelings between your people and ours.

What does Christopher Columbus mean to us, to men of the twentieth century?

Columbus is the man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph.

He gave the world, that was living in a wrong conception of the structure of the universe an audacious idea, a great enterprise and he accomplished it, even in contempt of his life.

Columbus fought very hard to convince the others of his trust in his idea and, also, to gain support from the others for his own doubts.

He fought against an old and overcome conception in order to reach an idea, the "virtude e conoscenza" which Dante's Ulysses followed up to his death.

He roused the world, he stirred it up, and he launched it toward a new destiny.

In order to win he lived his great spiritual toil, his great suffrance; through his own feelings he came to know man, he penetrated deep into the human soul.

In my opinion, this is the true meaning of the message Columbus has left to us, to the men of our century.

Columbus is a great example, a great light that permits us to understand in a better way our world of today, our people wrought by doubts, by a toiled seeking of the truth, but also supported and consoled by the faith in fundamental human values, such as liberty and solidarity; by the travail for the discovery of new worlds and new horizons in the earth and in the skies, on the moon, and particularly, for the discovery of the world within ourselves, within our spirit, that is still the vastest and deepest world to be explored.

Your visit, kind ladies and honorable Congressmen, has this meaning to us: to honor Columbus because we appreciate and honor the ideals which he pursued and accomplished with his great venture.

Mr. McKEVITT. Mr. Speaker, one of the most noteworthy aspects of the first celebration of Columbus Day as a national holiday is that George Washington is the only other person to have a national holiday in his honor.

The marking of Columbus Day as a national holiday of course was not surprising. Recognition of the close relationship between Italy and the United States was long overdue. One need go no further than the U.S. Capitol Building for a living testimony of the bond between our two nations. There is the famous Constantino Brumidi corridor in the opposite wing of the Capitol. Brumidi's bust stands in that corridor and he has been acclaimed as the Michelangelo of the United States for his magnificent paintings on the ceiling and in the rotunda of this building. There are also the many other Brumidi frescos in this great building along with the bronze Columbus doors at the entrance to the rotunda. All of these works of art speak of the Italian heritage of our Nation.

I think it is also interesting to note at this point that according to the U.S. Immigration and Naturalization Service more than 5 million Italians emigrated to this country between 1820 and 1969, surpassing even Ireland. Their contributions and talents have played a major role in making this country the greatest nation in the world.

So all of us, Mr. Speaker, have a great deal to be proud of in the celebration of Columbus Day as a national holiday. We also can be proud of the fact that relations between the United States and Italy have developed to a point of mutual pride. The bond between our two countries is a strong one and one which will become even stronger.

Mr. MONAGAN. Mr. Speaker, each year Americans take time to reflect on the achievements and historical significance of Christopher Columbus, the man credited with discovering our continent. This year, however, the celebration takes on special significance—for the first time in our history, Columbus Day is now a national holiday.

I was pleased to cosponsor in the House of Representatives the legislation which made this holiday possible, for it is only fitting that the tremendous achievements of Columbus be marked by a national tribute. Like all great explorers, Columbus had the courage which took him beyond the normal expectations of the times. He rose above the widely held superstition which held that the world was flat and that he who sailed too close to the ocean's edge would fall off. Columbus's freedom from dogma in this case allowed him to discover what man had seldom even considered.

American exploration and development have come a long way from the 2,000,000 mavarri, or $52,000, which Columbus spent to the $24 billion Apollo program, but Italian contributions to American growth did not end with Columbus. The Italian-American community has closely involved itself with the entire history of this Nation, contributing explorers, priests, traders, and other frontier citizens in the early days, and significant numbers of educators, politicians, scientists, musicians, industrialists, and painters throughout the remainder of American history.

Today's celebration of Columbus Day is then not just a tribute to this great explorer, but also to the entire Italian-American community which has contributed so much to American development. This tribute is no longer just a designated day on the calendar. It is a national holiday, a fitting commemoration to an explorer and a people who have contributed so much to the rich history of this Nation.

Mr. CARNEY. Mr. Speaker, the achievement of Columbus is inextricably associated with the date October 12, 1492. When we celebrate the anniversary of that date we pay tribute to a man who deserves our gratitude and our honor in two respects. We revere Columbus both for what he was and for what he did.

His character is symbolic for us of the spirit of exploration and discovery which led men of iron courage and inflexible will, away from the Old World and its familiar ways to the unknown dangers and incredible hardships of the New World. The spirit of Columbus—that has been the spirit of all the explorers and pioneers who conquered this land and built a great Nation here. The name of Christopher Columbus heads the list of those who have boldly ventured forth into the unknown, dreaming of lands and peoples yet unseen by Europeans, and carrying to these new lands and people the heritage of European civilization.

The indestructible faith, the penetrating vision, the unalterable determination of Christopher Columbus conquered myth and mystery and solved the terrifying riddle of the Atlantic. The stains of greed and cruelty and broken faith that marked the career of some later discoverers and pioneers left unbesmirched the character of Columbus. Generation after generation, down to our own time, have been inspired by his courage and persistence, just as were the captains and crews of his three little sailing vessels. The story of the discovery and exploration of America which began with his great voyage across the Atlantic has not yet ended. It will never end so long as Americans adhere to that spirit which was the legacy of Christopher Columbus and those who followed him. For Americans there will always be new worlds to conquer.

Mr. BURTON. Mr. Speaker, after many years, Columbus Day has been given the much-deserved status of a national holiday. I supported this effort and yesterday, for the first time, we celebrated as a national holiday the day we have traditionally set aside to honor the Italian navigator, Christopher Columbus, the voyage he undertook and the subsequent discovery of the new world.

Every school child for generations has been familiar with the verse that starts: "In 1492, Columbus sailed the ocean blue." In this the 1970's, with new vistas of discovery all about us with men walking on the moon, and other men probing the oceans depths, the courage and daring of this Italian navigator seem even more noteworthy. Almost 500 years ago, Christopher Columbus and the men who manned the three small ships in his command changed forever the course of history. It is fitting that we have designated Columbus Day as a national holiday.

In so doing, we have honored a man of vision, an Italian navigator of courage and skill and the discovery he made but for which in his lifetime he was never truly honored. Christopher Columbus has

always had a special place in our history books but he has also earned a special place in the hearts of all who admire personal courage, initiative and daring.

Mr. BEGICH. Mr. Speaker, almost five centuries ago, a determined and courageous man sailed westward and that voyage was to have profound effect on the history of the world. Two continents—a whole new world—were opened up as a result of one man's determination to break with the superstition and ignorance of his day.

Christopher Columbus was one of those extraordinary men who seem to come along only rarely in the course of human events. He was a man whose intellect, ability, and boldness placed him head and shoulders above the average. His insight becomes even more amazing when one considers the time in which he lived.

At the end of the year 1492, many men in Western Europe felt exceedingly gloomy about the future. Civilization, after having enjoyed many years of revival, was slowing down. For over a century there had been no important advance in natural science. Institutions were becoming rigid and lacking in vitality.

Christopher Columbus' travels to new lands brought hope and excitement to a dulled European continent. His voyage gave the impetus to a new age of expansionary vision. Civilization moved forward. Columbus had proved that doing the impossible was a real possibility.

Columbus' gift to the world, then, was more a gift of spirit and faith—of challenge and awakening. In the years that have passed, tribute upon tribute has been made to Christopher Columbus. None can attain the measure of the man's accomplishment. Yet, again this year on October 11 we will take the time to pause and express our admiration for the bravery and courage of a man who dared to take one step forward into the darkness for the progress of mankind.

Mr. BOLAND. Mr. Speaker, Christopher Columbus first set foot on this continent 479 years ago. In the span of world history, this is a very short time indeed.

And yet, in this 479 years, our land has grown from a wilderness to become the most powerful nation on earth.

The work on countless people of many nations has made this staggering transformation possible. Fittingly enough, the work of the countrymen of Columbus has been responsible for much of this growth.

Some of the first brave men to follow Columbus were Italians. One of these, Amerigo Vespucci, sailed to the New World only 7 years after Columbus, in 1499. He explored the coast of what we now know as Venezuela and returned to Europe to publish his notion that this was not an unexplored portion of Asia, but a new continent. His writings attracted so much attention in Europe among those people who were interested in exploration and geography, that mapmakers began naming the new continents after him.

John Cabot, although he sailed for the King of England, was born in Genoa, and at the time of his travels was a citizen of Venice. In the course of his voyages, he became the first European to explore the mainland of North America.

The construction of the Verrazano Narrows Bridge is an appropiate remainder that it was Giovanni da Verrazano who first sailed into New York Bay.

Other Italians followed Columbus and his compatriots to the New World. A century before the time of the American Revolution, there were Italian settlements from New York to Florida.

When the first rumbling of discontent began in the colonies, it was an Italian friend of Franklin and Jefferson who publicly urged separation from England. Filippo Mazzei was invited here by his friends and wrote numerous articles which were translated and distributed by Jefferson. They were widely published and read and their message helped to fan the fires of revolution.

Before the founding of this Nation we already owed a great debt to Italy. That debt has grown greater with each advancing era of our history. In each of our wars, from the Revolution to the present time, Italians and Italian Americans have distinguished themselves. Over 200 Civil War officers were Italian, and over 400,000 served in World War II. At least seven of these were awarded the Congressional Medal of Honor for their outstanding courage and sacrifice.

The contributions of the Italians are too numerous to catalog here. Entire books have been devoted to the work of those of Italian descent in America.

In music the list runs from Enrico Caruso to Henry Mancini and Toscanini.

In government and public service, names like Fiorello LaGuardia, John A. Volpe, JOHN O. PASTORE, and former Secretary of Health, Education, and Welfare, Anthony Celebrezze lead the list of Italian Americans who have served the public as mayors, Congressmen, Senators, judges, and Federal Government officials.

In business, medicine, sports, the sciences—in every field of endeavor—Italian names are numerous and prominent.

On October 12, as we pay homage to the great Christopher Columbus, we honor also the other brave and visionary explorers, and all those who have come to these shores since Columbus. We remember with gratitude the rich heritage of Italy which we enjoy here in America. In every area of our life, from our food to our music, we can be more thankful for the steady stream of Italians who began moving westward to the New World 475 years ago.

Mr. BIAGGI. Mr. Speaker, I take great pride and pleasure in joining in this special order to mark Columbus Day.

Today holds a special place in the hearts of all Americans. Columbus, in a great way, is characteristic of the people who populate the country he discovered. He had an "impossible dream" and was oftentimes laughed at or criticized. Yet he persevered in his cause and met with success. That spirit has been called "American" for hundreds of years.

However, today is a special day of honor for Italian-Americans, for Columbus was Italian. And it is fitting that on the first day this great man is honored as a national hero Italian-Americans should be especially proud.

Those of Italian ancestry are no strangers to the struggle for survival in this Nation. They, like some others before and after them, have found that the journey to New York Harbor for a view of the Statue of Liberty was a tough and dangerous experience. They came here—brave, but frightened—to find a place where each man could be his own man.

They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of their children; and it binds us still, if we keep the terms, we shall flourish.

Justice especially was the promise that motivated the journey to America; justice for all. You can be sure that we of Italian descent have come a long way, but you also can be sure that we have not come all the way.

These days President Nixon is considering names of possible nominees to the Supreme Court. In the entire history of that judicial body, not one Italo-American has served on the Bench. Now with two vacancies open, rumors are abundant. A southerner will be named. A Jew will be named. A woman will be named. Yet nowhere is there even a hint of a rumor that an Italian-American will be named.

It is not that there are not qualified candidates. There are almost a score of Italo Americans in the Federal judiciary. Hundreds more are members of the American Justinian Society of Jurists. I would not want to place myself in the position of suggesting one or two names. That is the prerogative of the President. But I would hope that an Italian American would be placed under consideration.

I have already requested the President to do so and today am asking my fellow Italian-American colleagues to join in a letter to the President. As a member of Congress and as President of the Grand Council of Columbian Associations representing 80,000 Italian-American civil servants, I believe this to be a most important effort.

Since taking office, the President has largely demonstrated fair play with various appointments, procedures, and practices. He heard the call from the South when two previous vacancies arose on the Supreme Court and responded in a considerate and understanding manner. He has recognized women for their ability to contribute to Government.

Overall, the President has shown a willingness to seek out, recognize, and utilize the abilities of Americans of vastly diversified backgrounds and ancestry.

Let me hasten to add that I am not suggesting the President has made appointments on the basis of nationality, race, geography, or sex or has even considered doing that. I am merely saying that he has shown a willingness to look for ability among Americans of every stripe, race, and nationality—and has been able to find it most time.

So, Mr. Speaker, I intend to appeal to the fairness he has demonstrated and ask that some effort be made to find a qualified candidate for the Supreme Court among the 20,000,000 Italian Americans living in this country. Surely, it should not be hard to find one among them qualified for an appointment to the Court.

As Americans, we believe that all men have a right to equal justice under the law and equal opportunity to share in the common good.

We believe that all men have the right to freedom of thought and expression.

We believe that all men are created equal because they are created in the image of God.

Justice requires us to remember that when any citizen denies his fellow, saying" "His color is not mine," or "His nationality is not mine," in that moment he betrays America.

But sadly, in every generation—with toil and tears—we of Italian descent have had to earn our heritage again. I am sure that Italian-Americans will never forget what they have learned in hardship; that democracy rests on faith and that freedom asks more than it gives. That is what America is all about.

Together, all Americans will face the journey to eternity and face the challenges along the way. Christopher Columbus on this his day, exemplified that quality of America. Let us remember him and share in his courage. Let us enlighten his vision of a great land. Let us build a nation dedicated to the principle that all men are in fact created equal. Let Christopher Columbus be proud he took that trip in 1492.

Mr. DERWINSKI. Mr. Speaker, in 1968, Congress proclaimed Columbus Day a Federal holiday, effective this year. This worthy objective was achieved by enactment of a statute known as the National Monday Holiday Act of which I was a cosponsor. I am proud to pay tribute to all Italian Americans on this special day.

It was almost 500 years ago that Columbus sailed for the New World. His courage and perseverance against great odds set a standard which was to be followed by his countrymen who emigrated to this country and who have contributed so greatly to its progress as a nation. In every type of endeavor, the names of Italian Americans are prominent and respected. The real contribution, however, comes not from those names which will go down in history but from citizens who are known only to their friends and neighbors through their dedication, hard work, and good citizenship.

Mr. MANN. Mr. Speaker, we should consider the significance of Columbus Day. To my mind, this has not properly been dealt with in terms of its meaning for our own times. Of course, every schoolboy knows about the great man Christopher Columbus who, in 1492, discovered America. But what manner of man was he? What led him on this extreme quest in the face of unknown perils which lurked beyond the Atlantic horizon?

I would put two qualities first when speaking of the adventures and travels of Christopher Columbus. These are, optimism in his initial appraisal of what could be accomplished by the individual on his own and extraordinary courage when the trials to be overcome emerged far more fiercely than he had ever assumed they would.

Let us consider his optimism first. In this day and age, it is popular to imagine great leaders in world events as tough men, perhaps even cynical and pessimistic men. This is unfortunate, in my view. For it should be clear that our greatest accomplishments have come from those who have pointedly underestimated the task before them. But this is an irony which only turns out to be patent commonsense when examined. Only those who have underestimated a great trial are prepared to undergo it. Only those who laugh off what the greater part of mankind perceive as certain tragedy can achieve greatly in the face of apparently insuperable challenges. How did Columbus underestimate the challenges before him? For one thing, he set great store by the apocryphal Old Testament Book of Esdras, and was influenced by its cosmography, notably the statement that the waters cover only one-seventh of the earth. His overestimate of the amount of land composing the earth's surface, combined with what has been called his "fortunate underestimate of distance" between Spain and India, derived from Ptolemy, was a powerful factor in his determination to undertake the westward voyage. Another basic geographical concept of Columbus' was that the length of a degree is 56⅔ miles—a figure first given by the Arab philosopher Alfraganus, in Arabic miles, which gives a fairly accurate estimate of the earth's circumference; but the miles on Columbus' navigational charts were shorter than Arabic miles, which caused him to treat the earth as about one-fourth smaller than it is.

Some people might scorn Columbus's simplicity in these matters—his general unpreparedness, if you will. But I think that would be unwise for his life story indicates that one can be too careful. Would we have reached the moon without a generally romantic notion that we could do it, no matter what? Many of the accomplishments of mankind have been brought about by those who have not stopped to count the costs. Progress does not serve the timid or the cynical, but rather raises to eminence those whom their fellow men often think of as simpletons, when their final triumphs give the lie to their critics.

It was so with Columbus. But what also must be credited to his moral account is his courage, his willingness to stick to the initial challenge when the going got rough. He never gave up, remaining always faithful to his original dream. Ridicule, disgrace, apparent failure, and arrest—none of these strokes of fate daunted him, but rather spurred him on his way. Three tempestuous round-trips he made to the "brave new world" in what must, by modern standards, be called a very frail vessel indeed. But if he was afraid, his fear only made him stick the closer to his goal. He thought he had discovered India, but perhaps even that is the mark of a very great man—to discover something of such enormous value that its true significance cannot be immediately appreciated.

America, the fullness of her, has never been totally discovered or appreciated. And, in Columbus's manner, we must pursue that quest on our own frail vessels. The going will be rough on ourselves and the institutions of our choice, but we must not lose sight of the dream which sent us on our way as one people in the first place—that our ship of state might truly become the land of the brave and home of the free.

Mr. MINISH. Mr. Speaker, yesterday, for the first time in American history, we celebrated Columbus Day as a national holiday. This occasion marks the culmination of years of effort by many Members of Congress and public spirited citizens to pay proper homage to the great explorer.

Columbus Day was first observed, in public and official ceremony, in New York City in 1792, when the Society of St. Tammany arranged both a dinner and the erection of a temporary monument in commemoration of the 300th anniversary of Columbus' landing in the New World. This is thought to have been the first monument built to honor Columbus in the United States.

The second was constructed in Fairmount Park, Philadelphia, at the time of the celebration of the centennial of the Declaration of Independence in 1876.

It was in the year 1892, the 400th anniversary of the landing, the United States began to recognize Columbus in a fashion commensurate with his place in history. In this year the people of New York erected a monument to Columbus at the southwestern entrance to Central Park, and gave the site of the monument the name Columbus Circle. In this same year, Congress by joint resolution, and the President by proclamation, called upon the American people people to observe the 400th anniversary by public demonstrations and by suitable exercises. The next year, 1893, saw a continuation of the celebration in the Chicago World's Fair and the Columbian Exposition, which attracted millions of visitors from all over the world.

It was in this century, however, that the move to properly recognize Columbus by an annual observance first began to to be taken up by the States and by the Federal Government. In Colorado, the Governor called for the observance of Columbus Day by proclamation in 1905. State laws making the day a legal holiday became effective in Colorado in 1907 and in New York in 1909.

On the Federal level, the first bill to make Columbus Day a national legal holiday was introduced by Congressman Sulzer of New York on March 26, 1906. Numerous Members sponsored similar legislation throughout this century. As one of my first acts as a freshman Member of Congress in 1963, I sponsored a measure to designate October 12 a Federal legal holiday.

Finally, in 1968, Congress enacted the Monday holiday bill, which provided for the observance of Washington's Birthday, Veterans Day, and Memorial Day

on Mondays each year. The bill also designated Columbus Day as a legal holiday to be celebrated on the second Monday in October each year beginning in 1971.

Mr. Speaker, we should all pause today to reflect upon the courage and determination of the noble Genoese. It can be truthfully said of Columbus that he doubled the size of the known world. If exploration is to be judged by its results, he was the greatest explorer who ever lived, or ever will live, until such time as men adventure through space to other planets. If exploration is to be judged by daring, Columbus, who led an unwilling crew in three small ships into an unknown ocean, peopled with all sorts of legendary monsters and dangers, surely yields to no man in history. If exploration is to be judged by sheer determination, again no man can be ranked higher than Columbus, whose life from boyhood was dedicated to the project of sailing westward to find the Indies; who struggled against poverty, argued with geographers and sailors, and coped with court intrigues until he finally enlisted the enthusiastic support of a queen and court treasurer; who kept his rebellious and fearful crew on their westward course until his ships reached what he supposed to be the Indies of his dreams. If exploration is to be judged by motive, what motives could be higher than those of Columbus who, without thought of personal gain or power, sailed forth into the void in service of Spain, mankind, and God?

With my ancestry, I am naturally proud that Christopher Columbus was Italian, but the proper celebration of Columbus Day is by no means solely an Italian-American interest. All of us owe our civilization and our way of life to Christopher Columbus, who opened the door to the New World, and thus all of us should wish to pay honor to him.

Mr. STRATTON. Mr. Speaker, the Monday Holiday Act, Public Law 90–363 was signed into law June 28, 1968 and went formally into effect at the beginning of this year. It moved three of our eight national holidays to Monday and it also established a new, ninth national holiday on the second Monday of October, Columbus Day. As the original author and sponsor of that Monday holiday legislation, I am proud to join in this special order today marking the first observance of Columbus Day as an official, national holiday. It is a day that should have come a lot sooner, believe me.

There were many reasons for including the day that honors the discoverer of our country in this legislation, but I think the most important reason was best expressed by the distinguished gentleman from New Jersey (Mr. RODINO). In testimony before the Senate Judiciary Committee in 1968 Mr. RODINO, who had introduced, as I had, a separate bill to establish Columbus Day as a new national holiday, told the committee that:

> Such a holiday would be an annual reaffirmation by the American people of their faith in the future, a declaration of willingness to face with confidence the imponderables of unknown tomorrows.

Columbus Day is very properly a day of great pride for all Americans of Italian descent, for it is their ancestor, Christopher Columbus, who is being honored as the first to cross the Atlantic and set foot on a New World that was later to become a home for millions of Italians as well as for other people from all across the Old World.

In recommending adoption of the Monday Holiday bill in 1968, the Senate Judiciary Committee noted that the observance of Columbus Day as a new national holiday would be an appropriate means of recognizing the United States as a "nation of immigrants." Also it would honor the courage and the spirit, and the great contributions which generation after generation of immigrants from Italy have been able to bring to the land which had been discovered by Columbus and which has become their adopted home.

And so it is most appropriate that we should take this time in the House today to note the first observance of Columbus Day as a national holiday, and, as always on Columbus Day, to honor all Americans of Italian extraction. Those courageous men and women not only followed Columbus across the ocean to discover America for themselves, but over the years they also played a major role in building that land into the world's greatest nation and they gave to it the special skills, the courage, the spirit, and the unique cultural gifts that for centuries have been so uniquely a part of the Italian heritage.

Mr. Speaker, I am proud indeed to have been the original author of the legislation that at long last made Columbus Day the national holiday it has long deserved to be.

Mr. MAZZOLI. Mr. Speaker, although I might observe that the word "colombo," in Italian means "dove," I do not rise today to discuss the hostilities in Southeast Asia. Instead, it is my great pleasure to speak on a much happier subject, one most dear to the heart of an American of Italian heritage. I refer, of course, to the discoverer of our great continent, the intrepid "Admiral of the Ocean Sea," Cristofero Colombo, better known in this country as Christopher Columbus.

Yesterday, for the first time, our Nation paid its respects to this great man and his monumental achievement through the observation of a national holiday. I think the honor was most fitting and appropriate and, indeed, long overdue. But in speaking today of the exploits of that bold son of a Genoa wool weaver, I would like to call upon the writings of America's most distinguished nautical historian, Samuel Eliot Morison of Harvard.

Professor Morison has described Columbus as "one of the greatest mariners, if not the very greatest, of all time." And in discussing Columbus' great voyage of discovery, in which he had hoped to "reach the Indies by sailing west," Professor Morison points out that:

> America was discovered by Columbus purely by accident . . . (and) We now honor him for doing something that he never intended to do, and never knew what he had done.

But quoting the historian further, Mr. Speaker, I would advise my distinguished colleagues that:

> We are right in so honoring him, because no other sailor had the persistence, the knowledge and the sheer guts to sail thousands of miles into the unknown ocean until he found land.

Mr. CONTE. Mr. Speaker, the great Italian explorer, Christopher Columbus, has been honored through the designation of Columbus Day as a national holiday for the first time this year It was almost 480 years ago that Columbus discovered America.

As an American of Italian descent, I certainly take a great deal of pride in the achievements of this man. Columbus' accomplishments, however, are something that all Americans can take pride in. Columbus' actions were guided by that same force that has driven all great men, regardless of race or creed, to reach out into the unknown in pursuit of knowledge and truth.

Christopher Columbus' 33-day journey into unchartered and dangerous waters aboard three fragile sailing ships demonstrates a spirit of courage and faith in the face of adversity, and of perserverance on behalf of just and worthwhile causes, that has become the backbone of the American way of life.

Like Columbus, our colonial forefathers set out on an uncertain course when they cut the ties that bound this land to England. But they were as confident as he was that they were heading in the right direction when they established an independent, free nation based on the rule of law rather than of man.

Columbus' discovery of America was important not only in itself, but in the fact that his discoveries began what has become known as the age of exploration. Without this extensive exploration of the Western Hemisphere, much of the world's area might have remained unchartered, and thus unknown, to the population of Europe for years to come.

It is the spirit of this explorer, however, even more so than his achievements, that personifies his greatness. True, without his discovery of America, we would not be honoring him with a national holiday. We must keep in mind, however, that as long as there are men whose spirit drives them to seek the unknown, there will be great cultures in which to learn and prosper.

Mr. SARBANES. Mr. Speaker, on Monday of this week we celebrated Columbus Day as a national holiday. It is the day on which we remember the name and the achievements of Christopher Columbus, a man whose courage, daring, and dedication stand out amongst history's greatest explorers. Willing to question the conventions of his time and to follow an ideal in which he believed, Columbus opened a new path for others to follow—a path to the new world and all it has meant for world history.

Setting aside Columbus Day as a national holiday permits us not only to pay tribute to Christopher Columbus, the man, but also to the great heritage his historic voyage fulfilled—the heritage of Italy. For Columbus stands as a symbol of the strength and vision of the Italian

character. Columbus Day reminds us all that the influence of Italy upon America which began in 1492 has continued as a positive, creative force on this Nation and the people who inhabit it.

Italians other than Columbus were intimately involved in opening up the western hemisphere to European civilization. It was Amerigo Vespucci, for whom North and South America were named, who explored the coasts of both continents and whose detailed descriptions provided the basis for many early maps. Another Italian, Giovanni Caboto—John Cabot—discovered the northern limits of America. Giovanni de Verrazano entered New York Bay to discover Manhattan. Italian missionaries like Fra Marco da Nizza and Father Eusabio Chino joined the Spanish conquistadors in their exploration of the New World. Enrico Tonti built the first ship to sail in the Great Lakes and Alfonso Tonti aided Cadillac in founding Detroit.

Italian influence in North America did not end with these early explorers. Some of our earliest settlers came from Italy. In fact there were Italians building a glass factory in Virginia before the Pilgrims landed in Massachusetts.

Italians were among the first Europeans to settle in Maryland. Documentary evidence abounds that many Italians were living in Maryland long before 1649—the year the Maryland legislature enacted a law declaring that:

> Persons, of French, Dutch or Italian descent were authorized by law to buy and sell land.

In his fine book, "The Story of the Italians in America," Judge Michael A. Musmanno reports that:

> The first Italian to hold public office in America was Onorio Razzoline of Venice who settled in Annapolis where in 1736, he was appointed Armourer and Keeper of the Stores of Maryland.

This public service was but a prelude to the outstanding contributions made to our early history—both in Maryland and the Nation—by that great Marylander of Italian descent, William Paca. He was the great grandson of an early Italian settler, Robert Paca, who was granted 490 acres of land in Anne Arundel in 1651 and the grandson on Aquila Paca who became High Sheriff of Baltimore County in 1762 and later a member of the legislature. William Paca has a record of leadership and service through the years of our struggle for independence and our start as a nation which places him in the forefront of the distinguished public figures of that time. This bold Italian American was elected as one of Maryland's delegates to the First Continental Congress in June 1774. As a member of the Second Continental Congress he served on many important committees, and on July 4, 1776 he was one of only four representatives from Maryland who signed the Declaration of Independence. A dedicated patriot, Paca was a member of Maryland's Council of Safety during the Revolutionary War and contributed generously of his time and resources to that cause. He helped frame Maryland's first constitution in the fall of 1776 and was one of the first members of the State Senate. Appointed Chief Judge of the Maryland General Court in 1778, Paca became Maryland's third Governor in 1782. He was reelected Governor by the legislature unanimously in 1783 and 1784. Paca served as a delegate to the Maryland convention which ratified the Federal Constitution in April 1788. In 1789 President George Washington appointed him as a Federal district court judge and he remained active in public affairs until his death in 1799.

Many other native Italians and Americans of Italian descent like William Paca assisted in this Nation's fight for independence. When English tyranny began to stir the spirit of revolution in the Colonies, Filippo Mazzei was among the first to urge publicly a split with England. Invited here from Italy by his friends Jefferson and Franklin, Mazzei wrote articles advocating independence—articles which are said to have influenced Jefferson as he wrote the Declaration of Independence.

Mr. Speaker, this contribution by Italian Americans in the colonial period and at the time of our struggle for independence was but the beginning of a grand and glorious tradition of service to this nation. Since the Revolutionary War Italian Americans have served their country proudly, keeping it strong in time of peace and fighting for its freedom when called to war. Christopher Columbus may have been the first Italian to leave a mark of greatness on this country, but he was certainly not the last. The list of distinguished Italian Americans grows with each generation and swells the rolls of every profession and walk of life. In government Italian Americans have distinguished themselves as Senators and Congressmen, Cabinet officers, Governors and Mayors, Jurists and in countless other positions in Federal, State, and local government. Italian Americans helped to build our railroads and bridges and to construct many of our greatest buildings. Every industry in the United States today benefits from the input of Italian capital and energy, and American labor has been greatly strengthened by its Italian-American leaders and membership. Italian influence on American civilization can be found throughout our society.

A noted scholar once wrote that:

> You can subtract Italian culture from Western civilization only by destroying that civilization.

The same might be said for American civilization. Italy has given this country its sons and daughters since Columbus first sighted land that historic morning of October 12, 1492. And they have ever since contributed their leadership, strength, patriotism, and courage to this Nation. Just as Columbus struggled against adversity to find this country, so those Italians who followed in his footsteps pitted their intelligence, strength and determination against great odds. But, as Columbus so nobly proved, Italians are a people possessed of a strong will and a clear vision, and America's citizens of Italian descent have utilized these qualities, coupled with their intense loyalty to their families and to this country, to rise to prominence in every field of human endeavor.

Mr. Chairman, it was an Italian who first discovered this land of ours, and it is Italian Americans who have contributed so much to make this Nation great. Truly the courage, daring and dedication of Christopher Columbus symbolizes the spirit of the thousands of his countrymen who followed him. It is only fitting and proper that the Nation should now officially recognize that spirit for its past glory and for its future promise.

Mr. PEPPER. Mr. Speaker, it was on this day that America was discovered by Christopher Columbus, an Italian whose vision had been recognized and sponsored by the Spanish court.

Our Nation, comprised now of 50 great States, stands as a tribute to his boldness and vision.

Columbus, with the persistence and courage of a man with indomitable will, was to leave the security of his native Italy to sail to the very edge of the world in search of a dream. Over the centuries following his incredible discovery, immigrants from all the world's continents, large and small, have come together in this place, joining the country's native sons, the American Indians, in the fulfillment of that dream.

Through the years we have traveled together. Through wars within and wars without; through serenity and upheaval; through faith and distrust; through creation and destruction, we have come together.

I would rise today, Mr. Speaker, to honor the memory of the man to whom we owe so much, the man whose vision and courage brought us to the edge of this world—a world which promised so much—a world waiting to be discovered and inhabited by men of great courage and good will.

Today, on the anniversary of the discovery of Christopher Columbus, the dreamer, we reach into the future once more in search of a lasting peace, a world community in which the sons of all men may live together without fear of hatred or hunger; without fear of tyranny and slavery; without the fears that make men lesser than men.

Christopher Columbus was a man of courage and vision. Let us have the courage to renew that vision again and again in our advance into the future.

Mr. O'NEILL. Mr. Speaker, Columbus Day is traditionally marked by parades, pageants, and celebrations. Oftentimes, the true significance of Columbus Day is obscured by the activities and the festivities which surround it. Every school child is aware that Columbus discovered America, what the names of his three ships were, and the perils and hardships which the crew faced during that famous transatlantic crossing.

Of far greater significance is the fact that Columbus started in motion a chain of events which has culminated in the 20th century in the development of the United States as the greatest Nation in the world. Historians have told us that Columbus' discovery of America was quite accidental, that Columbus actually intended to reach the Far East and thus chart a route which would lead to the riches of that part of the world. Instead,

he stumbled upon a wilderness possessing not the riches of the East, but far greater riches in terms of natural and geographic potential.

Columbus brought with him to America the spirit and enlightenment of a European age of rediscovery and scientific exploration. His voyage across the Atlantic in ill-equipped and tiny vessels serves as the prototype of the American spirit of energy and purpose. Thousands of Americans were to follow in his footsteps in the fields of science, government, business and labor, in overcoming great odds to achieve a seemingly impossible goal. Each has contributed his share in making America's greatness possible.

However, on Columbus Day 1971, I think it is proper to remember and ponder the original spirit and determination of that great Italian born explorer and scientist in order that America face the coming decades with the same resolve and resource with which we have faced the last 500 years of our growth as a nation. Amid the pageantry of Columbus Day let us not forget that the mission which Columbus began in 1492 is still to be completed in many ways. And with that view toward the future, I believe that we can more fully appreciate and understand the significance of Columbus Day in 20th century America.

Mr. VANIK. Mr. Speaker, today we are honoring America's first distinguished immigrant, Christopher Columbus. His courage and bravery in overcoming hardship while on his long, historic journey should be commemorated, as the origins of the American spirit.

In opening this new land, the same spirit and strength carried the pioneers to the shores of the Pacific. This American determination has carried the country from its youth to the most powerful industrial Nation in the world today.

As the determination of Columbus opened a new land, let us exemplorate that same courage in attacking economic, social, and political problems in this great country. Columbus had obstacles from the planning of his voyage up to the time he landed in the New World, but his "American persistence" drove him to success. This persistence, possessed by so many of the immigrants who followed Columbus to the new land, is needed now to save our children from drug addiction, to save our economy, and save our environment.

There is no doubt that we are approaching a decade of crisis, but as our early American ancestors did not shrink from the challenge, let it not be said that we did not possess that same "American determination."

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of pleasure that I join my colleagues in celebrating, for the first time, our new national holiday, Columbus Day.

On the 479th anniversary of the discovery of America, many parades and other forms of celebrations will be held to pay tribute to Christopher Columbus.

Christopher Columbus, a Genoese navigator, after years of agitation in Spain, gained the support of Queen Isabella for a westward voyage. The Santa Maria had, according to historians, 52 men aboard; the Pinta had 18 men aboard; and the Nina had 18 men aboard. We, of course, are very much aware, and are very proud, of the accomplishments of these brave and venturesome men.

Prior to the enactment of the legislation which made Columbus Day a legal holiday, all of the States with the exception of Alaska, Maine, Mississippi, New Mexico, Nevada, Oklahoma, Oregon, South Carolina, South Dakota, Virgina, and Wyoming celebrated the second Monday in October as Columbus Day. However, in Indiana and North Dakota it was celebrated as "Discovery Day"; Wisconsin celebrated "Landing Day" and Arkansas and Oregon celebrated "Memorial Day."

As we honor Christopher Columbus, who is considered one of the most famous of the discoverers, may we, as one of our colleagues, FRANK ANNUNZIO, has stated so well "hope that all Americans will rediscover America", and let us rededicate ourselves to what our Nation has stood for over the years. Let us also recall, as we celebrate Columbus Day, and pay tribute to Christopher Columbus, the "Father of All Immigrants" some of the words from the poem of Emma Lazarus which is graven on the Statue of Liberty: "Give me your tired, your poor. Your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door."

GENERAL LEAVE TO EXTEND REMARKS

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter.

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

There was no objection.

Mr. RODINO. Mr. Speaker, I thank the gentleman from Illinois and commend him for his sponsorship of the Monday holiday bill which I helped to cosponsor and which made it possible for me to offer the amendment making Columbus Day a national holiday.

Also, Mr. Speaker, I commend the gentleman on the fine manner in which he represented the United States as one of those who was not of Italian origin. Certainly it was an action which the Italian people appreciated tremendously, and they recognized the tribute of honor and glory the people of America pay to the memory of Christopher Columbus.

GOV. RONALD REAGAN PROMOTES U.S. EXPORTS

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

Mr. VEYSEY. Mr. Speaker, during these critical days when one Governor after another trudges to Washington to plead with the Federal Government to bail his State out of its troubles, I am proud to call to the Members' attention that California's Gov. Ronald Reagan is fighting our State's agricultural problems by personally promoting farm exports to Asia.

He is currently on a 16-day combination Goodwill and Trade Mission to five Pacific nations: Japan, China, Thailand, Singapore, and Korea. His journey is the result of an invitation from the Government of Japan to promote trade between that nation and my own State of California.

Later, President Nixon requested that Governor Reagan expand his trip to serve as the President's personal representative at National Day ceremonies of the Republic of China on Taiwan, October 10.

Accompanied by Mrs. Reagan and their son, Skipper, 13, the Governor will visit with business leaders and the heads of the five states. He will carry personal messages from President Nixon to these distinguished Asian leaders.

California and the Pacific States of Oregon, Washington, Alaska, and Hawaii have a special interest in furthering the commercial trade which is so important to our economy and the prosperity and well-being of the Pacific Basin states of free Asia. In 1970 California's productive farmers alone exported more than $550 million worth of agricultural products, most of which went to the nations Governor Reagan will visit. This growing figure is a considerable plus on the ledger of our balance of payments—which sadly has been in deficit this past year—and thus indirectly benefits every American in strengthening the dollar abroad and our economy at home.

I am confident that Governor Reagan's journey will be a major triumph of personal and official diplomacy, both for the State of California and for the United States.

EMERGENCY HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, a few days ago, I spoke to my colleagues about the crisis in emergency health care. My past discussion of the extent of this crisis must now be tempered by a mention of the vigorous efforts of two Federal agencies which are trying to meet the many problems of emergency medical transportation. Both the Division of Emergency Health Services of the Health Services and Mental Health Administration, HEW, and the National Highway Traffic Safety Administration, DOT, are providing grant support for the training of ambulance attendants and the purchase of improved ambulance equipment. Of the two offices, the NHTSA has been by far the most active, because it has been blessed with a working budget to support several demonstration grants, as well as its own surveys and training programs.

The Division of Emergency Health Services within HEW has been restricted in its activities during the past few years because of budgetary limitations and, from the viewpoint of many medical associations, is not presently able to play an adequate role in meeting the vast shortcomings of today's emergency medical transportation system.

Given the extent of need for the improvement of emergency ambulance serv-

ice throughout the country, it would seem that the present allocation of executive responsibility is both underfinanced and unnecessarily bifurcated. For the past several months, both bodies of Congress have actively debated the merits of a single, coordinated effort to conquer that dreaded killer, cancer. I have already pointed out to my colleagues that even cancer takes a second place to accident as a killer of those between 1 and 37 years of age. The obvious question is, why cannot the Federal Government aim an equally coordinated and singular thrust at a much more easily attainable goal: the improvement of this country's emergency medical transportation system. Added and effective emphasis on only one area, the training of ambulance attendants, would produce immediate and verifiable results in the saving of human lives.

In this era of body counts, massive natural disasters and brutal revolution, we are not easily shocked by figures which cite thousands of fatalities. The 100,000 deaths attributed to accident in 1968 seem to be just another entry in the grisly ledger of deaths we note with morning orange juice. But maybe a new accounting can provide a more satisfactory impetus to action. If the public were to read that 20,000 lives could be saved in 1 year, would they peruse long enough to see how? Will my colleagues who are listening ask how?

This lifesaving goal can be approached by properly utilizing the Federal machinery already in existence. The expertise and the experience already demonstrated by those in DOT and HEW who are working to improve our emergency medical transportation system can save lives, given effective organizational structure and sufficient funds. The bill which I am introducing today can effect one part of this necessary reallocation of effort.

By combining the Federal programs for the development and improvement of emergency medical transportation into one agency, the Department of Health, Education, and Welfare, my bill seeks to create the necessary focal point of organization and administration which can get results in a campaign to save lives.

The 92d Congress promises to be the Congress which will assure every American the right to adequate health care. As we study and discuss the proper governmental role in this Nation's health delivery system, let us also include this most important category of emergency health care, and give the subject of emergency medical transportation the same thorough consideration and degree of resolution.

Mr. Speaker, I offer the text of a bill which I am submitting, today, to streamline and revitalize the Federal effort to improve emergency medical transportation.

A bill to transfer to the Secretary of Health, Education, and Welfare authority over Federal programs to develop and improve emergency health care for motor vehicle accident victims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the functions of the Secretary of Transportation under chapter 4 of title 23 of the United States Code which relate to the administration of Federal programs for the development and improvement of emergency medical transportation are transferred to the Secretary of Health, Education, and Welfare.

SEC. 2. (a) So much of the positions, personnel, assets, liabilities, contracts, property, and records which the Director of the Office of Management and Budget determines (1) were employed, held, used, or available or to be made available in connection with the functions transferred by the first section, or (2) arose from such functions shall be transferred to the Secretary of Health, Education, and Welfare.

(b) With respect to any function transferred by the first section and exercised after the date of the enactment of this Act, reference in any other Federal law to the Secretary of Transportation in connection with such a function shall be deemed to mean the Secretary of Health, Education, and Welfare.

AMERICAN INDUSTRY UNDER INCREASING PRESSURE FROM FOREIGN IMPORTS

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

Mr. HARSHA. Mr. Speaker, American industry is under increasing pressure from foreign imports. As a result, our balance of trade is deteriorating and speculation is growing that the dollar will soon have to be devalued. Yet, despite this clear and present economic threat, the Congress is on the verge of imposing massive new investment requirements on American industry. The antipollution legislation Congress is now considering will bring about the much desired pollution control, however, it ultimately threatens to dangerously increase the production costs of domestically manufactured goods.

In a recent speech, Federal Reserve Board Gov. Andrew F. Brimmer summed up what the new pollution requirements will entail:

This will mean a drastic change in the pattern of investment spending in both the private and public sectors. Historically, the vast proportion of the new investment in private industry has been made to increase production capacity, and only a modest share has been devoted to suppressing the pollutants generated as a by-product of industrial activity. To get a firm grip on the pollution problem will require a considerable reordering of investment priorities: a much larger share of new investment will have to be devoted to making production processes themselves far cleaner and to repairing the environmental damages suffered in the past.

Such a reordering of investment priorities raises a serious question for American industry. How can it stay competitive with foreign competition if production costs are boosted substantially?

The true magnitude of the problem was brought out in a new book on pollution by Washington University biologist, Barry Commoner, a well-known figure in the environmental field. In it, he estimates that the overall cost for abating pollution will come to a staggering $600 billion. Another $40 billion a year, he believes, will be required over the next 25 years to repair damage already done to our environment by pollution.

Commoner admits that the costs of all goods and services produced in this country will have to rise dramatically to fund this massive abatement effort. Twenty-five percent would be a conservative figure. Imagine what such additional costs will mean to our competitive position worldwide. And, bear in mind, that these sobering figures are furnished by a friend, not a foe, of the pollution abatement effort.

Pollution control is a national goal and its abatement in industry and elsewhere is a national priority, a goal and priority with which I wholeheartedly agree. Viewed in this light, we see that finding ways and means of averting or minimizing the adverse economic consequences likely to flow from the effort are part and parcel of the overall solution of the problem.

Now, if there were no question of foreign competition, the problem would be relatively simple to solve—costly, but simple. Pollution control costs could be passed on to and absorbed by the consumer and that would be the end of it. There might be some dislocations and some hardships along the way, but that is the price we would have to pay for cleaning up our water and air.

The specter of foreign competition, however, adds a further dimension to the problem. Surely, America's enduring interests would be poorly served if our abatement efforts merely set the stage for "clean" domestic manufacturers to fall victim to competition from "dirty" products from abroad.

In this connection, I would like to include at this point in the RECORD, an article which appeared in the October 4, 1971, issue of Industry Week magazine. It was authored by Floyd G. Lawrence and entitled, "Constraints Add Costs Beyond Benefits."

The article follows:

IS THERE STILL TIME?—CONSTRAINTS

(By Floyd G. Lawrence)

Capital to invest in higher productivity is vital to the survival of U.S. industry. But capital is not easy to come by, as increased borrowing by industry makes clear. Yet 10 to 30% of capital spending in many industries is going, not into improving our threatened competitive position, but into nonproductive facilities to meet pollution control standards.

Public and private spending for air and water pollution alone from now through 1975, according to Environmental Protection Agency estimates, will total $61.7 billion. Based on the Conference Board Inc. (New York) estimate of $19,811 per employee invested by manufacturing, this $61.7 billion, if it were invested in new plant and equipment, could create jobs for two-thirds of the nation's 4.8 million unemployed.

Put another way, this is an amount equal to the current book value of the plant and equipment of four complete American auto industries; 3.7 entire steel industries; or the chemicals, rubber, paper, lumber, aircraft, and nonferrous metals industries combined. And it is enough to lead Secretary of Commerce Maurice H. Stans to say: "What are our priorities? We need to weigh environmental goals against economic reality."

Environmental needs clearly are important, Secretary Stans and others are saying, and they cannot be ignored. But our society has other needs which a commitment of this size could do much to meet, as Industry Week illustrates. And, more basic still, a strong and viable industry is the key not only to the

technological means of achieving our environmental goals, but also to the economic strength demanded if we are to achieve our other goals as a society.

"The fact is," Secretary Stans adds, "that American companies will have increased their pollution control spending by almost 50% this year over last; industry will spend some $18 billion over the next five years to meet the requisite standards."

AMAZEMENT FROM ABROAD

Foreign competitors have not yet assumed any such cost burden. Nor are there any signs that they imminently will, reports a government official closely involved in seeking international environmental goals. "There are honest differences between nations as to what constitutes a hazard to human health. Many abroad are frankly amazed by our views in this country and clearly regard our standards as unnecessarily extreme. Since it is standards that establish the level of control and determine cost the disparity is likely to be long term rather than short."

Nor does he hold out much hope to those who expect things to even up as a result of the United Nations Conference on the Human Environment at Stockholm, Sweden, in June 1972. "There will be [representatives of] over 100 countries in attendance, of which some 75 or 80 will be less developed countries with objectives entirely different from ours.

"Many developing countries say frankly they would welcome pollution if it fostered their economic development and industrialization. Some are talking among themselves about opportunities as pollution havens as a result of environmental restrictions of the more developed countries," he reports.

Confronted with unwillingness to sacrifice economics for environment in many countries abroad, he indicates our government believes the most likely forum to seek positive results on environmental discrepancies is the Organization for Economic Cooperation & Development (OECD). "The membership not only consists of countries that account for 80% of Free World trade," he explains, "but, also, these are the countries which have the most nearly similar interests and concerns about the environment.

"We are pushing to get agreement in the OECD that all member countries accept the principle that the polluter bears the cost of polluting," he says. "The importance of this is that if other countries subsidize pollution control for manufacturers, our industry will be at a competitive disadvantage because the costs will not be reflected directly in their products. But even if the polluter does pay in all developed countries," he cautions, "these costs still could differ substantially between countries because of differences in pollution standards."

And on that score he is not optimistic. "We have explored setting international standards for pollution control with other countries in the OECD and the general view seems to be that it's just not realistic because the circumstances are so different from country to country," he explains. "But that's not surprising when you realize that many of our own environmental experts question the economic sense of common standards throughout the U.S. itself."

POVERTY IS UGLY, TOO

Antonie T. Knoppers, chairman, U.S. Council of the International Chamber of Commerce, and president, Merck & Co., Rahway, N.J., told world business leaders at Vienna, Australia, that "industry and all other polluters could do more to keep our air and water resources cleaner than in the past, but always at a price. The question in its most brutal form is when does the price become too steep? Shutting down a polluting plant that would be uneconomic to renovate can cost jobs. "If pollution is ugly," observes Dr. Knoppers, "so is poverty."

Other countries less affluent than ourselves already understand that quite clearly. Unless we can somehow imbue them with our environmental idealism, we are likely to prove the point quite conclusively.

But important through the displacement of capital may be in itself, there are other implications in our actions that are perhaps more serious. Industry needs energy no less than it needs tools.

Within the last month, as a result of environmentalist pressures, the Atomic Energy Commission agreed to "review the thermal effects on the environment" of 106 nuclear powerplants, 15 of which are already in operation and could be shut down.

About 92 million megawatts of electrical energy, equal to 27% of the nation's present generating capacity, was to have been produced by the plants. Further delay alone will add cost, while a likely concession of added cooling towers to "protect the environment from hot water"—the effects of which are far from fully introduced—would add more.

Other examples of crescendoing constraints on the development and utilization of resources might be cited, ranging from the well known delay in the construction of the Alaska pipeline to continuing charges that the Reserve Mining Co. is "polluting" Lake Superior by dumping inert taconite tailings into a trench 900 ft deep—despite prior permits from both the state and federal governments.

MORE HARASSMENT AHEAD?

But if regulated cost disparities and growing restrictions of energy and resources insufficiently jeopardize American industry, attacks are now being mounted to undermine the American free market system itself.

"American business, from the perspective of the world, is plainly in trouble," says James M. Roche, chairman, General Motors Corp., Detroit. "Yet at a time when we must work together to bolster our ability to compete against others, our system is being criticized by many whose professed aim is to alter 'the role and influence of corporations and corporate management in and upon American society.'

"Their ultimate aim is to alienate the American consumer from business," warns Mr. Roche. "If the consumer can be convinced that he really does not know what is good for him—and this is what the critics try to do—then freedom leaves free enterprise. For if the consumer cannot protect his own interest, then someone else must do it. That someone else will then dictate what can be made, what can be sold, and at what price."

Legislative proposals now pending before Congress illustrate the direction of the pressures Mr. Roche describes. One group of bills would create a statutory Office of Consumer Affairs with authority to act as advocate of consumer interests in agency and court proceedings. But as John Stuart, director of the marketing for the National Assn. of Manufacturers (NAM), pointed out to members of the House Subcommittee on Legislation & Military Operations, defining the consumer interest is not always easy. "Two groups of public interest lawyers are sharply divided over the Alaska pipeline," Mr. Stuart noted, "one having sympathies for underprivileged Indians whose public interest was in jobs and a better living, while the other lawyers represented environmentalists who felt ecology was the greatest public interest."

Product safety legislation, the subject of another group of bills pending, would cover new or existing products "customarily sold for household or personal consumption"—a categorization to which an exception would be hard to find. Stanley Groner, vice president-group services, AMF Inc., New York, told the Senate Commerce Committee on behalf of the NAM:

"We can report to you that industry broadly accepts the *objectives* of these bills. We have no illusions as to what this may mean. It may mean having to accept a dominant and oft-times harassing and costly government intrusion into our engineering, our production processes, and our distribution. We must expect to cooperate with government in the burdensome keeping of records and gathering of technical data concerning thousands of products and countless components and their distribution and use.

"It means time and money spent by our executives and associations in the developing of new standards of performance . . . And, finally, we are keenly aware of the inevitability of loss of sales and jobs by adverse (and perhaps misinterpreted) publicity in the marketplace, or inaccurate information, or erroneous findings released by the administrator," said Mr. Groner.

Consumer class action bills comprise a third major area, permitting the consumers to band together to correct anything the other pieces of legislation may have failed to catch. Richard D. Godown, associate general counsel of the NAM, pointed out in testimony on these bills that "all manufacturers, and big concerns in particular, would fall prey to harassment and strike suits. It is small comfort to be told that plaintiffs have to prove their cases. The cost of defense is formidable enough so that it cannot be winked at by any U.S. company. And the public relations damage—the adverse publicity which flows from simply being named in such a suit—is costly in other terms."

"To the extent that new laws and new officials do protect the consumer against fraud and deception, and safeguard his health and safety," says Mr. Roche, "they are good. But too much of this new development is unnecessary, and does not deliver a value to the consumer commensurate with the potential higher cost in taxes and higher prices.

"Also to protect the consumer, it has been mandated that many of the products he buys be altered. In this way, too, consumer choice is sometimes unnecessarily reduced, and costs are added without equivalent increase in value," believes Mr. Roche.

"I am seriously concerned—deeply concerned—at what may prove to be an impossible burden on our company, the industry, and the consumer in the years immediately ahead," Henry Ford II, chairman, told shareholders attending the Ford Motor Co. annual meeting this year. "I am referring to the growing burden of sometimes arbitrary legislative and regulatory requirements that could paralyze this industry or price our products out of reach of many car buyers."

Mr. Ford estimates that "just to cover the cost of meeting emission control and vehicle safety standards between now and 1975, the suggested retail price of an average Ford car in this country might be as much as $600 higher than the current price, without any added profit margin or return on our very substantial investment."

"Business does its job when it provides useful jobs at high wages, when it provides useful products at fair prices, when it provides economic growth that produces taxes for government and earnings for stockholders. These are the long-standing social responsibilities of business," believes Mr. Roche.

Today our task is to achieve our national social objectives at the least possible cost to our society, to assure full value for the dollars that must be spent, to mount an efficient effort. This clearly," observes Mr.

Roche, "is a job where business and businessmen have much to contribute."

It may well be that the very survival of our entire enterprise system may require a new "attack" . . .

The House Committee on Public Works has recently concluded hearings on comprehensive water pollution legislation. They extended over a period of 4 months. One thing those hearings made abundantly clear was the fact that no one really knows what the competitive impacts and effects of the water pollution abatement legislation presently under consideration will be. I am reliably informed that the same holds true in the field of air pollution. No one really knows how much it will cost to meet pollution standards. I believe it is past time that we find out what the costs will be for achieving our national objectives in both of these areas.

To this end, I have today introduced a bill which directs the Secretary of Commerce to conduct an in-depth study aimed at measuring and assessing the problems vis-a-vis foreign competition likely to arise if the type of abatment program presently under consideration in both bodies of Congress is enacted into law.

Such a study would be conducted in consultation with other governmental agencies, industries and interested parties both at home and abroad. Foreign pollution control programs would be evaluated and an industry-by-industry index of comparative operational and investment costs would be constructed. The objective would be to learn what types of advantages might accrue to foreign competition, particularly those countries where pollution control efforts are presently minimal or nonexistent. Recommendations for equalizing such competitive disadvantages would also be prepared and submitted.

Because of the urgency of the receipt of such information, initial study results would be submitted to the Congress within 6 months following enactment of my bill. Subsequent reports would be submitted at least annually thereafter.

I have been shocked at the callous indifference of some proponents of pollution control legislation. They tend to evade consideration of such questions as:

First, will marginal industries be forced out of business due to their inability to comply with water pollution abatement standards?

Second, what will happen to those who lose their jobs due to such failure?

Third, how much more will goods cost American consumers as a result of pollution abatement add-ons?

Fourth. How much will the overall American standard of living be lowered as a result of the program?

Fifth. Will American industry still be able to compete effectively in world markets?

The general response to these questions seems to be that such dislocations and hardships are a small price to pay for cleaning up our air and water.

I believe that economic and social impacts must be considered in determining objectives, standards, and timetables for abating pollution. If they are not, I very much fear that America's phenomenal national growth—long based on her wealth of industrial genius—cannot be sustained.

I submit that it is unwise to enact legislation which requires the tremendous capital investment contemplated as a result of both pending and approved pollution legislation without first identifying and assessing the overall competitive impacts and effects of such programs.

Personally, I am convinced that a strong case already exists for a system of "competitive equalizers." Put simply, they are needed and needed now. Unfortunately, the detailed information required to justify such a program has never been compiled. The study I am proposing would supply this information.

I further believe that, should these "competitive equalizers" be legislatively implemented, three essential objectives to a total pollution abatement program would be reached.

First, prices on American-made products would remain at levels comparable to competitive, imported goods.

Second, a major, industry-wide objection to inflexible pollution standards would be eliminated. The often-used argument that expenditures to meet these standards would raise product prices to a level that is noncompetitive with imports would be invalidated.

And finally, a tremendous, unexplored incentive would be given both foreign governments and foreign industries to promulgate and enact pollution control standards comparable to those in the United States.

With such efforts toward international goals of pollution abatement, "dirty" countries would be forced to stop polluting or suffer stiff penalties on imported goods. America would, thus, reinforce her status as a world leader in the search for clean air and water.

While the study I am proposing is being conducted, I plan to continue my own intensive search for a satisfactory means to assure that the massive pollution abatement effort Congress will soon approve will end up benefitting rather than bankrupting this great country.

To that end, I plan to survey individual industries and companies and to consult with their representatives in order to secure a maximum of information and input from them. By no means am I trying to negate the efforts of the dedicated environmentalists, but, rather, I am trying to find a way for all to work in concert toward a common, productive end. Hopefully, by the time Congress reconvenes next year, I shall have ready for introduction a sensible and workable competitive equalizer proposal—one which will assure that neither American industry nor American workers will be unfairly disadvantaged or asked to bear an inordinate share of the burden of achieving national pollution abatement goals.

The full text of my study proposal follows:

H.R. 11176

A bill to require the Secretary of Commerce to undertake a study with respect to the effects of pollution abatement and control programs on international trade

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs,

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such programs;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff or other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and the Congress within 6 months after the date of enactment of this Act of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every 12 months.

SEC. 2. There is authorized to be appropriated the sum of $1,000,000 to carry out the purposes of this Act.

OUR GROWING MILITARY WEAKNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN), is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, as a Member of the Defense Appropriations Subcommittee, I am deeply concerned about our lessening military and naval capabilities in relation to Communist nations. If we do not build more ships, more

submarines, better weapons, and darn soon—like starting tomorrow—Americans are going to wake up some day and face an ultimatum.

High Naval officials will candidly admit that at this time the probabilities are that we would have difficulty maintaining the seas against the Soviet submarine capabilities. Even an optimistic assessment of relative capabilities would suggest that the great and increasing number of Soviet submarines mean that U.S. convoys would be sitting ducks.

It is a long time from planning to production of sophisticated military hardware. It has been contended that the F-14 with the Phoenix missile is inferior to the Soviet Foxbat before the F-14 is in production. This is arguable. The more important point is that a nation that has the technological capability of putting a man on the moon and bringing him back alive ought to be able to build a better airplane than the Soviet Union.

It also ought to be able to build a cruise missile — nonnuclear ship - to-ship—better than the Soviet Union.

Mr. Speaker, what in blazes have the military planners been doing in the mid-1960's? Where are our new planes? Can it be said that the best we can come up with in service vessels is the DD-963, which may be a new platform with some sophisticated electronics but said to be without much sting in the offensive sense.

Rumor has it that the contractor on the DD-963 is so beset with troubles, operational and otherwise, that there will be sizable cost overruns here and delays in target dates. I predicted this lacking dual source procurement.

This is no way to provide for the defense of the Nation. No matter how much we may long for better recreational facilities and a higher standard of living for all the world, the only assurance of our survivability in continued freedom is for us to stay so strong that no other nation on the face of the earth dares attack us.

We are not doing this. The defense budget that is being presented to this Congress this year is not fully providing for this, and I am deeply concerned. We should have at least $3 billion more in the present budget for ship and submarine construction. There should be another billion dollars for the Air Force to expedite planning and prototype development of a new and superior airplane.

We cannot put all our money into the volunteer army concept. Quite aside from the vulnerability of turning to mercenaries, this country already devotes more than 50 percent of its entire military appropriations to pay and allowances for personnel, while the Soviet Union spends only 20 percent for this. To implement fully the volunteer army concept will find us over 60 percent for personnel pay and allowances.

This is ridiculous. It is also downright dangerous.

At the proper time, I expect to offer amendments to increase the military budget to a level that will adequately protect America. I intend to see that level maintained in future years as long as I have anything to do with the defense situation. It is all well and good to be interested in who wins the world series, where Johnny is going to be for Christmas or what will be under the tree. More basically for Americans is will there be a tree at all? Unless we stay strong we stand to lose our precious freedoms.

In connection with these remarks, the following article from last Sunday's New York Times on the subject of the situation of our defense is significant:

[From the New York Times, Oct. 11, 1971]

CUTS IN U.S. SEA POWER WORRY ADMIRALS

(By Drew Middleton)

The admirals commanding the United States Navy and the professional officers and senior ratings manning its ships are disturbed and anxious over the decline of American sea power.

Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, believes that, if the United States continues to reduce naval strength and the Soviet fleet continues to expand, the day will inevitably come when the result of any showdown at sea would go against the United States.

The modern Soviet fleet—construction of three new cruisers was reported by intelligence sources recently—is one cause of the Navy's anxiety. Another is budgetary constraint that has reduced the fleet's strength and delayed the replacement of old ships by new.

Worried admirals see the Navy's global responsibilities extended when resources are being reduced.

The Administration, they noted, will support overseas allies through the Nixon Doctrine, whose implementation, resting on sea and tactical air power and a phasing out of direct military involvement, would extend the Navy's mission.

The rise of Soviet sea power and the reductions in American strength have stirred an intellectual ferment that is welcomed by many officers.

This ferment was obvious on a recent series of visits to the Sixth Fleet in the Mediterranean, the Seventh Fleet off Vietnam, and naval stations in Europe and the Caribbean.

Young officers gave their views in the ward rooms of destroyers. Petty officers of the "Old Navy" offered profane and often penetrating thoughts on the new in Neapolitan bars. And in Washington, Admiral Zumwalt and the admirals who head the Navy's departments talked about the Navy's problems.

CARRIERS QUESTIONED

The effectiveness of attack aircraft carriers has been questioned. New ships joining the fleet have been sharply criticized. Novel tactics are advanced for nuclear-powered submarines. Research goes forward on revolutionary new vessels such as Surface Effect ships riding above the waves at more than 80 knots.

Admirals believe that, barring a sudden shift in popular and Congressional attitudes, the Soviet Union will outbuild the United States and achieve the numerical superiority in large surface ships it now holds in submarines. The Navy's response is to emphasize quality in hardware and men, boldness and flexibility in tactics.

Congressional critics as well as others contend that the Navy can get along with fewer ships. The admirals want more ships but, if they cannot get them, they want those ships now planned or being built to be superior to Soviet craft in the same classes.

THE PROBLEM IS HARDWARE

Hardware, not morale, is the Navy's problem. The Navy does worry over the use of drugs and racial tensions. But its problems in these fields are minor compared with the Army's.

Drugs are harder to conceal in the constant, intense cooperation of life at sea. And only 5.3 per cent of Navy enlisted men are black compared to more than twice that percentage in the Army.

The admirals who head the Navy's departments realize that emphasis on the Soviet challenge, coupled with requests for greater resources, has had little effect on the country. They find that many Congressmen are suspicious of warnings of the results of a further reduction in strength.

Some concede that the Navy may have cried "Wolf" too often. But the wolf is there, the admirals say, and they see no other course open, unless, as Adm. Hyman G. Rickover put it, "we intend to wait and drift on, inch by inch, stage by stage to naval inferiority."

The Navy has four basis functions: Provision of a strategic nuclear deterrent, control of sea lanes and areas, projection of American power ashore and display of the flag around the world.

Any war with the Soviet Union would extend these functions.

The attack carriers would be required to support land operations in Europe with their fighters and bombers. Massive anti-submarine forces would be employed to keep the North Atlantic open for sea-borne reinforcements.

SOVIET DEPLOYMENT

Because Soviet sea power is now deployed in the Pacific and Indian oceans, the fleet would also have to eliminate this Russian threat and maintain communications with allies such as Japan and Australia.

Today's Navy is 714 ships, about 200 of them at sea at any given time, and about 620,000 men and women. Two years ago the Navy's strength was 886 ships and 770,000 personnel.

In 1969, the Navy budget, exclusive of Marine Corps appropriations, was $23.3-billion in dollars of the fiscal year 1972. The budget was $21.5-billion in the fiscal year 1972. Of this, $3.3-billion was allotted to shipbuilding, a vital figure to the Navy, which argues that $3-billion should be spent on new ships annually if its $75-billion plant is to be replaced every 25 years.

Budgets were high during the peak years of the Vietnam war; $25.3-billion in 1967. But Admiral Zumwalt emphasized that the money was spent largely on aircraft, bombs, bullets, shells and higher operating costs, not on ships. The $3-billion figure was not reached between 1964 and 1971 and the allocation fell to $1.2-billion in 1969.

Costs are rising. The two nuclear carriers now under construction will cost over $800-million each. A single submarine of the new 688 class will cost about $170-million.

Aircraft carriers, the instruments of overseas projection, and escort vessels have been hit hard by cuts. There are 16 carriers today; there were 24 carriers 10 years ago. Qualitative improvement in new escort vessels has not yet compensated the Navy for losses in numbers according to Admiral Zumwalt.

Escorts are essential in antisubmarine warfare where the challenge is a Soviet submarine fleet of 340 diesel-powered and 95 nuclear-powered vessels, including 55 ballistic missile and 65 cruise missile submarines. A cruise missile has a non-nuclear warhead.

The Russians have the capacity to complete 20 nuclear submarines a year. Present production is about eight Yankee class ballistic missile submarines a year and a lesser number of other types.

"We can expect them to keep outproducing us in nuclear submarines by at least three or four to one," Admiral Rickover told a Congressional committee.

SOVIET FLEET'S GOALS CITED

The Soviet fleet, the Navy holds, was built with two objectives: Strategic nuclear parity with the United States and a capacity to cut vital overseas communications.

"We need those communications," said Vice Adm. Philip A. Beshany, Deputy Chief of Naval Operations for Submarines. "If the Russians cut them in the Atlantic they'll walk all over Europe."

The Soviet surface fleet numbers 216 large combatant ships including two helicopter carriers, 11 missile cruisers, 11 gun cruisers, some of which are now being converted to missile cruisers, 37 missile destroyers, 45 conventional destroyers and 110 escorts.

In addition, there are over 1,300 small ships including 160 guided missile patrol boats. There are 175,000 sailors afloat, 40,000 in naval aviation, 20,000 in coastal defense, 10,000 naval infantry, 175,000 in shore support and 50,000 in training.

The Soviet navy is supported by an extensive scientific and technological organization under the Ministry of Shipbuilding which controls about 85 research institutes and design bureaus.

The four naval shipyards are at Severodvinsk, Kaliningrad, Khabarovsk and Sudomekh. Seven others—Gorky, Zelendolosk, Zdanov, Nikolayev, Admiralty, Komsomolsk and Kerch—build both naval and commercial vessels. Severodvinsk is now the largest submarine yard in the world. Facilities at Gorky have been expanded and capacity there may have been doubled.

A NEW SOVIET FLEET

Research and development, the Navy said, has enabled the Russians to build ships with greater horsepower and higher sustained speed capabilities than comparable American ships. Maximum speeds are on the order of from 34 to 38 knots.

It's a new fleet. Only two of its ships are over 20 years old. Of American combatant ships and submarines 47 percent are 20 years or more old.

Caught between the Soviet submarine challenge and the rising costs, the Navy Department is studying new ship-types for an answer. The Sea Control ship may be one.

These will be small antisubmarine carriers of from 12,000 to 25,000 tons. Their armament will include VSTOL (Very Short Take Off and Landing) fixed wing aircraft, long range helicopters and ship-to-ship and ship-to-air missiles. The Navy hopes one Sea Control ship will be able to dominate the sea for a radius of 100 to 200 miles around a convoy.

Replacement of aging World War II destroyers has led research toward a new class; the Patrol Frigate. This will be designed to supplement existing amphibious forces, support groups and convoys. Patrol frigates will carry antisubmarine helicopters and will be driven by gas turbines.

HELICOPTERS AS HUNTERS

LAMPS (Low Altitude Multi-Purpose System) will be fitted to 76 destroyers this year. This is a submarine-hunting helicopter equipped with sonar and weapons capable of destroying enemy vessels at ranges of 25 to 50 miles from the helicopter.

The Navy also counts on the 963 class of destroyers equipped with complete antisubmarine warfare armament. Submariners plump for the new 688 class high-speed submarines armed with the new Mark 48 torpedo and carrying an advanced sonar system.

The most revolutionary vessel now under study is the Surface Effect ship traveling above the surface on a cushion of jet produced air and propelled by powerful jet engines. Capable of speeds of 80 knots, such ships, Admiral Zumwalt believes, would revolutionize naval warfare as much as did the change from sail to steam.

Aviation's antisubmarine effectiveness will be strengthened when the S–3A, a carrier-based submarine hunter, reaches the fleet. The first S–3A will make its first flight next January. By the late nineteen-seventies, the Navy will count on teams of P–3C's and S–3A's to provide wider surveillance and faster reaction to submarine contacts. The P–3C is a land based patrol plane.

THE NAVY'S COUNTER-WEAPON

The carrier's effectiveness is under attack in an era of Soviet guided missile ships and high performance aircraft. The Navy's counter-weapon to the advanced Soviet MIG–23 Foxbat will be the F–14 Tomcat armed with the Phoenix long-range missile. The F–14 is scheduled to reach the fleet in July, 1973.

The Navy's rationale for the carrier—it wants to keep 15 in service—is that its best aircraft out-ranged Soviet seaborne missiles; that the carrier, because of its mobility, is not dangerously vulnerable in the way a stationary base is; and that it packs a punch heavier than anything in the Soviet inventory.

The surface Navy feels that misplaced reliance on the carrier has impeded development of ship-to-ship missiles, an area in which the Russians are well ahead. The first new missile the Harpoon, will be delivered in 1975.

Meanwhile, admirals believe the Terrier and Tartar antiaircraft missiles on surface ships can be used effectively for ship-to-ship fire. Officers of the Sixth Fleet are not so sanguine.

"You've got to have a missile built for ship-to-ship contact," a young lieutenant commander said. "In the Navy we're making do with substitutes that aren't as good as weapons built for one purpose."

THE DECISIVE WEAPON

To the Navy's submariners, theirs is the decisive weapon. Admiral Beshany's goal is over 100 nuclear attack submarines with the emphasis on quality. New Russian ships he said are faster than American but the latter are quieter, an important element in detection.

The Navy hopes that by the middle of this decade it will have developed a tactical missile firing submarine and that tactical missiles will have been fitted to existing vessels.

Admiral Beshany envisages an expanded tactical role for submarines. He sees them employed as escorts for task forces and working closely with the surface fleet. Submarines of the future will be able to "sweep" areas as destroyers and cruisers did in the past.

Worried by the costs of maintaining task forces around the world the Navy is investigating the possibilities of a Home Port Overseas plan. Under this, carrier task forces would be based permanently at ports in friendly countries. Their crews would live on the local economy rather than in a navy enclave.

Through this system, the Navy suggests, American power would be projected overseas on a long term basis and the seas controlled in key areas.

THE FALLACY THAT MEDICAL CARE IS TOO EXPENSIVE

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

Mr. BOW. Mr. Speaker, I have heretofore inserted in the RECORD for the benefit of my colleagues an article written by Dr. Jack Schreiber of Canfield, Ohio. I ask unanimous consent to include with these remarks the second in a series of three.

THE FALLACY THAT MEDICAL CARE IS TOO EXPENSIVE

(By Jack Schreiber, M.D.)

The battle cry, these days is: "Medical care costs too much." Those who would restructure the practice of medicine, and those who have not bothered to check the facts, level the charge—Medical care is too expensive. Too expensive, compared to what? Surely not compared to food. In 1968 the average American spent almost 19 cents of every dollar for food, while spending 7 cents for medical care. Housing and household operations took 28½ cents out of every spendable dollar.

Medical care too expensive? Not certainly too expensive when compared to the cost of transportation. Each year the average American spends almost twice as much on his automobile as he does on his body. And yet we hear no cry to socialize the automotive industry. Medical care too expensive, compared to what? Last year, the American people spent almost $10,000,000,000 on tobacco and $15,500,000,000 on alcoholic beverages. Add to this $33,500,000,000 for recreation, and the question of whether medical care is too expensive becomes, rather, a question of where our priorities belong?

The companion charge, heard all too often, is: "You doctors make too much money." Too much, compared to whom? Certainly not to some members of the construction industry, who, according to Victor Riesel, in six years will be earning $50,000 a year. Many people in construction and manufacturing, being paid time and a half for overtime and double time for nights and Sundays, putting in a 70 or 80 hour week, as many physicians do, could take home more money, after taxes, than many physicians do. And this is to say nothing about education, fringe benefits, retirement plans and the rest. Do doctors make too much compared to entertainers or professional athletes, for example? Again, it seems to be a matter of priority rather than a sense of values, when we pay someone three or four times as much to play baseball as we pay a family doctor.

NOT ALL HEALTH COSTS ARE MEDICAL

What should be pointed out is that when the social planners and the politicians talk about medical care costs, physicians' fees should be separated from the rest of the medical care package. Hospital costs, for example, have risen rapidly in the last decade, chiefly because of the adjustment of wages of underpaid employees. The 1968–69 figures show hospital care accounts for 56 percent of the total health bills under public programs. Compare this to 13 percent for physician's fees. One must look at physicians' fees realistically. For example, in 1970 the consumer price index indicates physicians' fees rose 7.5 percent over the previous year while all services rose 8.1 percent. This would indicate that doctors are not out of line when properly compared with persons in other service professions.

In all of the talk and anguish over rising costs, very few point out that the item most likely to bankrupt a family is not doctor bills, or even hospital bills, but rather taxes. In 1970, the tax burden for every man, woman, and child in this country was $1175 ($4700 per year for a family of four). This is a far cry from the $540 per family of four (on the average) for all medical care, including the cost of hospitalization insurance for the same time period.

Many persons angered by the high income of doctors in the United States, hold the simplistic view that health care costs could be held down by reducing physicians' incomes. This would have only a minor effect. If the income of the nation's physicians was cut by more than half to a ridiculous low of $17,000 annually—a move that could destroy American medicine—the national expenditure for health care would be cut by a paltry 8 tenths of 1 percent.

The real point is not how much it costs, but how well can people afford good medical care. Most of us manage to be able to afford those things we want and need. A great many Americans think nothing of spending $3,000 to $4,000 every year for a new car, plus another $1200 to $1500 to maintain it. We think

nothing of paying more for our car insurance, especially if there are teenagers in the family, than we do for hospitalization insurance. The difference is, a car is a material "thing," something to be enjoyed and admired—an item of prestige. Medical care is often painful and unpleasant, and the beneficial results are not always visible.

SPREADING OUT THE COST

Like the payment for the car, the payment for illness can be spread out. The average American visits his doctor four times per year, and probably goes to a hospital four to five times in his lifetime. These are fairly predictable costs and can be prepaid through the mechanism of health insurance. Almost 90 percent of all Americans have some form of health insurance, testifying to the fact that a majority of us can afford to be protected, just as we protect our homes against fire and our automobiles against damage. In the time period from 1966 to 1968 physicians' fees rose 3.7 percent. During the same time period, general wages rose 4.2 percent. Just as most of us can afford entertainment, travel, luxuries, we can afford good medical care, particularly if it is budgeted.

In the cry and furor over costs, very little has been said about worth. Let's put this in prospective. Of course, medical care costs more. But today's working man is back on the job in fewer days and a patient is in the hospital less time because of the increased knowledge and skills of the medical profession. The average laboring man today, works fewer hours to pay for a higher grade of medical care than he did ten years ago. The average drug prescription today is $3.62 and 80 percent of the drugs purchased today weren't even invented ten years ago. Several dollars worth of antibiotic capsules today will cure lobar pneumonia, a disease which killed nearly half of all those who contracted it 25 years ago. The cost of tuberculosis treatment 20 years ago was staggering. Today, patients can be treated at home with drugs which cost a fraction of what extended hospital care cost in 1950.

FOOLISH SPENDING

Is medical care too expensive? It may be for some people, but everyone has a stake in the cost of overall health care. The patient has just as much, or perhaps even more responsibility in this matter, than does the physician. Last year, it was estimated that the American people spent at least $2,000,000,000 for quackery. This is more than all the money spent on the entire cost of health education. In this modern day, people still have a penchant for the worthless and sometimes harmful, and the often expensive gadget, ranging from the copper bracelet to the rainbow pills for dieting. Untold millions are spent on the unnecessary frills of so-called health foods, vitamins, reducing aids, patent medicines and other nonprescription items which cost the American public far more than all the prescription drugs put together.

Since every accident is potentially avoidable, think of the enormous saving in the total cost of health care in this country if somehow we could do away with the injuries suffered in 1969. In that year, 49,000,000 people were injured, 20,000,000 at home, 9,000,000 at work, 3,500,000 on the highways, and 15,000,000 in nonmoving motor vehicle accidents (those while repairing, cleaning or performing work on motor vehicles). Of the 49,000,000 injuries, 11,000,000 were bed disabling. The total cost of accidents in 1969 was $25,000,000,000. Of this nearly $3,000,000,000 was in medical fees and hospital expenses. Every cent of this was preventable. The patient does have a real stake in the overall expense of medical care.

What about the effects of alcohol? There are 60,000,000 users of alcohol in this country, which include an estimated 10,000,000 alcoholics. This is part of the cost of medical care which has been called too expensive. And this too, is preventable. What about the effects of drug abuse? Last year, more young people died in this country from drug abuse than all the soldiers killed in Vietnam. This cost, plus the cost of the hundreds of thousands of kids who are experimenting with drugs and who need rehabilitation and medical care is almost incalculable.

And finally, what about the average adult who overeats, doesn't get enough exercise, smokes too much and doesn't get enough rest. How much does self-abuse add to the cost of medical care in terms of hypertension, diabetes, lung cancer, strokes and hardening of the arteries? It might be safe to say that perhaps half of the total health care bill, in this country, is preventable. For years, we have been urging our patients to use a little common sense and to follow simple rules of maintaining good health.

Is medical care really too expensive? Or are too many of us simply trying to shift personal responsibility to somebody else?

PANAMA CANAL TREATY NEGOTIATIONS: STATE DEPARTMENT POSITION PAPER'S DISHONESTIES AND FALLACIES EXPOSED

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

Mr. FLOOD. Mr. Speaker, negotiations for new Panama Canal treaties between the United States and the Republic of Panama were reopened on June 29, 1971, in Washington, with Robert B. Anderson, the chief negotiator for the discredited 1967 treaties, again acting as chief negotiator for the United States and again playing the role of the lion as portrayed by Bert Lahr in the Wizard of Oz.

Because of their importance to the security of the United States and interoceanic commerce, these negotiations have aroused national interest despite the failure of the mass news media to give their subject the attention that it merits. The result has been that Members of the Congress have been deluged with letters from many parts of the Nation strongly opposing the projected give-away at Panama and urging retention by the United States of its undiluted sovereignty over the U.S.-owned Canal Zone and Panama Canal.

The Department of State, ostensibly to facilitate Members of the Congress in replying to constituents, recently distributed to all members under the signature of David M. Abshire, Assistant Secretary for Congressional Relations, a September 1971 highly propagandistic position paper on "Background on Panama Canal Treaty Negotiations," which was prepared by the Office for Interoceanic Canal Negotiations of the State Department.

In testimony before the House Subcommittee on Inter-American Affairs on September 22, 1971, quoted by me in the CONGRESSIONAL RECORD of September 22 under the title of "Panama Canal Sovereignty and Jurisdiction," I made a comprehensive discussion of canal policy problems and the necessity for their clarification and reaffirmation, which supplies authoritative information in the premises.

An examination of the State Department position paper will disclose that it is superficial, evasive, and misleading doubetalk that supports what, if not prevented, could be one of the most gigantic giveways in history. Especially objectionable is its expressed readiness to negotiate away rights for the expansion and new construction involved in the modernization of the existing Panama Canal that are already possessed by the United States.

In his regular Public Affairs syndicated column for September 30, 1971, under the title of "Nixon Takes Wrong Tack in Panama," Maj. Gen. Thomas A. Lane, a distinguished Army engineer with a background of experience that includes military service in the Canal Zone, analyzes the cited State Department position papers, points out its dishonesties and fallacies, and suggests a plan of action for meeting a serious situation at Panama.

In this connection, it should be noted that Panama is a small and weak country unable to defend itself and wholly dependent upon some strong power. In reply to the claim of Panama that its strategic geographical location is its greatest natural resource this location is also its greatest weakness for Panama has been, and probably always will be, an object for attack by predatory powers. Thus its independence and well being depends on the United States remaining as the sovereign of the Panama Canal and Canal Zone.

Mr. Speaker, because the indicated State Department position paper and General Lane's analysis of it should be of much interest to the Congress and the Nation at large, I quote both as parts of my remarks:

DEPARTMENT OF STATE,
Washington, D.C.

To Members of Congress:

During the past few weeks, we have received numerous telephone calls and other communications from Congressional offices requesting our assistance in answering correspondence from constituents about present negotiations concerning a revised Panama Canal Treaty.

In order to facilitate your handling of constituent inquiries, I am pleased to send you copies of a report giving a history of the Treaty negotiations and explaining the intention of our negotiators.

Please don't hesitate to call on this office if you believe we can be of further assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

BACKGROUND ON PANAMA CANAL TREATY NEGOTIATIONS

1. Panama has been discontent with the Treaty of 1903 since its inception and has sought more generous terms with increasing intensity in recent years. Revisions were made in 1936 and 1955. But the most objectionable feature from Panama's viewpoint—US sovereignty over the Canal Zone in perpetuity—remained unchanged. Neither did the increases in payments and other economic benefits for Panama in the two revisions provide what Panama considers to be its fair share.

2. Panama's discontent led to destructive riots along the Canal Zone border in 1958 and 1964. The 1964 upheaval and subsequent criticism of US policy in the OAS, the UN, and in other international forums under-

scored the timeliness of President Johnson's decision that the reasonable aspirations of Panama could be met in a new treaty that continued to protect vital United States interests. On December 18, 1964, the President stated:

"This Government has completed an intensive review of policy toward the present and the future of the Panama Canal. On the basis of this review, I have reached two decisions.

"First, I have decided that the United States should press forward with Panama and other interested governments, in plans and preparations for a sea-level canal in this area.

"Second, I have decided to propose to the Government of Panama the negotiation of an entirely new treaty on the existing Panama Canal.

"Today we have informed the Government of Panama that we are ready to negotiate a new treaty. In such a treaty we must retain the rights which are necessary for the effective operation and the protection to the Canal, and the administration of the areas that are necessary for these purposes. Such a treaty would replace the Treaty of 1903 and its amendments. It should recognize the sovereignty of Panama. It should provide for its own termination when a sea-level canal comes into operation. It should provide for effective discharge of our common responsibilities for hemispheric defense. Until a new agreement is reached, of course, the present treaties will remain in effect."

3. The basic US treaty objectives established by President Johnson in 1964 and supported by Presidents Truman and Eisenhower were to maintain US control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries. To this end, new treaties were negotiated between 1964 and 1967 which contained the following major provisions (as summarized in the December 1970 final report of the Atlantic-Pacific Interoceanic Canal Study Commission):

The first of the proposed treaties, that for the continued operation of the present canal, would have abrogated the Treaty of 1903 and provided for: (a) recognition of Panamanian sovereignty and the sharing of jurisdiction in the canal area, (b) operation of the canal by a joint authority consisting of five United States citizens and four Panamanian citizens, (c) royalty payments to Panama rising from 17 cents to 22 cents per long ton of cargo through the canal, and (d) exclusive possession of the canal by Panama in 1999 if no new canal were constructed or shortly after the opening date of a sea-level canal, but no later than 2009, if one were built.

The second, for a sea-level canal, would have granted the United States an option for 20 years after ratification to start constructing a sea-level canal in Panama, 15 more years for its construction, and United States majority membership in the controlling authority for 60 years after the opening date or until 2067, whichever was earlier. It would have required additional agreements on the location, method of construction, and financial arrangements for a sea-level canal, these matters to be negotiated when the United States decided to execute its option.

The third, for the United States military bases in Panama, would have provided for their continued use by United States forces 5 years beyond the termination date of the proposed treaty for the continued operation of the existing canal. If the US constructed a sea-level canal in Panama, the base rights treaty would have been extended for the duration of the treaty for the new canal.

The Panamanian President did not move to have these treaties ratified. Consequently, no attempt to ratify them was made in the United States.

4. President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Primary US objectives are continued US control and defense of the existing canal. The rights (without obligation) to expand the existing canal or to build a sea-level canal are essential to US agreement to a new treaty, with the exact conditions to accompany these rights to be determined by negotiation. The US is willing to provide greater economic benefits from the canal for Panama and release unneeded land areas, again with the exact terms to be developed by negotiation.

5. Panama has expressed willingness to negotiate arrangements for continued US control and defense of the existing canal though it remains to be seen what they mean by this. Panama has not indicated its specific views on the acceptable duration of a new treaty. Panama is determined to terminate current US treaty rights "as if sovereign" and extend the jurisdiction of the Government of Panama into what is now the Canal Zone. The 1967 draft treaties would have terminated US jurisdiction in the canal area (but not control and defense of canal operations) with the construction of a sea-level canal. While the United States is now prepared to negotiate for the reduction in the extent of US jurisdiction in the canal area, it remains to be determined whether a mutually acceptable compromise can be worked out between US and Panamanian objectives in this area.

6. In the area of economic benefits Panama has indicated intent to seek a greater direct payment than it now receives ($1.93 million annually), the opening of the present Canal Zone to Panamanian commercial enterprise, increased employment of Panamanian citizens, and increased use of Panamanian products and services in the canal operation. All of these points were agreed upon in 1967, and the US remains willing to negotiate new arrangements along similar lines, provided they do not hazard US control of canal operations, the continuation of reasonable toll levels, and the continued financial viability of the canal enterprise.

7. Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved. While the US has no intention of yielding control and defense of the canal to the threat of violence, it is certainly in the US interest in Panama, in Latin America, and worldwide again to demonstrate, as in 1967, our willingness to make adjustments in our treaty relationship with Panama that do not significantly weaken the United States' rights to control and defend the canal.

8. It is our intent to show Latin America and the world that the United States as a great power can develop a fair and mutually acceptable treaty relationship with a nation as small as Panama. Such treaty must, therefore, be founded upon common interests and mutual benefits.

9. The Provisional Government Junta of Panama has expressed intent to ratify a new treaty by plebiscite to ensure that it is acceptable to the Panamanian people.

10. The negotiators for the United States are Ambassador Robert B. Anderson, former Secretary of the Treasury and Secretary of the Navy. Ambassador Anderson is chief negotiator. His deputy is Ambassador John C. Mundt, formerly a senior vice president of Lone Star Industries and presently on leave from the State of Washington as State Director for Community College Education.

11. The Panamanian negotiators are Ambassadors Jose Antonio de la Osso (Panamanian Ambassador to the United States), former Minister of Foreign Affairs Carlos Lopez Guevara, and former Minister of Commerce and Industry Fernando Manfredo.

12. Negotiations between the United States and Panama began on June 29, 1971. Important issues such as duration, jurisdiction, land and water requirements, expansion of canal capacity and compensation are now being explored, but no agreements have been reached.

OFFICE FOR INTEROCEANIC
CANAL NEGOTIATIONS.

September 1971.

NIXON TAKES WRONG TACK IN PANAMA

(By Thomas A. Lane)

WASHINGTON.—I have before me a Department of State memorandum on Panama Canal Treaty Negotiations which illustrates the sorry quality of U.S. displomacy in this Nixon era.

This memorandum states that "The basic U.S. treaty objectives established by President Johnson in 1964 and supported by Presidents Hoover, Truman and Eisenhower were to maintain U.S. control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries." That statement is dishonest. It represents the Johnson policy as a continuation of the policies of his predecessors when it is in fact an historic reversal of their policies.

Presidents Hoover, Truman and Eisenhower were adamant about maintaining U.S. sovereignty in the Canal Zone. The sovereign may grant concessions and he may abolish concessions; but when he gives up sovereignty, he surrenders all final authority, submitting himself to the new sovereign.

President Johnson said in 1964, "Today we have informed the Government of Panama that we are ready to negotiate a new treaty. . . . It should recognize the sovereignty of Panama. . . ." That statement opened the negotiation of three treaties transferring sovereignty to Panama, providing for a new administration of the Canal and establishing a defense of the Canal by the United States. These treaties were not submitted to either government for ratification.

The memorandum continues, "President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Continued U.S. control and defense of the existing canal are non-negotiable U.S. requirements in a new treaty." This is the dishonesty—the implication that the U.S. can control or defend the canal after transferring sovereignty over the Canal Zone to Panama.

The control and defense of territory are powers of sovereignty. When the sovereign contracts the exercise of these powers to another entity, it may unilaterally abrogate the contract with or without cause. In 1956, Egypt unilaterally abrogated a contract for the building and operation of the Suez Canal which had been in operation since 1859.

If the United States transfers sovereignty over the Canal Zone to Panama, it delivers control and defense of the canal to Panama. Any treaty arrangements for U.S. sharing in control or defense will be subject to unilateral cancellation by Panama. Panama could denounce these treaties and negotiate with the Soviet Union or Red China to operate and defend the Canal. The United States would then be forced to choose war or withdrawal. If it resorted to force to preserve this vital waterway, it would be acting in violation of international law, because it had surrendered sovereignty.

The inane quality of our statecraft is expressed in the purpose of removing "causes of friction between the two countries". A diplomacy which seeks to remove causes of friction with other countries invites those countries to make new demands (causes of friction) upon the United States. The policy is self-defeating.

Diplomacy should promote fair and equitable relations with other nations. It must

have clear objectives to which it will adhere whether the other countries concur or not.

U.S. sovereignty over the Canal Zone is in all respects a fair and reasonable arrangement. It is essential to the continued secure operation of the canal. It made possible an undertaking which has brought great benefits to Panama. It is the duty of diplomacy today, as under Presidents Hoover, Truman and Eisenhower, to inform Panama firmly that while administrative arrangements are subject to reasonable adjustment, U.S. sovereignty over the Canal Zone will be as enduring as the canal itself.

It is the duty of Panama to accept this arrangement in good grace and cooperate in our common interest. If Panama becomes hostile, the United States should discharge all Panamanian employees and administer the Zone with American citizens. That is the eventuality for which sovereignty must be preserved. We don't want it to happen; but it is a better prospect than making war against Panama to recover by conquest rights which we have surrendered through diplomatic stupidity.

POLLUTION CONTROL: PROBLEMS AND SOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, the pollution and degradation of our natural environment continue to warrant the concern of every American. Although we have witnessed a phenomenal public outcry over the state of our environment we still have a long way to go in terms of providing funds, devising control techniques, constructing facilities, and updating our laws, attitudes, and life styles before we can truly be friends of the earth.

In the great debate over how we should go about controlling pollution, one fact that emerges already is that the environmental crisis cannot be resolved by short-range panaceas or simplistic solutions. Any wishful search for a new wonder drug to cure all the ills of our environment fails to recognize the complex underlying causes of the problem.

To change our role from polluters to preservers of the environment we will have to make technological changes in the way we produce, use, and dispose of goods, and modify our attitudes toward such underlying problems as population growth, consumption of resources, and continual economic expansion and development.

Unfortunately the question still remains whether we are willing to pay the price and to undertake the measures necessary for cleaning up the environment. Many voices are cautioning us not to react emotionally or to be overly zealous in our drive to stop pollution. Others have questioned whether the public is truly serious about making a sizable commitment to the task. We may all have wondered whether the environmental movement is not in fact more passing fad than grassroots movement when we see such questionable expressions of environmental concern as motorists who proudly display a green ecology decal on their cars while leaving a visible trail of noxious exhaust behind them; or, merchants who advertise shirts, socks, pins, pennants, and other manufactured items, all emblazoned with the popular catchword "ecology."

In spite of the indications which might make one skeptical of our complete willingness to undertake the environmental task, most Americans are willing, even eager, to see much more action taken to control pollution. They are ahead of most politicians in wanting their Government to conduct wide-scale programs to clean up the environment.

One problem is that while everyone wants something to be done about pollution no one seems willing to begin doing it on his own. We are all eager to have others stop polluting, yet we remain unwilling to give up our own favorite types of polluting activities. Consequently, we have the ironic situation of everyone claiming to be an environmentalist, while more and more pollutants continue to contaminate our natural surroundings.

This has caused some observers to draw the frightening conclusion that our dilemma is insoluble, and we must prepare to face our own destruction because no one seems to have the power and authority to make us stop poisoning ourselves.

Such a notion rejects any hope in man's ability to control his own destiny. It may be true that thus far we have spent much of our time accusing each other of being polluters instead of recognizing our collective blame and working together for a solution. However, we still have the capacity to recognize our common problem, to decide what needs to be done, and then to provide the laws and authority to insure that what must be done is, in fact, carried out.

The need for Federal, State, and local governments to play the predominant role in this process is now obvious. The previous control techniques of private action and self-regulation have proven to be inadequate and ineffective, regardless of whether it has been in the matter of limiting effluents from factories or emissions from furnaces, controlling trash thrown from autos or diposing of autos as trash. Only government appears capable of providing the resources and authority needed for devising and implementing a comprehensive program to control pollution.

At present many of us continue to be polluters largely because we don't seem to have any practical alternatives to our present patterns of behavior. For example:

First, the housewife whose weekly trash ends up being burned or buried in a dump. Without too much additional trouble she could separate her trash into metals, glass, and paper so it could be recycled; however, her community does not have a solid waste treatment center which can reclaim waste materials.

Second, the commuter who drives to work might be willing or persuaded to use public transportation if it were cheaper, clean, comfortable, and convenient. Instead, the only alternative he may now have to his car is riding on an antique bus, transferring at several stops, and taking twice as long to get to and from his job.

Third, the industrialist who realizes his factory is polluting the air also realizes that if he installs expensive abatement equipment the increased cost will force him to raise his prices. Unless he is certain that his competitor must meet similar costs he feels he has little practical alternative than to stay in business and pollute the environment further.

In these and countless similar situations the need for coordinated public programs and regulations is apparent. We need to be willing to act as individuals to limit the amount of pollution we cause, but we must also work together on all levels of government, if we are to succeed.

ALTERNATIVE APPROACHES TO POLLUTION CONTROL

The various approaches which government can use to control pollution should be evaluated in terms of how effective each is in dealing with different types of environmental problems. In the past our problem has not always been a lack of legislation, but a lack of laws and programs effectively designed to accomplish the intended aims.

There are four basic approaches which can be employed in combating pollution. These are: education and persuasion, direct regulation, subsidization, and economic incentives.

First. Education: Educating the public about a particular problem is always the first step in changing the attitudes and practices which cause a particular condition. Unfortunately this technique suffers from obvious limitations. While we may all come to agree that it is generally better to refrain from certain practices, we may reach that agreement very slowly and, even then, we may not act.

For example, for nearly two decades public and private agencies have been trying to persuade people that we would all be better off if we did not litter our highways and parks with refuse. In spite of public advertising campaigns and reminders of "Don't be a Litterbug" we still find mountains of trash along our roadsides and walkways.

Although educational and persuasive campaigns may be of limited effectiveness by themselves they are nevertheless important in effecting solutions to our environmental problems. Before regulations and programs can be legislated and carried out, it is obviously necessary for the general public to recognize the need for such measures. Without public agreement and support environmental protection measures will undoubtedly be unenforceable and ineffective.

Education and persuasion are also important in approaching certain problems which cannot presently be dealt with by legislation, or which will require a change in attitudes in order to be solved. As an example, the very sensitive and explosive problem of overpopulation will require some sort of solution in the near future. At present the idea of laws limiting the number of children in families seems like a haunting vision of Orwellian tyranny. Although this approach is unacceptable we can still educate people of the consequences which will occur if population growth is not controlled, and attempt to persuade them to limit voluntarily their number of offspring.

In similar manner a number of other basic causes of the environmental problem can be approached. The prevailing attitudes which have caused a polluted environment can be modified if public and private leadership focus attention on these problems and educate the public of the need for change.

Second. Regulation: The second approach to controlling pollution is by direct regulation. This method essentially involves the Government ordering a polluter to cease or reduce his amount of pollution to a level which is considered tolerable for environmental safety.

Most of our present environmental legislation is of this type. The principle behind this approach is simply to outlaw what seems undesirable. Unfortunately, this simple formula has several disadvantages in practice.

First, laws which flatly ban various forms of pollution are often difficult to pass because of strong opposition from polluters. For example, most scientists agree that lead additives in gasoline are a source of automobile pollutants which are harmful to health. In dealing with this problem a bill might be proposed banning the manufacture and sale of leaded gasolines. However, it seems pretty drastic to the companies which manufacture lead additives, and they naturally do their best to defeat it.

In the face of this opposition it seems unlikely that the bill will pass, so to increase its chances the date when it would become effective is moved farther into the future—say, to January 1, 1976. Thus, even if the proposal were to become law there would be a delay of action for several years, and even then the polluting interests might be able to obtain a further extension.

A second disadvantage of direct regulation is that it is usually very difficult to enforce. A telling example is the laws making it illegal to litter. In order to enforce these effectively we would need to line our highways with policemen. Everyone realizes this is impractical, and antilitter laws are widely ignored.

Similar problems occur with laws against stationary sources of pollution. Legislators need to set up and fund procedures for enforcing the antipollution laws they pass, and these enforcement procedures are often complicated and drawn out. In many cases it may take several years before a violator is fined or forced to stop polluting. Inadequate staff is a prime factor. Indiana has less than three dozen people to handle both air and water pollution statewide, from Gary to Jeffersonville.

The direct regulation approach also suffers from the question of which level of government should have jurisdiction over polluters. Local governments are often powerless in enforcing antipollution laws. This results from two factors: First, pollution is no respecter of political boundaries. Air pollution is carried by prevailing winds and water pollution flows downstream from town to town. It does little good for a local government to have tough antipollution laws if the source of its foul air is in a neighboring community, or its waters are polluted upstream. Second, local governments are often reluctant to pass or enforce tough regulations when the local polluters always have the alternative of moving their jobs and tax monies to another locality where laws are less stringent.

State governments are restricted from action for much the same reasons as local governments. Indiana, for example, may feel little incentive for cleaning up the Ohio River if Kentucky and Ohio are not willing to enforce equally tough standards.

Obviously, if direct regulation is to be used effectively it has to be undertaken at the Federal level. National standards of pollution control could prevent polluters from relocating in States with less exacting requirements. However, direct regulation on the Federal level cannot overcome the problems in calculating tolerance levels, the costs and delays in enforcement, and the other administrative difficulties involved in trying to regulate polluters according to national standards.

In spite of its disadvantages direct regulation is an important method of controlling certain pollutants. This approach should be followed in controlling substances which are so hazardous that the discharge of small amounts will result in large-scale damage to the environment. Mercury, for example, and certain pesticides and herbicides would come under this category. Direct regulation can also be used to require newly developed substances and processes to be tested extensively for their possible toxicity to the environment before they are given widespread commercial application.

Third. Subsidization: Subsidization of pollution control efforts is a third approach to the problem of environmental pollution. This method involves making Government grants, loans, and tax credits available to help pay for the expense of cleaning up the environment. The principle involved here is essentially paying a polluter to stop polluting.

There are several drawbacks to subsidizing polluters. Subsidization by itself could not induce polluters to install abatement equipment unless the Government offered to pay the entire cost. Proposals for subsidies which pay 50 percent of control costs, or even 90 percent, still leave a certain amount for the polluter to pay. Therefore, it would still be more profitable for the polluter to continue polluting, even though he would only need to pay a fraction of the cost of cleaning up.

Private industries would prefer subsidies in the form of tax credits and deductions rather than actual grants. This is because grants are usually subject to much more careful scrutiny—applications are closely examined and reports need to be filed to make sure the grant is used for its intended purpose. However, tax credits or deductions are not usually as thoroughly investigated. This form of subsidy might easily be abused, and industries would probably pressure Congress to maintain tax benefits long after their initial expenses for controlling pollution had been met.

Subsidies which are designed to reduce pollution could conceivably have a reverse effect. If the Government subsidizes manufacturers for treating wastes this could lead to the adoption of techniques which produce unnecessarily large amounts of waste, simply so the subsidy could be collected for treating it. Subsidies will also lead to higher net profits in pollution-intensive industries. This could result in the expansion of these industries, which would not be desirable from an environmental standpoint.

A final shortcoming of subsidization is that it places the immense costs of stopping pollution on the wrong people. These costs should be paid by those who are doing the polluting rather than making everyone pay through higher taxes.

In spite of the limitations and inequities of subsidization, it does have important uses. It may be used to help local governments control their pollution. Many municipalities are polluting the waters around them because they do not have adequate waste treatment plants. The Federal Government has preempted the best source of tax revenue, the income tax, and consequently they lack the funds necessary for constructing waste treatment facilities.

Subsidies can also be effectively used to stimulate research in areas of pollution control which require new technological developments. For example, a solution to the problems of solid waste disposal will require new systems and methods of recycling waste materials. Government research and development grants in this field and others will hasten the date when new techniques are available for widespread application.

Fourth. Economic incentives: A fourth method of dealing with pollution is by the use of economic incentives. This approach is designed to control pollution by levying a tax or fee on the wastes which a polluter discharges. This forces the polluter to pay the costs of his pollution, and encourages him to reduce his level of discharge because the less he pollutes the less he pays.

Congressman LES ASPIN, who has recently introduced a number of bills incorporating economic incentives, has pointed out how previous efforts to control pollution have failed to place the costs of pollution on the polluter. Pollution is profitable because anyone who would like to use the air and water for discarding wastes can do so free of charge. Although polluters do not have to pay for disposing wastes, this cost is paid for by the people living in the adjacent area. For example, people living near steel mills are forced to pay part of the cost of producing steel because their skies and rivers are being used as waste receptacles. They pay in doctor bills and poorer health, lower property values, fewer recreational facilities, added expenses for cleaning clothes and higher costs for keeping their homes attractive.

The way to solve this problem using economic incentives is by charging the polluter a tax which reflects the costs he is imposing on society. This is the most equitable way of controlling pollution because it makes the polluter pay the costs of cleaning up. Either he can pay for abatement equipment and other control techniques to reduce his pollution, or he can pay the tax. Polluters will chose to pay the tax if the cost of

control equipment is greater than the costs they are imposing on the environment. This would usually occur in cases of water pollution where treatment facilities are extremely expensive and it would be too costly for one polluter to control his own wastes. In these instances, the taxes collected could be used to construct a large municipal treatment facility which would treat the wastes of all the polluters in the area.

Economic incentives are a more effective method of controlling pollution because they encourage polluters to reduce their wastes as completely as possible. Direct regulations only require polluters to meet the prescribed standards and levels of control, while economic incentives induce them to lower their levels of pollution to the fullest extent attainable.

Financial incentives also have the advantage of being easier to administer efficiently because they provide a decentralized approach to controlling pollution. The individual polluter, who knows his production operations better than any centralized agency, is the one who can best decide how he can limit this pollution most efficiently. Subsidy programs may stipulate that a polluter install a particular type of abatement equipment even though other control techniques, such as using a cleaner fuel or recirculating cooling water, may be cheaper and more effective.

The disadvantages of economic incentives are primarily the difficulties involved in determining how much a polluter should be taxed. Tax schedules need to be devised which accurately reflect the costs which various pollutants impose on the environment. If the tax rates are too low they will not provide a real incentive for controlling pollution, but will simply be a license which the polluter must buy in order to continue polluting. There are also the problems of measuring the amount of pollution that occurs and collecting the tax.

In spite of these difficulties, economic incentives are still usually preferable to direct regulations. The information required to devise effective tax schedules is no more complicated than the information needed to set standards and tolerance levels for pollutants. Similarly, the process of monitoring polluters and collecting taxes is no more difficult than the supervision and enforcement required by direct regulations. In fact, it is probably easier to enforce a system of taxes and fees than a set of regulations. Control officials may balk at enforcing regulations which require them to close down a plant, but they will probably not hesitate to collect the taxes a polluter owes.

Many people will argue that a tax on polluters will simply be passed on to the consumers of their products in the form of higher prices. This is certainly true, but it should not be considered a disadvantage of the tax. If the production of certain things damages the environment it seems fair that the consumers of these items should share in paying for this damage.

Of the four methods of controlling pollution, the use of economic incentives is generally the most advantageous approach for limiting pollution from existing sources. However, the particular advantages provided by the approaches of education, direct regulation, and subsidization make these methods superior for dealing with certain types of environmental problems. In order to control pollution in the most comprehensive and effective manner we must make maximum use of these advantages through a combination of the various control methods. We need to review our present antipollution laws for air and water to make certain they use the methods best suited for solving our pollution problems.

AIR POLLUTION

The present control system: Our past efforts to control air pollution have prevented the problem from becoming worse than it presently is. However, a look at the skies in nearly every major city reveals how inadequate these efforts have been for keeping our air clean. According to the most recent report of the Council on Environmental Quality the volume of air pollution is still increasing. During 1969, the last year for which figures are available, an estimated 281 million tons of pollutants were spewed into our air. This figure represents an increase of 3.2 percent over the estimated total for 1968.

Clearly we need to be concerned about the efficacy of our present control system. Although Congress has produced a cascade of legislation in recent years designed to control air pollution, the problem appears to be getting worse rather than subsiding. While one set of statistics may not be an entirely reliable indication of a trend, it should be sufficient evidence to make us question why our laws have not been more effective, and what can be done to improve them.

The inadequacy of our past efforts may have been due to a reluctance on the part of control officials to vigorously enforce existing laws. Also, sufficient funds for salaries and monitoring systems have not always been available to provide the manpower and information necessary for strict enforcement. However, our laws may also have suffered from using the wrong approach for controlling the problem.

Two important characteristics of Federal air pollution laws have generally remained constant throughout the 16 years of Federal involvement in controlling air pollution. First, Congress has repeatedly declared "that the prevention and control of air pollution at its source is the primary responsibility of States and local governments." Also, Federal laws have consistently followed the approach of using direct regulation to control air pollution.

The combination of these two factors may account for much of the difficulty we have had in trying to limit air pollution. Direct regulations, as mentioned before, are difficult to enforce without a system of close supervision and they frequently involve a costly, elaborate, and lengthy procedure for making polluters comply. In addition, these regulations need to be consistent from State to State, and each State has to be willing to enforce them with equal severity.

Naturally, when legislation was first passed it was assumed that States and local governments could supervise individual sources of pollution much more closely than a centralized Federal agency. This assumption is probably true. However, it was also assumed that lower levels of government would be able to pass and enforce laws to make local polluters stop polluting. This has not proven true, and unfortunately the Federal Government has done very little in the past to strengthen State and local efforts by providing consistent standards and effective enforcement procedures.

This point is apparent from a brief review of the procedure which is provided for Federal action in abating interstate air pollution problems. The Clean Air Act of 1963 specifies that before the Federal Government can order a polluter to stop, the Secretary of Health, Education, and Welfare needs to call a conference to examine the evidence with the control agencies involved, make recommendations, wait 6 months to see if the pollution is stopped, hold a public hearing to examine the evidence again, make more recommendations, and wait another 6 months. If the pollution continues the Secretary can then request the Attorney General to bring suit against the polluter, and the court examines the evidence a third time before making a ruling. Of course, if the decision is unfavorable for the polluter there is always the possibility of an appeal. The length of this entire process is tremendous, as demonstrated by the first abatement action which was initiated in November of 1965 and concluded in June of 1970.

The ineffectiveness of this procedure has been compounded by the reluctance of Federal officials to initiate abatement actions. Federal abatement authority was not exercised until 2 years after the law was passed, and between 1965 and 1970 only 11 abatement actions were initiated.

Our present system for abating air pollution from stationary sources provides more extensive Federal authority for dealing with polluters. However, our principle method of control is still by direct regulation, and the primary responsibility for enforcement remains with the States and local governments. The effectiveness of this approach for enforcement can be questioned in view of the fact that over 20 States have air pollution control boards that contain representatives of the major sources of pollution.

The Air Quality Act of 1967 and the Clean Air Amendments of 1970 provide for the regulation of stationary sources by the following procedure:

First. Geographic areas and communities which share common atmospheric conditions are designated as air quality control regions. The purpose of this is to provide common controls and standards for areas with common air pollution problems.

Second. The Administrator of the Environmental Protection Agency is to issue air quality criteria for pollutants. These are reports of scientific studies which have measured how varying concentrations of a pollutant have effected public health or welfare. Simultaneously, the Administrator issues information on the

techniques available for controlling the pollutant.

Third. The Administrator is also to set national primary and secondary ambient air quality standards. The primary standards designate the level of pollution that is tolerable before public health is endangered, and the secondary standards set the tolerance level for protecting public welfare. Thus far standards have been set for sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides.

Fourth. Nine months after these standards have been promulgated the States are required to submit a plan for implementing the primary standards. Additional time will be provided for submitting an implementation plan for secondary standards.

This step is crucial for controlling stationary polluters because it involves setting emission standards for individual sources. National ambient air quality standards by themselves are unenforceable against individual polluters. They simply designate the concentration of pollution that is legally permitted in the air. However, if the concentration in a region should exceed the national standard there is no way of really determining which polluter caused the increase. For this reason the States' implementation plans need to limit individual source emissions sufficiently to make sure that the total concentration of pollution in a region will not exceed the national standards.

After this plan is submitted the Administrator of the EPA has 6 months to approve it, or, if he finds it inadequate, to substitute an implementation plan of his own. The plan must then provide for attaining the national primary standards within 3 years, although this deadline may be extended for another 2 years under certain circumstances.

Fifth. Although the State has primary enforcement responsibility, the Administrator has authority to enforce the plan by bringing suit against any polluter who violates its provisions for over 30 days. If the violations in a State are so widespread that it appears the State is not effectively enforcing its plan, the Administrator may assume enforcement authority from the State.

WHAT NEEDS TO BE DONE

At present it is too early to judge whether the new procedure just described will be completely adequate for dealing with our air pollution problems. The first State implementation plans are not due until January 1972, and States will then have a minimum of 3 years before they are required to meet the national primary standards. However, we can be hopeful that this approach will be successful. The law provides for increased Federal authority to insure that standards are consistent and effectively enforced in all States.

While we may be optimistic about the future of our control system there are a number of possible difficulties in this procedure which may thwart effective abatement of air pollution from stationary sources. Our experience thus far with developing State implementation plans indicates this is a difficult process. Extensive data on emissions are required before effective control strategies can be formulated. Although the present law should speed up the abatement process it will still be a long time before every State has adequate control plans for a wide variety of pollutants. The enforcement of these plans in the courts may also require an extended amount of time before individual polluters are forced to reduce their emissions.

These difficulties are largely the inherent problems of a system of direct regulations. Even though our present control system may eventually provide for effective regulation of polluters, I feel we need to begin incorporating economic incentives into our antipollution laws. This approach would probably induce polluters to reduce their emissions sooner and more completely than direct regulations.

To provide these incentives we need to develop a system of emission excise taxes. I have introduced a proposal contained in H.R. 10890, for levying a 5-cent-per-pound tax on emissions of sulfur oxides and particulate matter. This tax should be imposed immediately and similar taxes should be devised for all other major pollutants.

A similar approach could increase the effectiveness of our efforts to control pollution from mobile sources. Currently our laws rely on direct regulation to lower the emission levels of motor vehicles and aircraft. These regulations should prove adequate for reducing a large proportion of the emissions from mobile sources; however, their effectiveness could be supplemented by two measures which incorporate economic incentives.

First, the harmful emissions caused by leaded gasolines could be significantly reduced if automobile owners were encouraged to use low or unleaded gasoline. This could be accomplished if a tax were placed on lead additives to make the price of leaded gasoline higher than lead-free gasoline. Owners whose cars required leaded gasoline would still be able to purchase fuel, but there would be an incentive for increased use of gasoline which is less damaging to the environment.

Second, an incentive should be provided to encourage car and truck buyers to select vehicles with the lowest emission levels. Currently our laws provide for the setting of emission standards for various classes of vehicles, but there is no incentive for the buyer to choose the least polluting vehicle within a particular class. Also, although these required standards are stringent, there is no incentive for the vehicle manufacturer to try to reduce the emission level of his product any lower than the prescribed standard.

An excise tax on motor vehicles which was based on their level of emissions would provide this incentive and I have introduced legislation, H.R. 11149, to create such a tax. The cost which a vehicle inflicted on the environment would be reflected in its price to the consumer, therefore, people would tend to buy motor vehicles that were less polluting. This tax would also provide a competitive advantage to any manufacturer who could reduce emissions more effectively, consequently it would be an incentive for further development toward a nonpolluting vehicle. The revenue collected from this tax is to be used for the research and development of nonpolluting modes of transportation.

WATER POLLUTION

The variety of different sources of water pollution is a major complicating factor in the development of an effective control system. We need methods for controlling pollution from such divergent sources as cultivated fields and pesticide-laden orchards, commercial ships and pleasure craft, septic tanks, offshore drilling rigs, mines, and construction sites, to name but a few. However, the major sources of water pollution continue to be industrial wastes and municipal sewage systems, even though we have the technical knowledge needed in many cases for controlling these sources.

The present control system: Our efforts to control water pollution have suffered from several of the same difficulties as our air pollution laws, as well as a number of different problems. Presently our approach to water pollution uses the carrot of Federal subsidies and the stick of direct regulations.

Federal subsidies are used to induce municipalities to construct waste treatment plants. This part of the approach has been in effect since the Water Pollution Control Act of 1956, and authorizations for waste treatment plant construction have increased ever since. Under present provisions, the Federal Government is authorized to finance up to 55 percent of the costs of constructing plants.

The problem with this program is that Federal funding has not been sufficient to induce enough municipalities to build sewage plants. More than 1,300 communities discharge their wastes without any treatment, and an equal number use only primary treatment, which removes 30 to 40 percent of the pollutants. Because of the financial plight of many local governments more Federal funds will have to be provided if we are going to control water pollution from municipal wastes.

The waste treatment subsidy program has also had limited effectiveness in the past because of a lack of systematic planning in awarding construction grants. Funds have been awarded to communities on the basis of their readiness to proceed with construction, rather than giving priority to projects which would provide the maximum immediate benefits in reducing water pollution. In the future, comprehensive control plans for entire river basins need to be developed to determine where waste treatment facilities should be constructed to do the most immediate good.

Direct regulation has been our method of attempting to control industrial water pollution. The inadequacy of past efforts here is obvious. Industrial wastes increased by an astronomical 350 percent between 1957 and 1969.

The present system for setting and enforcing water quality standards relies primarily on the States. Under provisions of the Water Quality Act of 1965 the

States are to prepare water quality standards for interstate waters and submit them for Federal approval. The Administrator of the EPA has the authority to promulgate new standards if those submitted by the States are inadequate. At present many standards submitted by States have been approved only in part. Efforts are being made to eliminate all exceptions and bring all standards to full acceptance. Thus, far, the EPA has approved standards in 32 States, and in only one State has it substituted Federal standards.

After approval, these standards become the basis for Federal enforcement actions. The procedure for enforcement is a cumbersome and lengthy one. Provisions for Federal action under the 1956 act call for a conference followed by recommendations and a delay, a public hearing followed by more recommendations and a further delay, and finally court action to force a polluter to comply with the law.

This procedure is similar to the abatement provisions of the 1963 Clean Air Act, and its ineffectiveness is also comparable. Under these provisions a total of 50 enforcement actions were taken between 1956 and 1970. Many of the enforcement conferences in these actions were reconvened, in some cases as many as five times.

WHAT NEEDS TO BE DONE

If direct regulations are to be used effectively against water polluters a number of changes need to be made in our present system of standards and enforcement. Water quality standards need to be consistent in all States and for all waters, and enforcement procedures need to be tightened to provide quicker access to the courts. Among the measures which would aid in providing for this are the following, all of which are contained in a bill I introduced earlier this year, H.R. 7846:

First, an extension of Federal authority in water pollution control to include all waters, not just interstate waters.

Second, a requirement that Federal water quality criteria for all pollutants be published and revised on a regular schedule as a sound basis for developing water quality standards.

Third, a requirement that water quality standards be adopted within a statutory deadline, and plans be developed to attain these standards within 3 years after they are approved by the EPA Administrator.

Fourth, authority for the EPA Administrator, whenever he finds a violation of water quality standards or implementation plans, to order abatement or go to court for an injunction against the violation.

Fifth, civil penalties for violation of water quality standards of not more than $75,000 per day.

To help meet the financial needs of water pollution abatement, H.R. 7846 also authorizes a maximum of $5 billion annually for the waste treatment construction grant program for grants to municipalities. The program is extended 5 years to June 30, 1976. The 5-year expenditure would thus total $25 billion, and should be contrasted with the $1.2 billion that the Federal Government spent on construction grants and loans in fiscal 1971.

Finally, the bill proposes that the Federal Government make grants for up to 90 percent of the cost of eligible treatment works beginning in fiscal 1973, where the project is in a river basin or region designated by the Environmental Protection Agency as meeting certain requirements to insure coordinated and effective waste treatment.

These measures will help to provide consistent standards and effective enforcement for a system of direct regulations, as well as adequate financing for treatment plant construction. However, this system should be supplemented with laws which will provide economic incentives for polluters to reduce their effluents sooner and more completely. This could be accomplished by establishing a system of national effluent charges which would tax industrial polluters according to the quantity and toxicity of the wastes they discharge.

Such a program was proposed in the last Congress by Senator PROXMIRE, who introduced a bill providing for a system of effluent charges and for the formation of regional water management associations. The management agencies would develop comprehensive control plans for all or part of a river basin and they would construct waste treatment facilities with funds provided by the effluent charges. Municipalities would also be allocated a share of the funds for waste treatment construction.

I introduced this bill in the House last year, and will be sponsoring a revised version when it is ready for introduction this week.

A related proposal would require municipalities, as a condition for receiving Federal treatment grants, to charge industrial firms the portion of the project's costs that are allocable to the treatment of their wastes. This is a logical course to pursue, since most waste loads that are treated by municipalities come from industrial sources, and is worthy of examination by the Congress.

CONCLUSION

Mr. Speaker, I have presented a legislative program today for combating air and water pollution which, if implemented fully, can result in a cleaner, healthier, and more enjoyable environment for us all.

Some of the measures I have proposed may seem drastic, but so are the current circumstances. Man is the only animal that seems intent on endangering its own existence. Only comprehensive changes in our attitudes toward pollution as well as a revitalization of our pollution control methods can take us off the endangered list.

It is easier and less expensive to continue business as usual, but the results of this course of action are not promising. As I said 2 years ago after the Apollo 11 mission, if the greatest thing since creation—the moon landing—was worth $25 billion, how much is the creation worth?

BILLY BAKER KEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON. Mr. Speaker, many Members recently were saddened and shocked at the tragic and most untimely death of a young man who has spent many hours working in the halls of the Congress.

He was Billy Baker Keel, the son of Mr. and Mrs. William Keel. Mr. Keel is a very close personal friend of mine and our colleague, Mr. EVINS of Tennessee, is most fortunate to my thinking to have Mr. Keel on his staff as his chief and most able assistant.

I was privileged to know Billy Baker as a child, young man, and young adult. I say privileged because all who knew this sincere and free-spirited young man were, indeed, privileged.

During the summer of 1967 and 1968, I was fortunate to have Billy Baker as an intern in my office and he was a good one. We all liked him and while he could be a nonconformist at times, he was always considerate of others and would never in any way allow doing "his thing" to inconvenience anyone else.

I suppose of the many fine qualities Billy Baker Keel possessed, I most admired his fierce, but considerate, independence. He was not content to accept the old ways. But unlike so many youth of today, his protest was thoughtful and logical. If he felt something was wrong and needed changing, he did it in a positive and constructive way. If his inquiry into a matter led him to believe he was wrong, he was mature enough to change his views accordingly.

Mr. Speaker, I could continue my remarks about this young man for hours, but nothing I could say would match the tender and eloquent eulogy written by his father, for whom I have an understanding and compassion. This is, of course, true for his mother, and they understand.

FUNERAL SERVICES FOR WILLIAM BAKER KEEL, JUNE 14, 1971

I. Song: Put Your Hand in the Hand of the Man From Galilee.
II. Scripture.
III. Prayer.
IV. Song: I Did It My Way.
V. The message.

Billy Baker lived life his way—he did his own thing—and he did it well.

I knew Billy Baker as a close friend and I have never known anyone who enjoyed life more than he did.

He lived life to the fullest.

He enjoyed every minute of living.

And yet he gave deeply of himself to others.

He never knew a stranger—he never knew a man or woman he would not help.

I told his father the other night that Billy Baker lived life so fully and so completely that he has lived far longer than many people who lived to be much, much older.

In a birthday card to his beloved Mother, last year, Billy wrote:

"A birthday is a special occasion to be remembered.

"It is the passing of a year but more than that, it is the passing of your own life, day by day, second by second—moments in your life that cannot be repeated or saved.

"Each time the clock ticks it means that a space in our lives has passed.

"These spaces in time are all important to the development of our souls.

"One vital second is worth more to you personally than other whole decades.

"Don't be sorry for the passing of time, take advantage of it, use it for all its worth—and most of all, love every minute of it.

"It's all we've got."

Billy believed in God and in the essential goodness of man—as he put it—"in the development of our souls."

Billy Baker was a joy to be around.

He loved to be with people—he enjoyed having people around him—and the more the merrier.

He made friends easily and he nurtured those friendships and treasured them.

He was just a great little guy.

He was always friendly, happy, considerate—and his bright, engaging smile will live with me always.

He glowed with life and love for those who would accept him.

He loved his friends and extended a helping hand to those he could help. He loved the sheer joy of giving of himself. He lived the Golden Rule in letter and spirit.

On one occasion he assisted a motorist whose car was in a ditch.

After extricating the car, he turned to Jenna with that bright smile and said:

"Boy, I enjoy doing things like that."

Song: Bridge Over Troubled Water.

Billy Baker Keel was first of all a man—with profound thoughts—beautiful instincts—and deep courage.

Those who tested his manliness found this out.

Billy Baker was fiercely independent—a free spirit.

He grew his hair long and he grew a defiant little red beard—like a Viking of old sounding the clairion of courage down the fiords (fee'-ords) of time. His fiery temper and bold spirit were ever ready to meet the challenge thrust upon him.

And yet he was also uncommonly gentle and considerate.

Billy sometimes set his thoughts down in poetry and on one occasion he wrote:

"When I'm on my own they point guns at me, they tell me, 'Boy Run'—they tell me—'Boy Flee'—they tell me 'Your hair is too long—your thinking is all wrong.

"But they don't hurt me because I love—a God-sent thing from above.

"Yes, I love."

Billy Baker had strong principles and unswerving convictions. He believed in justice and right and fair play—and he fought for those principles when the occasion demanded.

Billy Baker—this fiery spirit with the gentle soul—welcomed the challenge of the unknown—and he challenged the unknown.

On one occasion we were fishing together in a lake at Smithville and Billy wanted to know what was around a bend in the lake.

"It's just the same as this, Billy," I told him.

"Brother Charlie," he said, "I want to see it—I want to go there—I want to KNOW what's there."

After Billy left home at the age of 17 to make his own life and home with Jenna, Billy's mother set down these eloquent thoughts.

"I watched you grow"—she wrote—"determined to make you independent and strong and I shed my tears for your leaving when I nursed you at my breast.

"The years passed away too quickly. Perhaps I might have held onto the ties more firmly—kept you on the lower branches of life's tree—but you had wings."

Billy had the wings of an eagle and the heart of a young lion—and the compassion of a shepherd.

And yet he could discipline himself to work in a quiet library—looking forward to the day when he could become a reporter and translate his restless spirit into the life of a full-fledged newspaperman.

It was only a matter of time.

Billy relished the challenge of life.

Mountains must be climbed—rivers must be crossed—the unknown must be penetrated. This was the fierce spirit that burned in his heart.

He loved the freedom and independence he experienced riding his motorcycle with the wind in his hair.

He knew the risks from others less considerate of life and lacking in love—but he accepted those risks because that was his way and his life.

He paid with his life through no fault of his own. He refused to pull in his wings in the face of potential danger.

He soared like the eagle—and how he has fallen.

He made his choice—and we must accept it.

Billy's beloved wife Jenna was his closest companion.

Never have two people loved each other more completely than Billy and Jenna.

Their life was happy and they were as one.

They loved together—they cried together—they laughted together—they dreamed together.

They understood each other completely and they often talked of life and its meaning.

Billy was articulate—as is Jenna—and on one occasion in a bittersweet moment of reflection, he wrote:

"Life is good if you think about it.

"But when you do

"You feel like crying

"Because you know that life is full of dying."

For a time after their marriage Billy and Jenna lived in a little cabin on a lake. Those were happy, carefree days as they roamed the woods—swam in the lake—explored the hills and valleys—and lived and loved each other.

Billy seemed to sense that his life might be short—and he seemed to know that he had a lot of living to do in a little time.

Billy loved—and Jenna loved—and that was their life—a sweet and beautiful and tender love that defined expression.

And yet they expressed it.

In a Father's Day Greeting which Billy never saw Jenna wrote:

"There's a poem that goes—'How do I love thee—let me count the ways.'

"I could never write down all the ways I love you.

"But I can tell you all the things that make you the man I love now and always will.

"You're gentle and loving when times are rough and when there's not much hope you stand up for your convictions, whether right or wrong. You're forgiving and kind even to those that hurt you deeply.

"You have all the hopes and dreams of those who are young but you have the strength and courage to carry them through.

"You have the temper of a raging storm and the soft, beautiful calm afterward. You shall stay in my heart and mind forever."

Billy's capacity for compassion was truly remarkable. Jenna shared this trait. They loved people and loved animals and their home was a haven for stray animals.

They simply could not turn away a stray.

And each new addition to their family was named and loved and petted and welcomed to this warm home full of love and tenderness.

Love ruled their home. Billy was as devotedly domestic as he was free in spirit.

Billy Baker loved people—of all ages.

But he had a special place in his heart for young people. They flocked to him for counsel and advice and he would listen to them for hours.

He would discuss their problems and give them the benefit of his life's experience.

His yard was often full of teenagers.

He repeatedly warned them against drugs and it was a part of his devotion to principle that he sought to assist the authorities in combatting drugs.

When warned of the danger, he said, "I still want to do it."

Song: My Brother.

Billy believed in young people—he loved the fire of youth and he always emerged as a leader in any group.

He led in a happy, carefree way—but in a responsible, firm way.

Billy's life was short in terms of longevity.

But his life was long and full in terms of living—when looked at in the perspective of history when no life is long and all are short—and a man's life is measured in real terms of how he lived, what he gave, and the legacy he left his fellowman.

Song: I Want To Go Home.

Billy Baker Keel has now gone home.

God bless you, Billy Baker, and may your fierce and gentle spirit find rest and peace in Heaven.

Song: Let It Be.

—Written by Dad.

Delivered by Mr. Charles Gentry, Minister, Smithville, Tenn.

TRIBUTE TO ELEANOR ROOSEVELT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, October 11 was Eleanor Roosevelt's birthday, so I would like to take this moment to pay tribute to her memory.

I believe that Adlai Stevenson came closest to putting into words how this Nation, and the world, felt about Eleanor Roosevelt. He said:

> She would rather light candles than curse the darkness, and her glow has warmed the world.

Eleanor Roosevelt is no longer among us, but her glow continues to warm the world. She touched the lives and earned the love and affection of people throughout the globe. She was the friend of the oppressed and dispossessed, the victims of tyranny and discrimination. Her life of goodness, kindness, and compassion will live through the ages as a continuing inspiration.

Eleanor Roosevelt saw people as human beings who shared with her common aspirations and ideals of what "ought to be." In her presence, people were themselves. In her autobiography she wrote:

> One curious thing is that I have always seen life personally; that is, my interest or sympathy or indignation is aroused not by an abstract cause but by the plight of a single person whom I have seen with my own eyes. Out of my response to an individual develops an awareness of a problem to the community, then to the country, and finally to the world.

She said:

> More and more people are coming to realize that what affects an individual affects mankind.

Over a long period of rich and active years, Eleanor Roosevelt lived her philosophy. To her, the happy life was the useful life. And she chose to be useful to

everyone who called on her for a good cause. To leave the world richer for our having lived in it, she would say, was the best criterion for a successful life.

As First Lady she refused to permit the formalities of the White House to dominate her life. Rather, she used her position and influence to win support for worthy causes and urgent projects to strengthen American society, particularly during the great economic and social upheaval following the depression.

During the early years of the New Deal the breadth of Eleanor Roosevelt's vision was not at first appreciated. The often intense and bitter feelings during this tense crisis period often spilled over onto the President's wife. But she succeeded in rising above the acrimony, because her heart was large enough to understand human frailties and her vision broad enough to see beyond the immediate scenery to the high horizon.

In the 7 years betwen 1933 and 1940 she traveled some 280,000 miles, wrote a million words, earned and gave away over a half a million dollars, shook as many hands, delivered several hundred lectures and radio speeches, attended to her voluminous mail—150,000 letters in 1939 alone—and in between times knitted sweaters for her nine grandchildren.

Her travels, her lectures, her radio talks, and her magazine articles were without precedent. Not only did she turn her earnings over to charitable causes, but she gave away large amounts of her personal wealth to finance projects which would provide Americans with useful employment and restore their self-respect.

During World War II she visited battle areas both in Europe and the Pacific, bringing cheer to men in the service camps and to the wounded in hospitals.

In 1945 when President Franklin D. Roosevelt died, Mrs. Roosevelt was 61 years old. Another First Lady might have retired, but not she. This was only the beginning of a life she called "On My Own."

President Truman named Mrs. Roosevelt a delegate to the General Assembly when the United Nations was created in 1945, and the following year she was elected chairman of the Commission on Human Rights of the United Nations Educational, Scientific, and Cultural Organization. She herself felt that it was her work on the Human Rights Commission that constituted her most important contribution to the United Nations, for the drafting and acceptance of the Declaration of Human Rights and its attendant covenants were in large part due to her efforts.

As U.S. delegate to the General Assembly of the United Nations, Eleanor Roosevelt put the full weight of her influence behind the Palestine partition plan to establish the State of Israel. Her observations and experiences during her visits to refugee camps in Europe just after the war gave her a deep understanding of the sufferings of the Jewish people, and her position was strengthened by a rare combination of idealism and practicality.

In 1952, with the change in administrations, Eleanor Roosevelt resigned her position with the United Nations. She became active in the American Association for the United Nations, traveling extensively both in the United States and abroad. Everywhere she found friends whom she had come to know through her work in the United Nations. Everywhere she brought her warmth, sincerity, zeal, and everlasting patience.

We shall remember Eleanor Roosevelt for many things. But I think her lasting claim to immortality rests upon her own self, her personal goodness, her deep loyalty to democratic ideals, and her all-out commitment to improving the conditions of human existence.

An individual such as Eleanor Roosevelt is rare in any age, and her memory is doubly precious to our own, blessed with her presence. Let us hope that future generations will walk hand in hand with the spirit she bequeathed—the spirit of love, kindness, generosity, faith, and courage.

BLACK LUNG PROGRAM

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

Mr. SHIPLEY. Mr. Speaker, in 1969, I was very proud to be among the Members voting in favor of the Federal Coal Mine Health and Safety Act, which includes a provision for black lung benefits. With the passage of this law, I felt that at long last something was being done for the disabled coal miner who had henceforth been forgotten. Unfortunately, in recent months, I have become very disillusioned about the way this program is being managed and feel that the Congress must do something to insure that the black lung program is managed the way the Congress intended it to be.

Each day's mail brings yet another letter from a discouraged coal miner who has been denied benefits. I recently received a petition from 54 miners from one town in my district who had been denied black lung benefits on the basis of one X-ray for each person.

I have spent a considerable amount of time talking with coal miners in Illinois. I have found that there are large numbers of miners who are being denied benefits. Were it obvious that those receiving benefits were more severely disabled than those denied, and if those denied benefits had no significant disability from lung disease, there would be little reason for concern. The fact is, however, that there is no relationship between the severity of the lung disease and the granting of awards. Some miners with little or no impairment are receiving payments, while many of the most severely incapacitated miners have been excluded from benefits. I feel that many miners have been unjustly deprived of compensation.

The Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this very complicated problem. The most unfortunate regulation adopted by the SSA and adhered to in an unaccountably tenacious manner is the requirement of X-ray evidence of simple pneumoconiosis—black lung disease. By far, this requirement has eliminated the greatest number of applicants from benefits. Among those denied for this reason are many miners who previously had X-ray evidence of pneumoconiosis and many who are severely disabled. The SSA has experienced many of the technical problems which mark the X-ray as an unreliable diagnostic tool in determining the presence or absence of pnuemoconiosis. They have encountered large numbers of films which are technically of too poor quality to allow interpretations and there have been the differences of opinion of individual radiologists in interpretations of the same film. Reason would seemingly induce a downgrading of the importance of the X-ray findings in administering the compensation provision, in light of this experience. To the contrary, the SSA has actually increased its emphasis on X-ray findings. It should be noted that impairment in function is unrelated to X-ray findings and severe pulmonary disability may be present in miners with less than clear-cut evidence of pneumoconiosis.

Other tests, such as those designed to measure the capacity to transfer oxygen from the lungs to the blood during exercise are far more sensitive and show much more closer relationship to disabling shortness of breath. These tests are more difficult and do require much more time. Unfortunately, there are too few facilities in the coal-mining regions where these studies can be obtained. However, if a realistic evaluation of the lung function of applicants for Federal black lung compensation is to be required, these tests are essential.

The burden of proof is put almost entirely on the miners and widows. The technical and medical facilities are simply not available close by for them to get the proper type of examination. Federal money should be allocated to provide adequate medical examining facilities in coal-mining districts—not administered by the Social Security Administration—to provide the individual claimant with the necessary medical tests needed for proper evaluation.

To be considered eligible for benefits, a miner must be totally and permanently disabled from pneumoconiosis. There is nobody I have been able to find that can define what the SSA means by "total and permanent disability." Needless to say, this leads to much confusion on the part of the miners, because they cannot understand why they have been denied benefits. The miner knows he cannot work and can barely breathe, but yet he receives a form letter from the Social Security Administration stating that on the basis of a chest X-ray, he has been determined not eligible for benefits. There is no further explanation.

The requirements for determining total disability should be made more realistic. Any miner who is rendered incapable of performing his usual mining job should be considered disabled under the Federal black lung compensation provision. Even though some miners are capable of performing some type of job outside the mines, since this is an occupational dis-

ease, the disability should apply only to the occupation of mining.

Another problem with the administration of this program is the length of time it takes to process a claim. Many miners have been waiting over 6 months for a decision on their claim. These miners are forced to live on public aid or food stamps until their claim has been processed. I feel that this is an unnecessary degradation in view of the fact that funds are available to help the miner.

Since the law went into effect, approximately 325,000 claims have been filed with 41 percent of those claims approved, 36 percent denied, and 23 percent not yet processed. The percentages of claims approved on a State basis vary widely with some States receiving as much as 55 percent approved and other States receiving a less favorable 16 percent approved.

In comparison to the above figures, Illinois fares well statistically with 46 percent of all claims approved and 56 percent denied. A further breakdown shows Illinois miners' applications having only 30 percent approved and 61 percent denied. Miners' widows fare much better with 52 percent approved and 48 percent denied.

These figures indicate that the Social Security Administration is ruling on a much tighter basis with miners than with miners' widows.

The Congress should act now to see that these inequities are rectified. The fact that they do exist is of tremendous importance to many people.

SCHOOLBUS SAFETY ACT OF 1971 COSPONSORED BY 53 MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, today I am reintroducing the Schoolbus Safety Act of 1971, which has now been cosponsored by a total of 53 Members of the House. On September 23, this legislation was originally introduced by myself and six other Members of the Wisconsin House delegation: Congressmen ROBERT KASTENMEIER, DAVID OBEY, ALVIN O'KONSKI, HENRY REUSS, WILLIAM STEIGER, and CLEMENT ZABLOCKI.

This school bus safety legislation would: First, direct the Department of Transportation to issue new safety design standards for the construction of schoolbuses within 18 months after the bill is passed; second, require both manufacturers and dealers to inspect and test drive every schoolbus before it is sold to a school district or a local bus company; third, require the Transportation Department to build a prototype or experimental schoolbus within 3 years after the bill's passage, and; fourth, require the DOT to investigate every schoolbus accident which results in a in a death.

Mr. Speaker, I believe that it is clear that a lot more has been done in the area of auto safety design than in the area of schoolbus safety design. I believe this bill has received strong, bipartisan support for the simple reason that it is clearly long overdue. Simply put, the Schoolbus Safety Act of 1971 should have been the Schoolbus Safety Act of 1961.

Many of the schoolbuses that transport our children to and from school have been referred to as "cookie cutters" because, when involved in accidents, the buses come apart in ragged and exposed metal edges which often cause severe facial lacerations to the children riding in the schoolbus. Incredibly, the simple truth is that municipal and intercity buses are generally better constructed than schoolbuses.

Mr. Speaker, I strongly believe that we have got to catch up in the setting of good, tough safety standards for the construction of school buses. The enactment into law of this legislation would be a step in that direction.

The list of its cosponsors in the House follows:

LIST OF COSPONSORS

Representative Addabbo of New York.
Representative Anderson of Tennessee.
Representative Begich of Alaska.
Representative Bell of California.
Representative Bingham of New York.
Representative Burke of Florida.
Representative Burton of California.
Representative Chisholm of New York.
Representative Collins of Illinois.
Representative Corman of California.
Representative Daniels of New Jersey.
Representative Denholm of South Dakota.
Representative Dent of Pennsylvania.
Representative Dingell of Michigan.
Representative Dow of New York.
Representative Eilberg of Pennsylvania.
Representative Frey of Florida.
Representative Gibbons of Florida.
Representative Halpern of New York.
Representative Hanley of New York.
Representative Harrington of Massachusetts.
Representative Helstoski of New Jersey.
Representative Kastenmeier of Wisconsin.
Representative Kemp of New York.
Representative Kyros of Maine.
Representative Matsunaga of Hawaii.
Representative Metcalfe of Illinois.
Representative Mikva of Illinois.
Representative Obey of Wisconsin.
Representative O'Konski of Wisconsin.
Representative Mitchell of Maryland.
Representative Morse of Massachusetts.
Representative Moss of California.
Representative Nix of Pennsylvania.
Representative Podell of New York.
Representative Price of Illinois.
Representative Reuss of Wisconsin.
Representative Roe of New Jersey.
Representative Rooney of Pennsylvania.
Representative Ryan of New York.
Representative St Germain of New York.
Representative Scheuer of New York.
Representative Seiberling of Ohio.
Representative Steele of Connecticut.
Representative William Steiger of Wisconsin.
Representative Stokes of Ohio.
Representative Terry of New York.
Representative Vigorito of Pennsylvania.
Representative Widnall of New Jersey.
Representative Wilson of California.
Representative Wright of Texas.
Representative Zablocki of Wisconsin.

HON. JAMES G. FULTON

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

Mr. ALBERT. Mr. Speaker, His Excellency, Rolf Pauls, Ambassador of the Republic of Germany, has written to me concerning the sudden death of our late colleague, Hon. James G. Fulton. Under the unanimous-consent request I include Ambassador Pauls' letter at this point in the RECORD.

THE GERMAN AMBASSADOR,
Washington, D.C., October 8, 1971.

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

MY DEAR MR. SPEAKER: I have just learned the sad news of the sudden death of the Honorable James G. Fulton. I would like to offer my sincere and heartfelt sympathy to this great loss which the House of Representatives has suffered.

Having been actively engaged, as a member of the House Foreign Affairs Committee, as well as a member of the House Committee on Science and Astronautics, in promoting international understanding and the American role in space technology, Representative Fulton has made substantial contributions.

I have known Representative Fulton for as many as 15 years. We had a steady and friendly contact during all these years, and I lost a friend. I was deeply moved when I received the notice of his decease.

Sincerely yours,

ROLF PAULS.

EMPLOYMENT AND MANPOWER ACT OF 1972, OCTOBER 12, 1971

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

Mr. DANIELS of New Jersey. Mr. Speaker, I am pleased to introduce today the Employment and Manpower Act of 1972. This bill is actually a unique composite of five basic factors. It combines the best features of the Manpower Development and Training Act, the Economic Opportunity Act, the Vetoed Employment and Manpower Act, and the Emergency Employment Act; and includes in addition provisions for vocational education services to participants in manpower programs to round out the picture.

In a nutshell, this bill, if enacted, will render more flexible the amorphous conglomeration of existing manpower programs.

The bill I am introducing today is the culmination of months of intensive effort; but in another sense, work on the bill began several years ago. For even as early as when the new Manpower Development and Training Act of 1962 was first being implemented, professionals, administrators, and Congressmen started to make suggestions for improvement.

In 1963 and 1964 alone, 10 volumes were filled with hearings on the manpower revolution sweeping the country. The cry for reform continued in its crescendo through 1968, by which time 19 more volumes had been filled with testimony on the need to improve the manpower training and employment situation and to establish a comprehensive national manpower policy. But comprehensive legislation was not enacted, for agreement on the broader objectives

of a national manpower policy could not be reached.

Numerous bills have been introduced since then. Democrats and Republicans alike each have had their views. Though a tenuous resolution of the differences was reached in the passage by this body of the Employment and Manpower Act at the end of last session, the conference report was vetoed by the President, and partisan differences of opinion prevented the Congress from overriding the veto.

We have this year passed the Emergency Employment Act, which puts us on the road toward the public service employment program that we need so badly.

But the disorganization created by the unruly growth of the manpower program system still cries out to be pruned and groomed and freed by being brought under control to grow along more organized lines. However, as long as individuals cling tenaciously to their positions, no solution to the problems will be achieved. A compromise resulting in a balanced and harmonious blend of conflicting views and opinions is the only answer.

This is the goal we are trying to achieve in offering this bill. There seems to be basic agreement on several major points. One is that somehow the workable provisions of the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964 must be salvaged and consolidated. Another is that existing legislation is not flexible enough to allow for programs to be tailored to meet the needs of individuals. Rather, it requires that individuals fit into predetermined pigeonholes. For this reason, some of us are against including a huge laundry list of categorical manpower programs in the bill. At the same time, others believe it to be necessary to keep important successful programs from disappearing.

In developing this bill, we have tried to compromise on this issue. We have sought to remedy the categorization criticisms and at the same time make room for the survival of successful manpower programs from both the Manpower Development and Training Act and the Economic Opportunity Act by drawing broad general guidelines under which any number of manpower programs, such as jobs or MDTA-institutional may be adapted by prime sponsors to meet local needs.

We feel that many of the programs are big enough and strong enough to stand on their own without being specifically mentioned in the bill. But we feel that others, especially those aimed at small but often ignored segments of the disadvantaged population must have specific congressional sanction to assure their survival. Therefore, we have earmarked funds for the development of programs geared specifically to the needs of Indians, migrants, older workers, and other groups too often given short shrift in manpower programs.

The other basic disagreement, besides the categorization issue, has involved public service employment. The passage of the Emergency Employment Act indicated fairly broad acceptance of such a program. Again, I think we need to remember that the manpower programs which have been most successful are those which actually provide jobs, as opposed to those which provide only training without guarantee of employment. Time and time again, criticisms of the manpower programs have emphasized the need for actual jobs, rather than just for training programs.

Moreover, as long as there are people out of work who cannot find suitable employment, manpower programs offering both training and employment opportunities are needed to fill in and offer assistance. Therefore, we have set aside one-third of the funds for manpower training under this act to go for public service employment programs. Provisions for public service employment also include special employment assistance to areas where the rate of unemployment is 6 percent or greater for 3 consecutive months.

The bill I am introducing today differs from the vetoed one in several important ways. One outstanding feature is the prime sponsor arrangement. This bill provides that prime sponsors may be a State or a unit of general local government. Under this legislation, private profit and nonprofit agencies are not prime sponsors, but may receive financial assistance under certain conditions, as when no prime sponsor has submitted an approvable plan; as when the plan submitted by the prime sponsor does not provide a service which the Secretary of Labor believes necessary or desirable; or as when the prime sponsor is providing insufficient services to one or more segments of the community.

This bill also extends or offers funds for grants to State vocational education agencies to assist them to provide needed vocational education services to participants in manpower programs.

I believe this bill offers a good opportunity for achieving the comprehensive reform of manpower programs that the Congress has been working on for so long.

I include the following:

SUMMARY OF BILL

AUTHORIZATIONS

(1) For fiscal year '73 the bill authorizes $1.5 billion for title I (Comprehensive Manpower Programs). There is no authorization for public service employment in that year since the Emergency Employment Act remains in effect through fiscal '73. $1 billion is authorized for all other programs and such sums as may be necessary for vocational education add-on programs. This is a total of $2.5 billion.

(2) For fiscal year '74 there is authorized $1.8 billion for comprehensive manpower programs, $1.8 billion for public service employment and $1.2 billion for all other programs plus an open-ended authorization for vocational education add-on for a total figure of $4.8 billion.

(3) For fiscal years '75, '76, and '77 all authorizations are open-ended.

Of the sums appropriated in '73, 50 percent can only be used for title I. Of the sums appropriated in the following years, 33 percent can only be used for comprehensive manpower programs and 33 percent can only be used for public service employment.

Not more than 10 percent of the funds appropriated for fiscal '73 and not more than 7 percent of the funds appropriated in later years may be used for carrying out the Secretary of Labor's responsibilities under title V.

Of the total funds appropriated in any year, between 7 and 10 percent can be used only for vocational education add-ons.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

This title provides for comprehensive, locally-planned manpower programs to be operated by prime-sponsors. Prime-sponsors are states, units of general local government with a population of 50,000 or more, voluntary combinations of local governmental units with a population of 100,000 and local governmental units (or voluntary combinations of units) in rural areas with high unemployment. States can be prime-sponsors only for areas in which no local prime-sponsors qualify.

Financial assistance can be given to organizations other than prime-sponsors where no prime-sponsors qualify or where the prime-sponsor is not giving sufficient services.

The prime-sponsor must submit a comprehensive manpower plan and make appropriate arrangements for cooperating with and using the resources of the Community Action Agencies, the State Employment Service, the state vocational and rehabilitation agencies and other state and local agencies. Prime-sponsors must also pay for prescribed allowances.

The Secretary must give governors, Community Action Agencies and local government officials an opportunity to comment on prime-sponsor plans before he approves them, and there is judicial review of the Secretary's disapproval of a plan.

Eighty percent of title I funds are allocated on the basis of the number in the labor force, the number of unemployed and the number of the poor. There is no discretion in this formula. The funds allocated to a state must be suballocated to areas with local prime-sponsors in accordance with the same formula.

The remaining 20 percent can be distributed at the Secretary's discretion although he must use these funds to assure that every state receives at least $1.5 million.

Title I also authorizes grants to state vocational education agencies to be used to provide vocational education to participants in manpower programs in areas serviced by local prime-sponsors. These funds are allocated among the states in accordance with the same formula as manpower funds and can be expended only in accordance with agreement with state vocational education agencies and local prime-sponsors.

TITLE II—OCCUPATIONAL UPGRADING

Title II authorizes a program of financial assistance to public and private employers to upgrade existing employees and, thus provide new entry-level vacancies. Employers are paid costs of training plus a bonus consisting of a percentage of increased wage earned by an upgraded employee who remains with the employer for 1 or 2 years.

TITLE III—PUBLIC SERVICE EMPLOYMENT

Title III becomes effective July 1, 1973, upon the expiration of the Emergency Employment Act.

This title follows closely the House-reported Emergency Employment Bill (H.R. 3613), and contains the Special Employment Assistance Fund. There are two changes from the House-reported bill: (1) the allocation formula is strictly on the basis of the number of unemployed persons, and (2) there is a right to direct funding for any city that has at least 3,000 unemployed persons.

TITLE IV—SPECIAL FEDERAL MANPOWER PROGRAMS

This title provides for the following manpower programs to be funded by the Secretary either directly or by prime-sponsor if he chooses:

Section 401—New Careers, Mainstream,

Community Environment Service, OIC Operation SER;

Section 402—Neighborhood Youth Corps;

Section 403—grants to state vocational education boards to provide for vocational education in support of Neighborhood Youth Corps Program;

Section 404—Indian Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 405—Bilingual Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 406—Migrant Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 407—Middle-aged and Older Worker Manpower programs with a set-aside of a percentage of the total appropriations.

TITLE V—RESPONSIBILITIES OF FEDERAL OFFICERS

This title authorizes programs of research and development; labor market information with a computerized job bank; evaluation, training and technical assistance; study of the removal of artificial barriers to employment; development of employment opportunities for disadvantaged persons in federal assistance programs; and training in correctional institutions.

TITLE VI—GENERAL PROVISIONS

This title contains necessary technical provisions and also provides that: (1) the Secretary's regulations are subject to veto by one House of Congress, and (2) labor standards and other special conditions that are applicable to all programs under the Act.

TITLE VII—APPLICATION OF OTHER LAWS

This transfers the Job Corps to the Department of Labor, repeals MDTA and expands the Veteran's Employment Service to give them functions in training as well as employment, broadens the definition of veterans and expands the staff of the Service.

YOUTH CAMP SAFETY ACT

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

Mr. DANIELS of New Jersey. Mr. Speaker, the one-man lobbying effort for the youth camp safety bill is a real lesson in the democratic process. Bill Gold tells a very human story in his Washington Post column of last Friday. For years, Mr. Mitchell Kurman has given his time and finances in a personal crusade to gain support for a law insuring the safety and health of millions of young campers. His job was doubly difficult because most legislators were unaware of the serious and widespread nature of camp accidents.

For three consecutive Congresses, my subcommittee held hearings on camp safety measures. The testimony taken was shocking. As stories of tragic deaths and injuries of young campers unfolded, a real pattern of negligence emerged. In all too many cases, inadequate safety precautions, poorly trained or incompetent personnel and faulty equipment were responsible for multiple injuries and deaths.

After receiving bipartisan support in the Education and Labor Committee, the youth camp safety bill was incorporated as title 19 of the higher education bill (H.R. 7248). I urge your support for this title when it comes to the floor for a vote.

The Washington Post article follows:

[From the Washington Post, Oct. 8, 1971]

THE DISTRICT LINE

(By Bill Gold)

A LESSON THEY DON'T TEACH IN CIVICS CLASSES

Mitch Kurman lives in Connecticut and makes his living by selling furniture to department stores. I first met him in 1965 when he came to my office to ask for help in getting a bill through Congress.

Mitch thought we needed federal safety standards for youth camps, and showed me a draft of a bill titled "Youth Camp Safety Act." The provisions of the bill seemed sensible to me, but I put him off with a vague promise to "look into the matter" because, to be truthful, at that time I doubted the need for such a law.

"Surely," I thought, "we already have laws to cover the safety of the children we send to camp. American parents have not been sending their children to unsafe camps all these years, have they?"

In a few weeks, Mitch was back calling on department stores in our area again, and back in my office. He kept after me with quiet persistence until he got me to begin digging into the subject.

Only then did I learn that accidents—and even fatalities—in summer camps occur all too often, and that safety standards are governed only by a scattering of state laws, few of them adequate. Finally I said to Mitch: "What's your interest in this bill? Why are you so persistent?" He opened his briefcase in silence and pulled out some news clippings. In the summer of 1965, I learned, Mitch's 15-year-old son had gone off to camp and had been drowned when his canoe capsized in white water.

Why had the boys from that camp been taken into rapids in a canoe? What were the adult counselor's qualifications for such an expedition? What should they have done? Why had warnings to avoid this notoriously dangerous stretch of water been ignored? Why was information regarding the tragedy so difficult to dig out? As months passed into years, I became almost as emotionally involved in these questions as Mitch was.

Each time he came to Washington he'd spend long hours on Capitol Hill bringing the need for legislation to the attention of congressmen. At night he'd stop at my desk and I'd give him whatever counsel I could for his next day's efforts.

In civics classes, when they taught me how a bill becomes law, nobody told me about people like Mitch Kurman. I learned about paid lobbyists who represent commercial interests; but never was it mentioned that an ordinary citizen can be a lobbyist, too, if he's devoted enough to his cause.

Some time back, the Senate finally passed a Youth Camp Safety Act, largely as a result of this devoted father's persistence. Then a similar and perhaps better bill was drawn in the House with the bipartisan sponsorship of Rep. Dominick V. Daniels (D-N.J.) and Rep. Peter A. Peyser (R-N.Y.). And in due course, H.R. 7248 was approved by the House Committee on Education and Labor. And small wonder.

After all, who would oppose a bill "to protect the youth attending day camps, resident camps and travel camps by establishing federal standards, and to provide federal assistance to the states to develop their own programs" in the field of safety?

But a few midnights ago, Mitch was back in my office looking glum. "We got the bill through the committee," he explained, "but all the while you were out of town, it didn't move forward an inch. And if we don't get it to the floor for a vote, you know what will happen—it will be lost under a mountain of more important bills. We'll be licked."

"You'll never be licked and you know it," I said. "You'll just have to start at the beginning and go back to see some of the top men you started with. Tomorrow morning, go see Gerry Ford and then . . ."

Mitch blinked. "Would you believe that Congressman Ford is one man I haven't been able to see yet?" he said. "But by dumb luck I have an appointment with him tomorrow."

The next night Mitch was back to see me again. "There's good news for a change," he reported. "Ford gave me time to tell my whole story, and when I finished he said 'Gee, I have four kids of my own, and I wasn't aware that there weren't any federal safety standards for the camps they attended.' He thanked me for coming to see him. Imagine that—he thanked me. He was interested, and I have a feeling he's going to help."

Mitch is learning his civics lessons the hard way, in "Shoeleather U." His hopes for the Youth Camp Safety Act are brighter now and he's beginning to understand that even a one-man lobby can be effective if the one man is devoted to his cause and his cause is right. Gentlemen of the Congress, I urge you to act upon this matter with all deliberate speed—before other children die and other parents are driven to crusades born of grief.

WAR'S END, NOT FREEZE, WILL SAVE ECONOMY

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

Mr. DOW. Mr. Speaker, on October 6, I introduced H.R. 11140, entitled the Prosperity Through Peace Act of 1971.

Since the commencement of our tragic involvement in Indochina, the American public has been forced to endure a consistently escalating drain upon its resources. The Vietnam war and our high-price, inflation economy are really one problem and everyone who goes to the store feels it sharply. Budget figures indicated that, in dollar terms alone, the war has cost our Nation in excess of $120 billion. This represents an average contribution by every man, woman, and child in the United States of $600 to finance a war which has never been declared in the first place.

The direct effect of the war has been to impose a state of high prices, high interest rates, and inflation on the American public. In reality these conditions represent an indirect tax upon millions of Americans who are forced to survive on fixed incomes. The President's recent imposition of wage and price controls and import restrictions represents only one type of response to the unstable economic conditions which our involvements in Southeast Asia have precipitated.

It is my belief that a more direct approach—one which goes directly to the root of the problem—would provide a much more effective course. This approach is the withdrawal of our Armed Forces from Indochina. In short, Mr. Speaker, to speak of the war and the current economic ills which beset the Nation as being separate is a mistake because they are certainly one.

Instead of continuing any wage and price freeze after the 90-day freeze expires on November 13, my new bill would end the expenditures for waging war in Vietnam on that day, and limit spending

there to costs of withdrawal. The bill calls for withdrawal of remaining American troops from Southeast Asia by February 13, 1972. Such a measure would take the pressure off our economy and turn us around so we would no longer need a wage and price freeze and all the other artificial medicine in the President's prescription for our ailing economy.

Furthermore, the President's authority to again institute such unprecedented economic measures as the American public has been forced to endure of late would be terminated until such time as the withdrawal of American forces has been accomplished. In a similar fashion, his authority to modify existing import duties would be terminated until the purpose of the act had been accomplished. I call for these restrictions upon the President's authority because it is my belief that no matter how well conceived or executed the President's economic policies may be, they cannot succeed until the war is over. Under current conditions these policies will not only prove useless in terms of their effect, but also highly burdensome on an American public which has already been asked to sacrifice too much.

While the measure which I proposed is unquestionably drastic in its ramifications, it would be impossible to consider it more drastic than continuing on the course which daily produces fatalities of American boys and inflicts prolonged economic hardships on the American people. The course which we offer to the American people must not be one which strikes only at the symptoms of the disease as does the present administration's economic programs, but one which strikes directly at the disease itself—which is the Vietnam war.

Mr. Speaker, a transcript of the bill follows:

H.R. 11140

A bill to end the economic crisis in America through a cessation of American military involvement in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prosperity Through Peace Act of 1971."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that—

(1) the war in Indochina has placed a tremendous drain on the Nation's resources which has resulted in highly unstable economic conditions necessitating the imposition of severe economic measures;

(2) a direct effect of the war has been high prices and inflation which constitute an indirect tax on millions of citizens who depend on fixed income;

(3) the military draft has given the President unprecedented power to wage war on his own initiative through the power of conscription;

(4) the war in Indochina has taken a tremendous toll in terms of human suffering, bloodshed, and needless waste, destroying lives of Americans and the lives of Vietnamese civilians and military, as well as the lives and means of livelihood of those Indochinese people in adjoining states that have been subject to bombing and invasion;

(5) no useful purpose can be served by prolonging United States military involvement in the Indochina war, and no economic policy can succeed in returning the Nation to prosperity until the war is over and its costs are ended.

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 101. The Economic Stabilization Act of 1970 (Public Law 91-379; 12 U.S.C. 1904 note) is amended by adding at the end thereof the following new section:

"SEC. 207. The authority conferred on the President by this Act shall not be exercised until such time as the purposes of title II of the Prosperity Through Peace Act of 1971 are accomplished."

SEC. 102. The authority conferred on the President by section 350(a)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1351(a)(1)(B)) and section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)) to modify existing import duties shall not be exercised until the purposes of title II of this Act have been accomplished.

TITLE II—WITHDRAWAL FROM INDOCHINA

SEC. 201. Chapter I of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620. After November 13, 1971, no funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Cambodia, Laos, Vietnam, and Thailand except to bring about the orderly termination of all military operations there and the safe and systematic withdrawal of remaining American armed forces by February 13, 1972."

ESSENTIAL TO WIN THE FIRST OBJECTIVE ON THE REPUBLIC OF CHINA

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

Mr. SIKES. Mr. Speaker, the strong efforts which are in progress to show congressional concern about the threatened expulsion of the Republic of China from the United Nations have received added focus in recent days through the signing of a statement to the President in which 327 Members of the House have stated they are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

Many of these Members have spoken out on the floor of the House for stronger action by the U.S. State Department and by U.S. representatives at the U.N. to uphold the right of the Republic of China to retain its membership in the U.N. and on the Security Council. There are those of us who have insisted that the veto be exercised, if necessary, in order to prevent the handing over of a seat on the Security Council to Communist China in lieu of the Republic of China.

I am one of those who has found fault with the restraint with which our Government has appeared to argue the case for our friend, the Republic of China, in the questions now at stake. I have further stated that I have misgivings about the value of the United Nations as an effective medium in the search for world peace and that I feel it is time for reassessment of our own role in that organization. Particularly is this true of the lopsided, topheavy share of the cost which the United States bears for U.N. operations. I believe there are many Members in the House and Senate who share my feelings on this matter.

In recent days, I have talked with Ambassador Bush and with others who are active participants in the fight to prevent the expulsion of the Republic of China from the U.N. Regardless of reservations which I and others in the Congress may express on the details of the procedures now being followed, let me hasten to express admiration for the strong fight which is being waged by the representatives of the United States in the U.N. on behalf of the Republic of China.

The salient fact at this point in time is there is one primary objective—to prevent the expulsion of the Republic of China from the United Nations. I am convinced that no American team has worked harder to prevail in the course which has been mapped out for them on this issue. It is regrettable that we are now confronted with a situation which assumes the seating of Communist China and in which we, the principal support financially and otherwise of the United Nations, are fighting with our backs to the wall to prevent the unconscionable expulsion of a good friend and ally.

The United States is making a valiant fight for the Republic of China. We must win the first objective. Then there will be time to formulate further objectives. We should all join forces in every conceivable way toward the successful outcome of this conflict, step by step.

I have a letter from David M. Abshire of the State Department in which he spells out the efforts of the Secretary of State, Ambassador Bush, and other representatives. It is an enlightening document and I shall include it in the RECORD at this point. I recommend that it be carefully read by the Members of Congress:

DEPARTMENT OF STATE,
Washington, D.C., October 12, 1971.

Hon. ROBERT L. F. SIKES,
House of Representatives,
Washington, D.C.

DEAR MR. SIKES: Following your conversation with Assistant Secretary Green and myself, I would like to provide additional information on what the Administration has been doing and is doing to prevent the expulsion of the Republic of China from the United Nations.

As you know, we have tabled two resolutions—one which calls upon the General Assembly to decide that action to expel or deprive the Republic of China of representation is an "important question" requiring a two-thirds majority under Article 18 of the Charter, and one which calls for seating the People's Republic of China in the Security Council and the General Assembly while confirming the continued right of representation of the Republic of China. I attach copies of both resolutions. You will note that a number of countries have joined with us in sponsoring them.

All of this is known to you, I am sure. What is perhaps not quite so clear is why we have chosen this method of approach. The facts are these.

A. The Albanian Resolution to seat Peking and expel the Republic of China (and I enclose a copy of that resolution as well)

is a resolution put before the General Assembly, not the Security Council. It will be considered in the General Assembly beginning in about ten days. All 130 members of the General Assembly have one vote. There is no veto in that body.

B. Sentiment in the General Assembly overwhelmingly favors Peking's immediate seating. If we were simply to oppose the Albanian Resolution, and not put in proposals of our own, the Albanian Resolution would pass by a lopsided majority and the Republic of China would be expelled.

C. If we were to attempt to block Peking's seating by asking the Assembly to decide that a two-thirds majority is required to accomplish it, that proposal would fail to obtain a majority. Once again the Republic of China would be ousted. This is our considered view on the basis of our knowledge of the positions of UN member nations supported by the most intensive consultations we have ever conducted on a UN matter, and of the limits within which they can be influenced.

D. We are convinced we have chosen the only strategy that holds out prospects of preventing the ouster of the Republic of China. That strategy involved putting to the Assembly a proposal to seat both, to recommend that the Security Council seat go to the People's Republic of China, and to decide that the Republic of China cannot be ousted except by a two-thirds vote. The Republic of China fully understands this approach, knowing that only the success of our two resolutions can protect its place in the United Nations.

You may ask why there is not some other way by which we could block expulsion of the Republic of China. It has been argued that since expulsion is, according to the Charter, an important question, there should be no need to introduce a resolution to that effect. Unfortunately, many of the 130 UN members, including many of our closest allies, do not view the matter as expulsion of a member, but as one of representation. For them the question is simply whether the Republic of China represents China. In the absence of a specific decision to the contrary they would argue that only a simple majority is required to decide this. Our resolution forces the membership to face up to the expulsion issue, which it would not otherwise do.

The basic fact is that this is essentially a political issue, not a legal one. We are saying to countries that undeniably both the Government of Peking and the Government in Taipei exist; that 14 million people on Taiwan should not be deprived of representation in the UN in order to give representation to the 700 million on the mainland; and that, as a matter of equity as well as realism, both governments ought to be seated. We are putting our full weight behind these propositions.

We have in fact undertaken efforts of unprecedented scope and intensity to prevent the expulsion of the Republic of China. You have seen the speech the Secretary made in the General Assembly. Our Ambassadors have made representations in over 100 countries, usually on several occasions, and at all levels, to seek support. The Secretary has sent personal letters appealing for support to more than 50 foreign ministers, and in New York has sought support directly from over 70. He will see still others there. Ambassador Bush has called on almost every delegation represented at the UN and approaches have been made through the Embassies in Washington as well. You can tell your colleagues without hesitation that we are making a determined, sustained and maximum effort to assure that the Republic of China is not expelled.

The question has been raised whether we could use our veto in the Security Council to block the expulsion resolution. As I have pointed out, the Albanian Resolution is a General Assembly resolution, not a Security Council resolution. If the General Assembly adopts it, the Republic of China representatives would be expelled forthwith from the General Assembly. No appeal would be possible to another body.

The same question would, of course, come up later in the Security Council. The applicability of the veto to a matter such as this has been a matter of serious contention over the years. This is a highly technical question, and we will be glad to discuss it with you in detail. I can assure you that we have made a thorough study of the matter and concluded that, given the present voting priorities of member countries, only the course of action we have chosen—namely to seek a General Assembly decision to maintain the representation of the Republic of China in the Assembly—is likely to prevent the expulsion of that government. Moreover, we have also concluded that the only realistic approach would be for the People's Republic of China to be seated in the Security Council and for both the People's Republic of China and the Republic of China to be seated in the General Assembly.

It is clear that no other course of action stands a chance of preventing the expulsion of the Republic of China.

Finally, you have raised the wording of Article 23 which lists the "Republic of China" as one of the five permanent members of the Security Council and asked whether the Charter would not have to be amended. We have concluded that this is not required. If either our dual representation or the Albanian Resolution passes, the General Assembly will in effect have concluded that because of the factual changes that have taken place since the signing of the Charter, the People's Republic of China has succeeded to the position and rights in the Security Council intended for China under the Charter. This is the overwhelming view of the members of the Organization.

The question of amending the Charter to conform with that fact would probably arise in due course but will have no bearing on the present issue. A recommendation by the Assembly that the People's Republic of China should hold the seat for China in the Council, while technically not binding on the Security Council, would undoubtedly receive support in the Council. The Council is bound to give great weight to political decisions of the General Assembly, the only organ of the United Nations in which all members participate. A large majority of the members of the present Council, reflecting the same political convictions of those in the Assembly, already favors seating the People's Republic of China in the Security Council.

We are, however, hopeful that a majority of the members of the Assembly will share our views as to what is a reasonable and equitable solution of this whole problem—that is of preventing the expulsion of the Republic of China, while seating the People's Republic of China in the Security Council and the General Assembly. Let me repeat the Secretary's unequivocal assurance that we are making and will continue to make every possible effort to defeat the Albanian proposal to expel the Republic of China and to pass our own proposals.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

THE REPRESENTATION OF CHINA IN THE UNITED NATIONS

Australia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States of America and Uruguay: draft resolution

The General Assembly,

Recalling the provisions of the Charter of the United Nations,

Decides that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter.

THE REPRESENTATION OF CHINA IN THE UNITED NATIONS

Australia, Chad, Costa Rica, Dominican Republic, Fiji, Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, New Zealand, Philippines, Swaziland, Thailand, United States of America and Uruguay; draft resolution

The General Assembly,

Noting that since the founding of the United Nations fundamental changes have occurred in China,

Having regard for the existing factual situation,

Noting that the Republic of China has been continuously represented as a Member of the United Nations since 1945,

Believing that the People's Republic of China should be represented in the United Nations,

Recalling that Article 1, paragraph 4, of the Charter of the United Nations establishes the United Nations as a centre for harmonizing the actions of nations,

Believing that an equitable resolution of this problem should be sought in the light of the above-mentioned considerations and without prejudice to the eventual settlement of the conflicting claims involved,

1. *Hereby affirms* the right of representation of the People's Republic of China and recommends that it be seated as one of the five permanent members of the Security Council;

2. *Affirms* the continued right of representation of the Republic of China;

3. *Recommends* that all United Nations bodies and the specialized agencies take into account the provisions of this resolution in deciding the question of Chinese representation.

DRAFT RESOLUTION—RESTORATION OF THE LAWFUL RIGHTS OF THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED NATIONS

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations affiliated to it.

A SALUTE TO COLUMBUS AND OUR ITALIAN-AMERICANS

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

Mr. HANLEY. Mr. Speaker, from every corner of the world they came to this

new land, this America. Since the discovery of the Western Hemisphere almost 500 years ago, countless millions of courageous men and women have come to these shores seeking a new and better life. Today we do honor to one of the greatest discoverers, Christopher Columbus, whose faith and dedication enabled other men of enterprise to search out this new world. Since his time, the spirit of discovery has been an integral part of the American heritage.

Columbus sailed into uncertainty, and prevailed over the doubts of his time. By seeking a new route to the riches of the Orient, he opened up, instead, something far greater than his expectations. He discovered a land rich in resources and endowed with great natural potential. It has been men, such as Columbus, who through determination and fortitude developed the true greatness of America.

Today is a special day to honor not only a man, but a community of men. In homage to Columbus we must salute other Italian-Americans who have given so much to the cultural, scientific, and political development of our Nation. They have been present since the discovery of Columbus; they have aided in the formation as well as in the defense of the principles and goals of this, our great country.

America is a conglomeration of nationalities, each diverse in their traditions, but united in a spirit of determination of will. We must remember the various groups that have given so much to form American ideas, and to pay honor to them not only 1 day, but every day. We are a people of varied races, creeds, and colors; and it is from this that we draw our national identity, our national strength. Let us all join together then in celebrating a man and a country born out of all men.

PERSONAL EXPLANATION

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

Mr. HANLEY. Mr. Speaker, I would like to take this opportunity to correct a statement which I placed in the CONGRESSIONAL RECORD on October 6.

At that time, I expressed regret that, due to pressing business and the assumption that no votes would be taken after 7 p.m., I was unable to vote on the credit union share insurance amendments and the air traffic controllers' bill.

The RECORD showed that I stated that had I been present I would have voted against the air traffic controllers' legislation. This is erroneous. I participated in the drafting of the air traffic controllers' bill in committee and strongly supported its basic concepts. Had I been on the floor, I most certainly would have voted for passage of the measure.

I regret that this misunderstanding occurred and ask that the RECORD show my wholehearted support for an improved career program for air traffic controllers.

DR. BERNARD HENRY AND THE AMERICAN ASSOCIATION OF BLOOD BANKS

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

Mr. HANLEY. Mr. Speaker, often people are caught in emergency situations for which immediate medical care is needed. It is such men as Dr. John Bernard Henry and the American Association of Blood Banks that makes it possible for many of these cases to be successfully handled. Dr. Henry is the president of the association and is also, I am proud to say, a constituent of mine.

Dr. Henry's long affiliation with the American Association of Blood Banks shows a distinguished dedication to the field of health. A graduate of Cornell University, Ithaca, and the University of Rochester Medical School, he has gone on to show guidance and direction as the first dean of health related professions at the Upstate Medical Center, State University of New York, and as president of the AABB. He is truly a remarkable man, inspiring others in the important job of saving lives.

I commend to the attention of my fellow colleagues this well respected humanitarian, and ask that they may come to understand the American Association of Blood Banks better through the following speech.

The speech follows:

JOHN BERNARD HENRY, M.D., PRESIDENTIAL ADDRESS AMERICAN ASSOCIATION OF BLOOD BANKS, ANNUAL MEETING, CHICAGO, ILL., SEPTEMBER 14, 1971

I am pleased to report that during this past year, as President of this Association, it has continued to move ahead in many areas of blood banking. Challenges and problems facing those in blood banking are great, yet not insurmountable. Before dealing with them let me make a few encouraging remarks.

The new membership roster which you will receive as we begin our 25th year will show membership in our Association at an all-time high. There have been increases in every category. Our 1319 institutional members last year transfused a record 5,852,192 units of blood or blood derivatives, probably 78% of the transfusions performed in the United States. This is a great responsibility. We continue to be the largest organization in the world specifically concerned with blood banking and related matters.

More important, our blood banks, laboratories and clearinghouse, and those who cooperate with us, are better organized and equipped than ever before to deliver blood anywhere in the country. This is true of rare as well as ordinary types of blood.

We take great pride in our computerized Rare Donor File at Michael Reese here in Chicago. Available 24 hours a day and kept constantly up-to-date, it has cards on 9,450 rare and super-rare donors and cooperates with similar files in Washington and London. It was augmented recently by 400 more rare donors given to us by Dr. Kenneth Goldsmith of the World Health Organization. These are in England, Sweden, Norway, Switzerland, West Germany, Czechoslovakia, Hungary and the Netherlands. We also have 250 new rare donors in Australia, New Guinea and New Zealand.

Our 27 regional reference laboratories are so efficient and, in many cases, so well stocked with frozen rare bloods that most problems are solved at that level. Those that reach the Rare Donor File are tough and usually urgent. It responds with speed and efficiency. In minutes it found in Minneapolis blood needed in Chicago for Frank Leahy, former Notre Dame football coach. It located in New York a rare type needed by a blood bank technologist undergoing surgery in Marseilles, France. It found in Dayton, Ohio, blood to see the wife of an American soldier through childbirth in Italy.

It performed spectacularly last Thanksgiving weekend for Dr. Douglas Huestis out in Arizona. On Friday evening, a patient with autoimmune hemolytic anemia needed O, RH-positive, pp blood, a very scarce type. Our file found three units at Mt. Sinai here in Chicago and more in Kentucky and Washington, D.C. A call from San Diego in July for the same type of blood used all then available in the United States. If more had been required, it would have been flown from Sweden. If you have rare donors, especially of the little p type, you should make sure they are in the file at Michael Reese.

Two important areas of communicating to the volunteer donors of the United States, initiated and sponsored by the AABB, were the National Blood Donor Month and the Commemorative Stamp, "Giving Blood Saves Lives". Over 400 editorials appeared in newspapers all over these United States during January, 1971; 135 million Commemorative Stamps were printed and quickly sold out. Numerous governors and mayors also proclaimed their state or city "National Blood Donor Month" and there were many local Postmaster Commemorative Stamp Ceremonies.

The Ceremony for the First Day Issuance of the Commemorative Stamp at New York City on March 11th was attended by many dignitaries of the U.S. Postal Service as well as local government and many of the Association's members. The Stamp received excellent press coverage. Our stamp attracted much attention. It was the last six-cent commemorative. As many pointed out, it was appropriate for mailing your income tax. I was amazed at the ingenuity displayed on first day covers. There were a lot besides the one with our AABB insignia. Some were on metal. One was on silk. One created in Washington pictured our distinguished member, Dr. Alexander Wiener. Nearly all newspapers reported the stamp and there were several hundred editorials urging more voluntary donations. Many blood banks had new donors. I want to emphasize to you that both of these events were sponsored and supported by this Association, however, the appeal is to give blood. It is not an appeal to give blood solely to Association member banks but to give blood wherever it may be convenient.

The legislation which has been introduced for January, 1972 will call for a "National *Volunteer* Blood Donor Month". No problem is anticipated in obtaining this legislation and I urge each of you to plan now as to how you will publicize the Presidential Proclamation.

On July 16, with a national telephone strike in effect and reports of shortages in parts of Massachusetts and Missouri, I made a public appeal urging that donors give a unit before vacationing. This was carried by the Associated Press. Happily the threat of a telephone breakdown soon ended and the blood supply improved somewhat.

The blood supply has been helped by additional states enacting laws permitting 18 to 21 year olds to donate without parental consent. Such a measure took effect in Iowa on July 1. With 18 year olds voting everywhere next year, all states should authorize this. More than half have, including California, New York, Indiana, Wisconsin and Illinois. You can help on this.

Illinois on July 1 put in effect a law nullifying the court decision which caused us so much concern last year. This was the extension of the legal doctrine of implied warranty to blood in the Cunningham v. MacNeal Memorial Hospital case. The new law limits liability "to instances of negligence or willful misconduct". Unfortunately, it is only for two years and unless further action is taken, it will expire in 1973. Hawaii passed a similar measure with no such limit.

At the urging of AABB and other organizations, New York this year enacted a law clearly defining the collection, storage and transfusion of blood as a health service and not the sale of a product. Colorado enacted a similar measure in the spring. At least 42 states now protect blood banking in some degree. It is important that the remainder do so. You can help.

Illinois wrote its law in the expectation that the Hepatitis Associated Antigen tests will be so improved in the next two years as to detect all hepatitis. Our members helped develop these tests and they are an important advance. Our Standards and Ad Hoc Committees have studied them carefully, and they are now part of our Standards. But they are only partially effective.

The solution to the problem of hepatitis is the careful and stringent selection of volunteer donors. We need to continue and expand our efforts to obtain all or at least a very high percentage of our blood from volunteers. The American Medical Association in June affirmed its dedication to the principle of voluntary donation as a measure of safety. The National Center for Voluntary Action in Washington is starting a national program in support of voluntarism of all kinds. I think this will help us.

There is evidence that the need for blood, increasing constantly in recent years, is beginning to level off at many institutions. It is levelling off at a higher level of course, so we cannot be complacent. There is evidence that our long campaign of workshops, manuals and films on component therapy is beginning to improve the blood picture importantly at many hospitals.

There is also evidence that where a real effort is made, the cooperation of sometimes feuding organizations can be secured, where the help of local leaders can be enlisted, hospitals and community banks can eliminate or greatly reduce the need for buying blood. The annual report of Memorial Sloan Kettering shows only 3.171 units of whole blood or red cells purchased in 1970 as compared with 4,242 the previous year.

The , 400 bed New Rochelle Hospital Medical Center, one of our members in Westchester County outside of New York City, bought 65 percent of its blood in 1968. Some dedicated women volunteers then took over, added a bloodmobile and, working with all kinds of groups, changed this to 100 percent volunteer blood in two years. One of the volunteers was the wife of an executive of Tropicana Products. This public-spirited company filmed the whole operation in color. This film will be shown on the Administrative Program tomorrow. It has made 100 prints available for anybody who wants to do likewise. You can borrow one either from the hospital or our Central Office.

The total units transfused by our institutional members last year was in increase of 303,385 units over the total for 1,276 institutions a year earlier. This compares with an increase of 540,637 units between 1968 and 1969. In both cases figures from new members swelled the totals. Last year there was a small decrease in traffic accidents for the first time in 10 years. Deaths dropped two percent to 55,300 and injuries were down half of one percent to 4,983,000. The hospital occupancy rate dropped to 78 percent from 78.8 percent a year earlier and the average hospital stay dropped from 8.3 to 8.2 days. However, the Fourth of July casualties of course indicate the figure for 1971 may be less favorable.

I can vouch personally for the increasing use of blood components. At the Upstate Medical Center in Syracuse, 69.5 percent of the units transfused are now components. The Massachusetts General Hospital, which uses 50,000 units a year and has probably the biggest hospital blood bank in the world, uses whole blood for a third of its transfusions, red cells (including some frozen) for another third, and other components for the remaining third. The New York Blood Center, Memorial Sloan Kettering and other institutions publishing figures all report more use of components.

As a consequence of this trend and closer inventory control, the outdating of blood has been greatly reduced. It is zero in places where all units approaching outdating are converted to components. At the Massachusetts General Hospital outdating has been cut from 6 to less than one percent. At most of the banks I know it is around 3 percent. Outdatings of 10 to 15 percent, common as recently as five years ago, are now rare.

Anybody citing higher percentages is using or misusing outdated figures for outdating. This is one of the deficiencies of the recent book by Professor Richard M. Titmuss of London. The American Medical Association never intended that the difference between its 1967 figures for blood collected and blood transfused should be interpreted as blood wasted. But Professor Titmuss and many others continue to do this. I cannot follow Professor Titmuss in the distinction he makes between an American donating under a family assurance plan and an Englishman giving blood to his National Health Service. I don't believe the American should be criticized or the Englishman given a halo for doing the noble, the needed and the necessary. This book mentions many AABB people and footnotes a lot of papers at meetings like this but presents a very distorted picture despite its eloquence in behalf of "The Gift Relationship", which is the title of the book.

A little investigation proves much of the criticism of blood banking exaggerated or baseless. In Boston, there was talk recently of a lot of unnecessary one-unit transfusions. It turned out the transfusions were for babies, some before birth, who can't use more than a unit. A chapter from a book printed in a magazine last year charged a young mother died because a hospital did not have blood of her type. While AABB was not involved, we tried to investigate but neither the author nor the publisher would give us the details.

In all of my experience, I have never known of any patient dying from lack of blood in a hospital. Doctors and nurses will give it if necessary. Exactly this happened in Primary Children's Hospital in Salt Lake City and also at St. Petersburg General Hospital in Florida, a few months ago. The type needed was announced over the loudspeaker system and everybody came running. This has happened in our University Hospital on several occasions in recent years.

Outside the hospital, it happens only too frequently. If we could improve our ambulance service, perhaps use helicopters as in Viet Nam, we would save at least 12,000 lives a year. If there isn't an actual conflict of interest involved, I can think of nothing more depressing for a seriously injured person than to be picked up by a vehicle from a funeral home. Yet these provide half the nation's ambulance service.

What do we need to do to make voluntary donation work? We need to keep people reminded all year of the need, not just during National Blood Donor Month. We need to enlist large groups and make it easy for them to donate. We need to spread donations through the year.

Another event which indicates the growth in stature of the AABB is the recent recognition given to the Association by the National Research Council—National Academy of Science. It has named the AABB as a cooperating agency of the National Academy of Science, Division of Medical Sciences. Dr. Herbert Perkins has been appointed to a three year term to their Council as the AABB representative.

An item of concern was the Tax Reform Act of 1969 and its repercussions in regard to community blood banks and their possible status as a "private foundation".

To protect the membership and to assure that the Internal Revenue Service would have a detailed and knowledgeable explanation of the manner in which voluntary blood banking is conducted by most AABB members, the Board directed the AABB attorneys to seek a ruling from the I.R.S. on the "source of support" question. We are grateful to the Minneapolis War Memorial Blood Bank which agreed to serve as the subject of this request. The ruling of the I.R.S. was favorable. It was the first ruling on this issue and is one of general application.

A great concern of many of our members has been the problem of obtaining professional liability insurance coverage at a reasonable cost. The Board has and will continue to give considerable thought to this problem and I am sure many of you this morning attended the excellent panel discussion on this subject.

I am pleased to report that in addition to the increase in institutional and individual membership, the number of inspected and accredited institutions has increased by 5% since last year. We are in the process of discussing with the State of California the acceptance of the AABB Inspection Program for their State inspection requirement. Inspector workshops based on the new Standards and Inspection Report Form have been completed in each of the five AABB Districts.

Additional Component Therapy Workshops were conducted this year and that grant has now expired. A modified version of the audiovisual physician lecture has been completed and will soon be available for distribution. This is a 23 minute lecture on components suitable for presentation at medical staff meetings.

Dr. Richard Rosenfield has resigned as Editor-in-Chief of "Transfusion", a position he has held for the past five years. He has contributed in a superior manner and we all owe him a debt of gratitude for his voluntary work and time expended in raising the stature and recognition of this Journal.

We are most pleased that the man recommended by Dr. Rosenfield and by the AABB Search Committee, Dr. Robert D. Langdell of the University of North Carolina, has accepted the responsibilities as Editor-in-Chief of "Transfusion" I urge your close support of Dr. Langdell just as you have supported Drs. Rosenfield and Greenwalt in the past.

We must consider what effect the various National Health Insurance proposals will have on voluntary blood donations. Our analysis of the bills indicates that with few exceptions the majority of the proposals do not provide for blood deductibles. As a matter of fact, the proposed legislation that do provide for a blood deductible in some instances do not equate with the Medicare blood deductibles as we know them today.

If the United States Congress passes National Health Insurance legislation that will pay for all blood and blood components, it will eliminate a volunteer blood donor incentive of providing blood coverage for the individual and his family. There can be no question but that it will result in a greater use of the paid and/or commercial source of blood.

All of us must join together to assure that any National Health Insurance legislation passed must provide for blood deductions. The AABB has notified the responsible committees in both the House and the Senate that it desires to testify at hearings on National Health Insurance legislation in opposition to the payment for blood.

A new concept being sponsored by the Administration is the Health Maintenance Organization (H.M.O.). Under this concept a range of benefit packages with different coverages may be expected. Civilian groups, physicians, hospitals, or insurance companies may start an H.M.O. These benefit packages could include the cost of blood replacement. I suggest that each of you give your attention to the benefit packages that may be proposed in the formation of H.M.O.'s in your communities. Every effort should be made to exclude the payment for blood as a benefit.

In this session of Congress, a bill was introduced in the Senate to delete the three unit blood deductible under Medicare. Correspondence from the Senate Committee on Finance to which this bill was referred indicates this bill will die in Committee. They realize that elimination of the blood deductible would lead to difficulty in securing vitally needed blood replacements and they are concerned that commercially obtained blood may be contaminated with hepatitis.

A number of bills have been introduced in the House of Representatives to provide a charitable contribution income tax deduction for blood donations. The AABB Board of Directors oppose such legislation. It is their position that a dollar value should not be placed on human living tissue. To eliminate every possible donor who may have had a hepatitis medical history, the donor should not be offered any type of incentive, however small, which may cause donors to misrepresent their medical histories. Placing a dollar value on blood will set a precedent for placing a dollar value on heart, kidney, lungs, eyes, etc.

Various local and state legislation has been proposed and in one case enacted to abolish commercial sources of blood. Will this type of legislation accomplish the objective of providing to the patient a safe unit of blood, of proper type, and in the proper quantity at the place and time required? I don't believe it will. Our challenge is one of communication. We must educate the American public to the need for the volunteer blood donor. We must solicit and get the communication media involved in carrying the volunteer donor message to the American public. We must clarify to the American public the image of the nonprofit community and hospital blood bank. We must clarify to the public what blood charges represent.

How best can we convey our messages to the American public? The American Association of Blood Banks was organized as the means of unifying the efforts of all those concerned with the functions of blood banking and transfusion therapy. The Association needs your support and in my judgment, you need the Association. If each blood bank is to live in its own little world, it will only fragment blood banking. With the unified and cohesive of all concerned it will provide to the Association what might be termed "muscle" and all will agree that numbers representing a common cause also represents strength. An association can only support its membership to the extent that it receives support from its membership.

In my judgment paid donors including commercial sources of blood should be eliminated. To accomplish this most difficult objective will require a lot more hard work and effort in obtaining additional volunteer donors as well as your increased participation and willingness to loan and borrow blood. As your service of providing blood and components to the hospital increases, there will be a corresponding decrease in the demand for commercial blood. Each of us must consider the courses of action that will be required to reduce the number of paid donors and aggressively pursue those required actions to accomplish the objective of more voluntary donations.

A number of questions have been raised relative to the varying charges associated with blood. Some types of patients who typically require large amounts of blood or blood components are raising the question whether the fees are reasonable and just. The AABB has just completed a survey on this subject which will be published.

Another potential problem area is the proposal that an agency be established at the national level and charged with the responsibility for all the functions necessary to the effective utilization of blood as a national resource. The Association has reason to believe that certain individuals in Congress are considering introduction of legislation to establish such an agency.

It is our considered opinion that a super agency will only create additional problems. The regulations of a super agency must be general in nature and minimal to permit a small organization in a remote area to meet the same minimal requirements of the very large organization. This would only decrease the quality of blood and components being provided.

There are two major organizations in the United States representing blood banking—the American National Red Cross which provides the services from recruiting to distribution of blood, and the American Association of Blood Banks which provides the services from recruiting to the transfusion of blood. No one denies that there has not been friendly competition between these organizations, and if there were not, I would be concerned for someone would not be taking pride in their work. However, competition made our nation great and provided services and reasonable costs that we otherwise might not have had. We do not believe that monolithic structure would be as efficient or provide the services that are presently available in blood banking.

Congressional legislation has been introduced to establish a registration system with respect to donors of blood. The legislation proposes that the Secretary—Health, Education and Welfare, establish this system and prospective donors of blood would be required to be examined by a physician to determine that the donor did not have a history of previous diseases or personal habits which might predispose the donor to be a carrier of the hepatitis agent. This type of legislation will only increase the cost of providing blood. It provides no greater assurance that the potential donor is not a hepatitis carrier than exists under our present procedures. It will also reduce the number of donors who may not desire to or cannot afford to spend a greater amount of time in donating their blood.

This is a good example of how the AABB can be of service to you. Much of this type of legislation stems from an individual's idea and with every good intention it is passed onto a legislator for introduction. I strongly recommend that as you develop these ideas which you believe will help blood banking and should become a law that you first ask for a review of the idea by the Association. I can assure you that your proposal will be reviewed. You may not concur in the answer or alternatives suggested but the AABB answer would not preclude you from initiating legislative action and it may give you a different insight on the problem.

A number of articles and reports have been written this past year regarding blood bank functions and the need for more voluntary donors. Representatives of the Center for the Study of Responsive Law commonly referred to as Nader's Raiders, have been studying blood banking this summer. "Changing Times", a Kiplinger publication, will also contain an article on blood banking in the near future. The issues to be raised in their reports are not known. However, if they are derogatory you may expect further newspaper articles and Congressional interest.

There are also considerations facing you in blood banking in the scientific area. The alleged leaching of plasticizers from the plastic tubing and from plastic bags caused by blood, and the effect of these plasticizers on human organs must be considered. The National Research Council—National Academy of Science is now reviewing the published material on the problem. They understand the impact of any actions that may cause withdrawal of plastic blood bags and I am most optimistic that they will not recommend any precipitous action without full and complete data that will provide without question the dangers of plasticizers to man.

All of you are, or should be, accomplishing a Hepatitis Associated Antigen Test. Research has strongly suggested the existence of subtypes of HAA which may have to be taken into account when evaluating test results. The development of more sensitive, practical, and reproducable tests is under study and it can be expected within a few years that other tests, some involving new principles, will be introduced. As these tests change, the AABB will keep you advised. However, I strongly recommend that you not wait for someone to tell you to use a particular test but change your blood bank testing procedures to keep pace with the changing technology.

There has been considerable discussion regarding the need for a national registry to identify those individuals whose blood has been found to be Hepatitis Associated Antigen positive. There are a number of problems associated with such a registry, such as the legal problem of invasion of privacy; do you register every positive reaction or only those that are confirmed positive; what do you do with the information once collected, etc. The AABB has recommended that the Center for Disease Control (CDC) investigate the need, and if feasible, establish a National Hepatitis Registry. CDC is studying and planning for the registry and AABB has representatives appointed to their study group.

The AABB's Ad Hoc Committee on HAA Testing has made a number of recommendations which are of such importance that I urge each of you to implement and follow these recommendations carefully.

I especially want to call your attention to one of these recommendations regarding the transfusing of blood prior to completion of the HAA test. This should only be done in an emergency and with the knowledge of the attending physician. A complete record must be maintained as to the urgency of the situation and the statement of the attending physician accepting responsibility for omission of the test.

There are also a number of recommendations regarding safety precautions in HAA testing that are most important.

For a long period we have spoken of the role of blood banks in the transplantation function. These include compatibility tests, tissue typing or histocompatibility testing and matching that some blood banks can become involved in now. Personnel require training but this function must be initiated or be lost through forfeiture. Blood banking must move with the field for there is a vast untapped area between transfusion and transplantation.

There is a recognized need for graduate training of blood bank medical directors and continuing education as reported in the August issue of the Journal of the American Medical Association by our distinguished Scientific Advisory Committee (Survey of Blood Bank Physicians and Medical Directors, JAMA, Aug. 23, 1971, Vol. 217, No. 8).

Innovations and knowledge change constantly and there must be a system of transmitting information about proper blood use to all physicians and surgeons rapidly. The blood bank physician must act as a consultant for clinical problems, an educator to the health team, and participate in research. The Scientific Advisory Committee has initiated a project to recommend a curriculum for the training of physicians to become blood bank directors. It will also establish training objectives for each recommended course of instruction.

The need for the specialized training and functions of the blood bank physician is receiving recognition. The American Board of Pathology is proceeding to evolve subspecialty certification in blood banking.

Finally, I recommend that all of our members give to their blood bank responsibilities more of their time and support. Self examination and evaluation as well as innovation, experimentation, and a commitment are necessary. We must recognize there is a great deal we can do. We should not allow frustrations for lack of simple solutions to keep us from realizing how much has been done and how much can be done to solve difficult problems provided that talented people are willing to work hard at it. We can no longer afford the luxury of inattention or inaction. There is no easy way out. If we don't plan our future, somebody else is likely to plan it for us.

May I suggest that on return to your organization you ask yourself the questions, "Why do we do this?" or "Why do we do it this way?" The answer may be because we have always done it this way. This may be a good answer on occasion but there are times when a practice developed in the past and carried on by tradition flies in the face of common sense. Tradition must be challenged in the light of changing times and made to justify itself.

In closing let me say that over this past year as your President, I have been amazed as to the number of diversified problems that arise on a day to day basis. I must add that one of the great attributes of the AABB is the dedicated voluntary support provided by its membership. The ability, know-how, and willingness of our membership in contributing to the AABB objective to improving blood bank practices cannot be overemphasized.

During my tenure I often relied on the AABB Committee membership for advice, guidance, and programs. In addition, the Board of Directors and the Executive Committee provided a real foundation and the keen ability to weigh the various problems and keep the organization moving ahead to meet its challenging objectives. To all of these people and Miss Lois James and our entire Central Office staff as well as Col. Ben Peake, Dave Willett and Tom Mahoney, I wish to express my sincere and grateful thanks for their help and dedication.

It has meant a great deal to me to serve as your President. Thank you.

THE PROBLEM OF HOUSEHOLD DETERGENTS—PHOSPATES—YES OR NO

Mr. PODELL. Mr. Speaker, I am today introducing two bills dealing with the detrimental effects of both phosphate and nonphosphate household detergent products. Phosphate-bearing detergents, on the one hand, cause pollution of our Nation's rivers and streams, while nonphosphate detergents, on the other hand, present a hazard to the public safety.

The first bill would direct the Secretary of Health, Education, and Welfare to conduct a special study of household detergents and to establish labeling requirements for those detergent products found to be hazardous. My second bill would authorize the appropriation of $25 million for assisting local communities in modernizing their sewage disposal plants through which pollutant household detergents flow into our Nation's lakes and waterways.

During the last month, housewives have been subjected to confusing and perplexing statements from Government officials concerning the use of detergent products. Originally, the Government encouraged housewives to switch from phosphate to nonphosphate products, after discovering that phosphates pose a serious threat to our environment. This threat derives from the fact that most sewage treatment facilities in use today do not filter out phosphates. The result is that phosphates are carried from household drains to nearby lakes and rivers, contributing to water pollution and destroying plant and animal life in these waters.

To reduce the seepage of phosphates into lakes and rivers, housewives, following the Government's advice, turned to using nonphosphate detergents. It soon became apparent, however, that nonphosphates created an even more dangerous problem than the one posed by pollution. This springs from the fact that the caustic sodas contained in nonphosphate detergents used by American housewives were shown to be harmful to the eyes, nose, and throat. Moreover, these soda-bearing nonphosphate detergents constitute an acute health hazard if swallowed.

Last month, due to this finding, the U.S. Public Health Service altered its stance again, advising consumers to return to phosphates despite overwhelming evidence that such detergents foul rivers and streams. In issuing this new advice, the Nixon administration is tampering carelessly with the already fragile ecology of our polluted rivers and streams.

The Federal Hazardous Substances Act adopted in 1960 already provides the Secretary of Health, Education, and Welfare with the authority to investigate whether household detergents are hazardous substances and to provide for the public safety by establishing labeling requirements for potentially dangerous products.

Although the Secretary clearly has the legislative mandate of Congress to require prominent labeling of any product available to the public that presents a potential hazard to human health, he has so far taken no action under this authority to determine the potential damage from detergent products or to require the display of warnings on such products.

The legislation which I am proposing embodies the type of response which I believe the Government should have made to the phosphate problem. It is a reasonable and effective approach that would create a classification and labeling policy for phosphate products that pose a potential threat to the health and welfare of all Americans. In addition, it would provide financial assistance to our State and local governments for constructing needed improvements in their sewage disposal machinery.

My legislation would contribute to the purification of the Nation's already infested rivers and streams and would protect the public from the peril reposing in nonphosphate detergents.

I hope that my colleagues in Congress will look with favor on both of these important measures. Enactment of the two bills I have introduced would clear the air of the widespread confusion now prevailing as a result of the Government's recent flip-flop on the detergent question. It would help to protect America from the administration's mistake on this issue, which amounts to fateful engulfment in the whirlpool of Charybdis through an attempt to escape the rocky shoals of Scylla.

FAILURE OF FORCED BUSING OF STUDENTS IN NORFOLK

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

Mr. WHITEHURST. Mr. Speaker, anyone who believes that the forced busing of students to achieve racial balance is desirable should read the statement made by Mr. Vincent J. Thomas, the chairman of the Norfolk City School Board.

The city of Norfolk has been forced into the massive busing of children in grades 1 through 12. The pattern of failures which has occurred elsewhere is now repeating itself in the city of Norfolk. There has been an aggregate loss of 7,000 students over the past 15 months.

I hope that my colleagues in the Congress will take the time to read Mr. Thomas' statement. Those who are now suffering the impact of massive forced busing will find the conditions all too familiar. Those who have not yet been faced by it would be better advised to read these words. For like the plagues of old, no one is immune from the consequences.

There is only one final solution to the heartrending tragedy which has been worked upon us by the Federal courts, and that is to sign the discharge petition offered by Mr. Steed on behalf of Mr. KEMP's resolution providing for a constitutional amendment which will restore the neighborhood school to the children of America. I include Mr. Thomas' statement in the RECORD:

TEXT OF THOMAS' PROPOSAL ON NORFOLK SCHOOL SITUATION

The Supreme Court of the United States has decreed in a number of school cases that school boards of formerly de jure segregated school systems have the affirmative duty to come forward with plans of integration which "promise realistically to work, and to work now." The Supreme Court did not specifically define what it meant by the "realistic workability" of a plan of integration, but reasonable men must assume that any workable plan should meet the following minimum conditions:

1. It must be constitutionally acceptable.
2. It must be educationally sound.
3. It must be within the power and capacity of the School Board realistically to implement the plan, to achieve and maintain the degree of integration set forth in the plan, and to stabilize the school system.

If these three conditions cannot be met, it then becomes impossible to achieve the rec-

ognized benefits of integrated education and will inevitably lead, as it has in other urban areas, to the frustration of the basic constitutional purpose of the 1954 decision; that of security for every child an equal educational opportunity. Integration temporarily achieved by the mere mixing of bodies, and then lost through resegregation, is not the solution to our problem. This ruinous process is already under way in Norfolk.

The Norfolk School Board, in 1969, presented to the Court a plan which, with some modifications, would generally meet the above tests and secure the maximum amount of integration which the School Board could reasonably be expected to achieve, and more important, to maintain. The plaintiffs, however, through the NAACP Legal Defense Fund an the Justice Department, presented other plans and other philosophies, exemplified by the C Series of the plan proposed by an NAACP expert, Dr. Michael Stolee, and this latter plan was accepted by the Appellate Court, while that of the School Board was rejected. Following the long awaited Supreme Court decision in the Charlotte-Mechlenburg case, known as Swann, the Fourth Circuit Court of Appeals remanded the Norfolk case to the District Court with the following advice:

"The Norfolk plan may be based on a revision of the Stolee C plan with necessary modifications and refinements, or the board may adopt some other plan of its choice that will meet the requirements of Swann and Davis."

Translated into plain language, this said that Norfolk must implement "Stolee C" or some other plan which would result in the same amount of racial mixture.

With great reluctance and with sincere reservations about its workability, the School Board offered a plan of pupil assignment based on Dr. Stolee's Series C, in effect balancing the races throughout all of the City's schools with attendant massive busing, as required by the Court.

Although the Norfolk schools have been open only a short time, it is already painfully apparent that this plan, which never really held a promise "realistically to work," is in actuality, not working. And in my considered judgment, it is not within the power of the School Board nor the Administration to make this plan work satisfactorily and be acceptable to the majority of our citizens over the long run.

This contention of non-workability is supported by the following facts:

1. Since the end of the school term June, 1970, the Norfolk system has suffered the tragic loss of some 7,000 white children, who, because of the unacceptability of these educational arrangements to the children and their parents, have either withdrawn from, or not entered, the Norfolk school system. This represents the incredible loss of over 20 per cent of our white students in only 15 months. This result is absolutely unacceptable to the Norfolk School Board.

While a small number of these parents may be die-hard segregationists, I submit that the majority of them are conscientious and sincere, and are genuinely concerned for the welfare of their children and for their children's rights as they may perceive them. These are good citizens who, by and large, have faithfully supported public education in Norfolk and who have provided the resources to nourish it. They have also accepted integration as right and just.

Many of these people cannot afford private education, nor do they really want private education. Many of these people cannot afford the transportation expenses imposed upon them. Many of these families cannot accommodate the family disruption caused by the extreme staggering of school openings and closings. Many of these people will not endure a situation which they feel sincerely tramples their own individual rights and prerogatives.

If our school system and our City are to survive over the long run, we must re-create a set of educational conditions which can be reasonably justified to our citizens as deserving of their support. This means no less than a stable, integrated school system delivering an equal educational opportunity of highest quality to every child.

2. There is at present under way in Norfolk, and in other similarly affected communities through the country, a massive and frantic search for alternatives to public education. "Instant" schools are springing up everywhere, most of which will never be able to provide the quality of education that is provided in our public schools. Established private schools are being deluged with applications. Parochial schools are noticing a sudden upsurge in the number of parents desiring a religious education background for their children. Parents are making arrangements to move from the city or locate their children with relatives in other communities not subjected to the traumas of massive busing. Middle class families moving to this area are avoiding Norfolk in favor of neighboring jurisdictions because of the unstable school situation.

As a practical matter, this search for alternatives to public education will continue to be pursued as long as extreme conditions, such as those now present in Norfolk, continue to be imposed upon our citizens against their will and their better judgment. This gradual abandonment of urban public education by the middle class can only lead to a gradual deterioration of our public educational system, as it has in communities such as Washington, D.C.

3. As argued by the School Board in Court, the transportation system is simply inadequate to carry the burden imposed upon it. Even with the loss this year of some 4,500 students, our busing arrangements are still a shambles. Every day there are children who do not get to school because of transportation inadequacies. Every day there are children who do not get to school because their families cannot pay the bus fare. Every day there are complaints about bus overcrowding. Every day there are concerns expressed by parents for the safety of their children. We have daily requests from parents, black and white, to transfer their children back to their neighborhood schools because they cannot afford transportation costs or for other, to them, equally valid reasons.

4. In order to make optimum use of the inadequate transportation facilities available to us, it has been necessary to stagger school openings from 7:45 a.m. to 9:40 a.m. and closings from 2:00 p.m. to 3:55 p.m. This has caused a great deal of disruption both within the families of our children and within the educational program itself. It is difficult to find any family which has not suffered some measure of disruption and inconvenience from this "bizarre" plan. It is also difficult to find a teacher or principal whose educational program has not been appreciably disrupted.

5. The exposure of our children to possible physical danger has been greatly increased. It is axiomatic that the more children requiring transportation to school, the more chance of travel-related injuries and problems. Furthermore, in order to comply with the orders of the Court, it has been necessary for us to put young children on the second floor of some of our older buildings, thus increasing to some degree their exposure to fire danger. Parents, whose children must be transported far from home to school, are concerned about their availability to their children in case of illness or accident. Many also fear for the safety of their small children in strange neighborhoods and this applies to both black and white parents. Many worry about the adaptability of their small children to strange and unfamiliar surroundings.

6. While we parents are naturally concerned about all of our children, most of our concern in this situation is concentrated on our younger children. To me, it is extremely doubtful that we can ever create a set of conditions in our public school system in which mothers would readily and voluntarily accept the transportation of their small children out of their immediate neighborhoods and long distances to strange neighborhoods. This feeling on the part of parents is no respecter of race.

Given proper resources, the School Board would have it in its power to minimize the actual inconveniences resulting from an inadequate transportation system and remedy most transportation problems, lessen school staggerings, and improve safety measures. However, as a practical, political fact of life, it does not appear that these resources will be forthcoming until the School Board can convince the fiscal authorities that the allocations of such resources will result in a stable school system capable of attracting and holding the middle class. Our City, State and National Governments to date have all turned aside our requests for transportation assistance.

While the School Board was completely unsuccessful in convincing the Courts that the above unacceptable results would be obtained from the implementation of a plan such as that recommended by Dr. Stolee, the NAACP and the Justice Department, the Courts must now recognize the stark fact that these counterproductive results have indeed come to pass. They must also see that the constitutional ends desired by the Courts are, as a practical matter, being thwarted through the withdrawal of white children from the system. Since these same results are being obtained in many other school systems, adjustments will have to be made by the Courts. It makes no sense for us to commit educational suicide.

Already there is some indication that the lower courts are recognizing the detrimental results of merely mixing bodies through disruptive busing plans. Listen to the comments of Federal District Judge S. Hugh Dillin in his recent decision in the Indianapolis school case:

"Something more than routine, computerized approach to the problem of desegregation is required of this court, lest the tipping point be reached and passed beyond reprieve. . . . Put another way, the easy way out for this court and for the (Indianapolis) board would be to order a massive 'fruit basket' scrambling of students within the school city during the coming year, to achieve exact racial balancing, and then to go on to other things. The power to do so is undoubted. There is just one thing wrong with this simplistic solution. In the long haul, it won't work."

It is the duty of the School Board to look to the future of our educational system. Under the present conditions, this future is very uncertain, and no one of us can predict just when and how our school system will be stabilized. If the withdrawal of 7,000 children is permanent, we will certainly have to adjust our pupil assignments drastically. This could lead in the future to the closing of a number of our older elementary school plants, a reduction in teaching staff, and a curtailment of the educational program. Available statistics show that approximately 1,000 fewer children entered our school system this year than could have been reasonably expected to enroll at the first grade level. With this trend accelerated in the future, how many families with children, moving into this area, will choose Norfolk for their homes? If our school system cannot present a more attractive picture to newcomers, how much will we suffer by attrition? How quickly will we lose the biracial integrity of our community?

Under the current conditions, I doubt that many of those white, middle class individuals—college professors, columnists, com-

mentators, civil rights advocates, civil rights attorneys, employees of HEW, judges—who have done the most to bring about the situation in which Norfolk now finds itself would voluntarily subject their own children to what our children are being subjected. Certainly racial identity of the Washington, D.C., school system indicates that many of our government liberals do not practice what they preach.

- PROPOSED PLAN OF SCHOOL INTEGRATION FOR NORFOLK

For the consideration of the citizens of Norfolk and others, I wish to submit a plan for the integration of the Norfolk School System which I believe will meet the requirements for a unitary school system, whose components can be justified both to the Courts and to our parents, and which can ultimately command the broad support of the majority of our citizens, both black and white. It is hoped that this plan will be studied by the leadership of all interests in our City and that black and white leaders will react to it publicly. I am unalterably convinced that the final solution to the problems of successfully integrating our school system must be forged by us and not by the Courts. The Courts are simply not equipped to fashion a single solution which will fit every community. The solution I offer is designed for Norfolk alone.

The following are the elements of a unitary school system for Norfolk:

1. Immediate and absolute compliance with the "Negative Mandate" of the United States Supreme Court in its historical 1954 decision. This Mandate requires an absolute and immediate end to all invidious discrimination based on race. If there are lingering vestiges, either intentional or unintentional, of invidious racial discrimination in our school system, we want it removed forthwith, and in my opinion, have already largely done so.

2. Aggressive, good faith compliance with the "Positive Mandate" of the Supreme Court which puts an affirmative duty on the School Board to eliminate, to the extent that it can reasonably and practically do so, all effects of past, state-imposed segregation. This is where the current legal argument lies. Are there any practical limitations on what a School Board must and can do to comply with this affirmative "Mandate"? For instance, it is widely recognized that in cities like New York it is an absolute physical impossibility to obtain racial mixture in every school. Are there not similar or other valid limitations on Norfolk's ability to achieve and maintain a racially balanced school system? The results of our current desegregation plan plainly indicate that there are.

Some affirmative actions completely under the control of the School Board are faculty and staff integration, integration of all sports and extracurricular activities, school zoning to maximize integrationg, location of additions and new schools to facilitate integration, use of multiracial educational materials, etc. The aforementioned devices have been, and are being, used in our system to maximize integration. The School Board and the Administration should, through continuing leadership, create within the school system a spirit in which every decision is examined in the light of its racial implications, and where possible, made in such a manner as to foster true and lasting integration of the system.

3. As soon as possible we should alter the grade organization throughout the system from a 4-3-2-2 organization to a K-4-4-4 organization as follows:

Elementary schools—grades Kindergarten through 4.

Middle schools—grades 5 through 8.

High schools—grades 9 through 12.

Under this new organization it is suggested that there be approximate racial balance in all high and middle schools to be accomplished through busing, where necessary. While there are many valid reasons for not busing younger children, these same reasons do not apply to the same degree to older children. Even before integration, all of our junior and senior high schools required at least some bus transportation. In view of the command of the Courts to obtain maximum amount of integration, using busing if required, I feel that no argument against full integration at the middle and high school levels would find any acceptance in the Courts.

However, this plan for Norfolk envisions that elementary schools serve single attendance zones, gerrymandered where possible to achieve the maximum amount of desirable integration. Since only grades K through 4 would be served by these schools, they would have to draw from larger attendance areas than previously, thus facilitating a greater degree of integration. A further advantage would be to make room in these schools for kindergarten without the necessity of extensive building additions. The additional children, resulting from the addition of kindergartens, would be accommodated at the middle and high school levels through building additions and/or drawn so as to minimize the number of one race elementary schools, although of necessity there would be some remaining under this plan.

This plan would deliver 13 years of stable, integrated education to approximately 75 per cent of our children and 8 years of integrated education to the remaining 25 per cent. Viewed another way, 100 per cent of our children would have at least 8 years of integration and only 25 per cent would have less than a full 13 years. To my knowledge, there is no core city in the country that even comes close to matching these percentages.

4. In order to give any children left in uniracial schools the real choice of an integrated education, there would be an aggressively administered, majority-to-minority transfer plan. This would satisfy the requirements of the Courts that no child be denied the right to attend any school because of race. For those requesting transfer, transportation would be provided at public expense. Parents would be fully informed of this right to transfer and provided counseling if desired.

5. In order to remove many of the irritations surrounding the use of buses for purposes of integration, the school system should have control of school transportation arrangements, and transportation should be free to all. This could be accomplished either through the school system owning and operating its own buses or through some joint, satisfactory arrangement with the Virginia Transit Company. Complete School Board control of school transportation would make possible the following:

a. Elimination of irritations and disruptions brought about by inadequate number of buses, time staggerings, cost of transportation, and lack of late transportation to serve those engaging in extracurricular activities.

b. Reduce opposition to long-distance busing at the middle school level.

c. Make possible the implementation of innovative, interracial programs for elementary students remaining in racially isolated schools.

d. Provide transportation where necessary for flexible educational programming, maximum use of facilities, field trips, better use of community resources, etc.

e. Provide free transportation for those exercising majority-to-minority transfer rights.

f. Better control of discipline on buses.

6. In order to secure the future stability of our system and of our city, this plan should be accompanied by a progressive and honest open housing policy supported by our political, civic, and business leadership. Every citizen should feel that he is free to locate in any neighborhood which is desirable to him and his family and which he can afford.

7. There should be a high-level Biracial Commission, preferably appointed by, and responsible to, the Court, which Commission would oversee the implementation of the plan and give regular reports both to the Court and to the public. This Commission could include an equal number of whites and blacks. I would further suggest the appointment of at least one additional black to the School Board.

In my opinion, it is absolutely essential that the responsibility for the integration of our school system be returned to local hands. The broad principles of the law have already been established. It is now only left for us to implement them in a reasonable and faithful manner to the extent of our ability to do so.

Now that this plan has been set forth, let me anticipate some of the major objections which will be raised to it:

1. The greatest objection, certainly the greatest legal objection, will be to the fact that some few elementary schools will remain all black and racially isolated. Testimony by experts has shown in our case that the effects of racial isolation are cumulative and that integration is most desirable in the early years of school. I answer this objection by saying that there will be a number of conditions present in these schools which are not present in the classical, racially isolated school. Our school plants in the inner city range from adequate to excellent. Our faculties are completely integrated, and our better teachers and administrators are spread throughout the city. Funds from the Federal Government for education of disadvantaged children will be concentrated primarily in the isolated schools where the greatest need is. Our own transportation system would allow these children to participate in integrated, inter-racial educational programs by moving them about the city. They would also have the right to transfer out if desired, with transportation furnished.

Finally, in my opinion, this compromise between the detrimental effects of racial isolation and the detrimental effects and results of breaking up completely our neighborhood schools, especially where young children are concerned, is a compromise which must be made if our school system is not to be eventually destroyed. In practice, we will simply have to do everything possible to neutralize the effects of this isolation for those who do not elect voluntarily to transfer out.

2. The second big objection will come from the parents of middle school youngsters who must be bused relatively long distances across town. Since having our own transportation system will allow us to eliminate extreme staggering, to provide late buses for extracurricular activities, and to eliminate cost to parents, I believe that this arrangement, after some initial objection, will be reasonably well accepted by parents of these children. At the high school level the children are more mobile and mature, and opposition to the transportation of high school students is simply not a governing issue.

3. The third big objection would be the objection to the cost to the taxpayer of setting up and operating our own transportation system or of public financing of the transportation of students by VTC. Many say that we cannot afford it. My answer is that if it is necessary to save our school system and our City, we can afford it.

There are, of course, bound to be other objections. I would hope that those who are sincerely interested in resolving permanently the difficult problems before us will take the time to react in writing. At this point, I see nothing to be gained by arguing whether or not this plan is legal. Since we purport to be a democracy, I firmly believe that if any reasonable plan is acceptable to the great majority of our people after full examination, then it will ultimately be acceptable to the

Courts. But let us be the ones to determine finally the plan under which our school system will operate and not those from without, who have no vested interest in, or responsibility for, the education of our children.

Ours is a government of law, but for our government to work, the law must be understood and supported by the broad majority of the people. Laws that cannot command broad understanding and support must inevitably fail. The Courts, over all others, should understand this basic precept of American democracy.

An extreme plan of school integration which results in the actual loss of over 20 per cent of our white children, and the potential loss of many more, is neither an intelligent nor an American solution. Over the long run, only those who have no other alternative—primarily the poor and the black—will accept it. Is this really what we want out of urban school integration? I say we can do better. For the sake of all our children, we must do better.

NOTE

For the purposes of this paper, I have assumed the eventual establishment of Kindergarten in the Norfolk School System. It is increasingly apparent that urban children desperately need this early educational base. The proposed plan would merely operate on a 4-4-4 grade organization until kindergarten can be started.

I have purposely kept away from opening at this time the Pandora's Box of forced school consolidation with surrounding jurisdictions. The Courts are now struggling with this knotty problem, and it will be some time before the legal points are resolved. In the meantime, my own views about consolidation will largely be governed by how successful we are in solving our problems here in Norfolk.

VINCENT J. THOMAS,
Chairman, Norfolk School Board.

MORE ABOUT ILLEGAL ALIENS

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

Mr. ROONEY of New York. Mr. Speaker, the statement entitled "Illegal Aliens" by the distinguished gentleman from Texas (Mr. WHITE) inserted in the CONGRESSIONAL RECORD of October 5, 1971, at page 34913, presents an expertly exaggerated view of existing conditions, mistakes the reasons therefor, and falls short of recommending any adequate solutions.

The solution does not at all hinge upon unlimited appropriations and a continual increase in the rotation of illegal aliens back to Mexico. Ways must be found to reduce the incentive for such vast numbers of Mexicans to seek illegal residence in this country. The present major incentive is economic in nature. Employment in the United States offers illegal aliens seven times the wages for equivalent work in Mexico. Employers in Texas find such help beneficial, because the workers are tractable, they will work for less than organized labor, and are not demanding as to fringe benefits and working conditions. What is needed most is a law making it a Federal offense for an employer to hire an illegal immigrant. My recommendation is that the gentleman from Texas and others support and hasten action upon H.R. 2328 (S. 1373) which includes such a provision.

It is the fact that Congress has not reduced Immigration and Naturalization Service funds. However, it is a low blow to charge officials of the Immigration and Naturalization Service with "dereliction of duty or incredible ignorance of the facts" in failing to ask sufficient funds from Congress. Even a neophyte in the Federal appropriation process knows that there is—and necessarily so—many a slip between the fund requests of Bureau level officials and the amounts finally presented to the Congress for appropriation action. I am sure the Immigration and Naturalization Service has no exemption from this executive oversight applied in the light of national priorities and resources.

The statement of the distinguished gentlemen from Texas (Mr. WHITE) that the Immigration and Naturalization Service is trying to get along on 1,000 less personnel than it had 5 years ago is based upon inaccurate data. The Immigration and Naturalization Service advises that the comparison of permanent employment June 30, 1965, with that of June 30, 1971, is as follows:

	June 30, 1965	June 30, 1971
Total personnel	6,531	6,959
Border patrol agents	1,353	1,712
Immigrant inspectors	1,130	1,136
Investigators	710	665
Other	3,338	3,446

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RHODES (at the request of Mr. GERALD R. FORD), for balance of week, on account of official business.

Mr. COLLIER (at the request of Mr. GERALD R. FORD), for week of October 12, on account of death in family.

Mr. HALPERN (at the request of Mr. GERALD R. FORD), on account of injuries sustained in automobile accident.

Mr. KEE (at the request of Mr. GARMATZ), for today and remainder of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 60 minutes, on Thursday, October 14, 1971; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. ROUSSELOT) and to revise and extend their remarks and include extraneous matter:)

Mr. VEYSEY, for 10 minutes, today.

Mr. ROBISON of New York, for 10 minutes, today.

Mr. KEMP for 60 minutes, on Thursday.

Mr. HARSHA, for 10 minutes, today.

Mr. WYMAN, for 10 minutes, today.

Mr. BOW, for 10 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. HAMILTON, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FULTON, for 20 minutes, today.

Mr. RYAN, for 10 minutes, today.

Mr. SHIPLEY, for 10 minutes, today.

Mr. MITCHELL, for 30 minutes, today.

Mr. ASPIN, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCMILLAN, and to include extraneous material.

Mr. ALBERT (at the request of Mr. MCFALL).

Mr. ROONEY of New York in four instances and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

Mr. MOORHEAD, to include with his remarks on H.R. 10835 in the committee extraneous material.

Mr. BOGGS to revise and extend his remarks following the record teller vote on the Wiggins amendment.

Mr. LATTA to include extraneous material with remarks made earlier today.

Mr. MATSUNAGA to extend his remarks during debate on House Joint Resolution 208, immediately preceding vote on second Wiggins amendment.

Mr. ROSENTHAL to extend his remarks and include extraneous matter at conclusion of debate on H.R. 10835.

Mr. ANNUNZIO (at the request of Mr. RODINO) was granted permission to extend his remarks and include extraneous matter, following Mr. RODINO's remarks.

(The following Members (at the request of Mr. ROUSSELOT) and to include extraneous matter:)

Mrs. DWYER in five instances.

Mr. RHODES in five instances.

Mr. SMITH of New York.

Mr. HARVEY in two instances.

Mr. SCHMITZ in three instances.

Mr. VANDER JAGT.

Mr. GOLDWATER.

Mr. MCCLOSKEY.

Mr. PRICE of Texas.

Mr. DERWINSKI in three instances.

Mr. KYL.

Mr. CHAMBERLAIN.

Mr. WHALEN.

Mr. MILLER of Ohio.

Mr. HOSMER.

Mr. BROTZMAN.

Mr. WYMAN in two instances.

Mr. VEYSEY in two instances.

Mr. BAKER.

Mr. SKUBITZ in three instances.

Mr. BURKE of Florida.

Mrs. HECKLER of Massachusetts in four instances.

Mr. STEIGER of Wisconsin in three instances.

Mr. KEMP in two instances.

Mr. LENT.

Mr. COUGHLIN.

Mr. DELLENBACK.

Mr. SCOTT.

Mr. MINSHALL in two instances.

Mr. ROUSSELOT.
Mr. GROVER.
Mr. MCKEVITT.
(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)
Mr. SISK in two instances.
Mr. ROSENTHAL in six instances.
Mr. JAMES V. STANTON in two instances.
Mr. SARBANES in five instances.
Mrs. MINK in two instances.
Mr. FISHER in three instances.
Mr. HAMILTON.
Mr. DINGELL in two instances.
Mr. KYROS in two instances.
Mr. JACOBS.
Mr. ALBERT in two instances.
Mr. EVINS of Tennessee in five instances.
Mr. ROONEY of New York in five instances.
Mr. MONAGAN.
Mr. RODINO.
Mr. MAZZOLI in two instances.
Mr. RARICK in three instances.
Mr. CORMAN in five instances.
Mr. MCFALL in six instances.
Mr. JONES of North Carolina in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. GONZALEZ in three instances.
Mr. WALDIE in two instances.
Mr. RYAN in three instances.
Mr. HARRINGTON in two instances.
Mr. BRASCO.
Mr. RANGEL in two instances.
Mr. DOW.
Mr. ANNUNZIO in two instances.
Mr. BINGHAM in five instances.
Mr. FRASER in five instances.
Mr. GREEN of Pennsylvania in six instances.
Mr. MURPHY of Illinois in five instances.
Mr. BYRNE of Pennsylvania in three instances.
Mr. YATRON.
Mr. PATTEN in two instances.
Mr. WHITE in two instances.
Mr. GIAIMO in 10 instances.
Mr. DORN in five instances.
Mrs. HICKS of Massachusetts in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2482. An act to authorize financial support for improvements in Indian education and for other purposes; to the Committee on Education and Labor.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On October 7, 1971:

H.R. 9634. An act to change the name of the Nebraska National Forest, Niobrara Division, to the "Samuel R. McKelvie National Forest."

On October 8, 1971:

H.J. Res. 915. A joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. RODINO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 13, 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:

1195. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for fiscal year 1972 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1196. A letter from the Attorney General, transmitting a draft of proposed legislation to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1197. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Va., and for other purposes; to the Committee on Interior and Insular Affairs.

1198. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 15, 1970, submitting a report, together with accompanying papers and an illustration, on Northport Harbor, Wis., in partial response to three resolutions of the Committee on Rivers and Harbors of the U.S. House of Representatives, adopted March 12, April 1, and August 2, 1946 (H. Doc. No. 92–168); to the Committee on Public Works and ordered to be printed with an illustration.

RECEIVED FROM THE COMPTROLLER GENERAL

1199. A letter from the Comptroller General of the United States, transmitting a report on slow progress in eliminating substandard Indian housing, Department of the Interior and Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to an order of the House Oct. 7, 1971, the following report was filed Oct. 8, 1971)

Mr. PERKINS: Committee on Education and Labor. H.R. 7248. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; with amendments (Rept. No. 92–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 1556. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation (Rept. No. 92–555). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Oct. 12, 1971*]

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 5500. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Texas, and for other purposes (Rept. No. 92–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable (Rept. No. 92–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. S. 1939. An act for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado (Rept. No. 92–558). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Concurrent Resolution 387. Concurrent resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin (comprising the order of cetaceans) (Rept. No. 92–562). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 8140. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; with amendments (Rept. No. 92–563). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. FLOWERS: Committee on the Judiciary. H.R. 3227. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S Air Force; with an amendment (Rept No. 92–559). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4064. A bill for the relief of William H. Nickerson; with amendments (Rept. No. 92–560). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 113. An act for the relief of certain individuals and organizations; with amendments (Rept. No. 92–561). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANDRUM:

H.R. 11157. A bill to amend section 537 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 11158. A bill to amend section 931 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BELL, Mr. BINGHAM, Mr. BURKE of Florida, Mr. BURTON, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. CORMAN, Mr. DANIELS of New Jersey, Mr. DENHOLM, Mr. DENT, Mr. DINGELL, Mr. DOW, Mr. EILBERG, Mr. FREY, Mr. GIBBONS, Mr. HALPERN, Mr. HANLEY, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KEMP, and Mr. KYROS):

H.R. 11159. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. MATSUNAGA, Mr. METCALFE, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STEELE, Mr. STOKES, Mr. TERRY, Mr. VIGORITO, Mr. WIDNALL, Mr. CHARLES H. WILSON, and Mr. WRIGHT):

H.R. 11160. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 11161. A bill to amend the Internal Revenue Code of 1954 to provide that no individual shall pay an income tax of less than 10 percent on his income and to provide that industrial development bond income shall not be excluded from gross income; to the Committee on Ways and Means.

H.R. 11162. A bill to exempt the first $3,000 of an individual's annual earnings from social security taxes, to amend title II and XVIII of the Social Security Act to permit benefit payments to a widower, parent, or child despite his or her marriage if such marriage is annulled, to allow an individual to have military service excluded in the computation of his benefits in order to use such service for a civil service retirement annuity, to permit State agreements for hospital insurance coverage, and to provide supplementary medical insurance coverage for certain services furnished an individual at his home by a medical technical or registered nurse; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 11163. A bill to amend title II of the Social Security Act to provide a 25-percent, across-the-board increase in benefits thereunder, with a minimum primary benefit of $200, and to remove the present limitation upon the amount of outside income which a beneficiary may have without any loss of benefits; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 11164. A bill to amend certain provisions of Federal law relating to the preference to be given to American goods in connection with the purchase of materials required for public use, and for other purposes; to the Committee on Public Works.

H.R. 11165. A bill to provide for the awarding of medical discharges to certain former members of the Armed Forces who were previously discharged under dishonorable conditions for certain narcotic drug related causes; to the Committee on Armed Services.

By Mr. CRANE (for himself, Mr. WAGGONNER, Mr. MICHEL, and Mr. MONTGOMERY):

H.R. 11166. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. DANIELS of New Jersey:

H.R. 11167. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. DORN:

H.R. 11168. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 11169. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. FAUNTROY (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FRASER, Mr. GUDE, Mr. HAWKINS, Mr. JACOBS, Mr. LINK, Mr. MCKINNEY, Mr. METCALFE, Mr. MIKVA, Mr. MITCHELL, and Mr. RANGEL):

H.R. 11170. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FRASER, Mr. HAWKINS, Mr. METCALFE, Mr. MITCHELL, Mr. RANGEL, and Mr. STOKES):

H.R. 11171. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. BYRNES of Wisconsin, Mr. MCDADE, Mr. MIZELL, and Mr. VANDER JAGT):

H.R. 11172. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, to provide for involuntary civil commitment of narcotic addicts charged with a crime, to authorize grants for certain training programs, to establish training programs for judicial officers, to provide for research and development into causes of and cures for narcotic addiction, and for other purposes; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself, Mr. ASPIN, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BROWN of Michigan, Mr. BURKE of Massachusetts, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. COTTER, Mr. COUGHLIN, Mr. DENT, Mr. DIGGS, Mr. FORSYTHE, Mr. FUQUA, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, and Mr. KEMP):

H.R. 11173. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mrs. GRASSO (for herself, Mr. KOCH, Mr. MATSUNAGA, Mr. METCALFE, Mr. MIKVA, Mrs. MINK, Mr. O'NEILL, Mr. PEPPER, Mr. PREYER of North Carolina, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr. ROYBAL, Mr. RYAN, Mr. SARBANES, Mr. SCHEUER, Mr. STEELE, Mr. STOKES, Mr. SYMINGTON, and Mr. WYATT):

H.R. 11174. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho (for himself, Mr. MCCLURE, Mr. EDWARDS of California, Mr. FRENZEL, Mr. HATHAWAY, Mr. LEGGETT, and Mr. PURCELL):

H.R. 11175. A bill to amend section 608 (c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. HARSHA:

H.R. 11176. A bill to require the Secretary of Commerce to undertake a study with respect to the effects of pollution abatement and control programs on international trade; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 11177. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

H.R. 11178. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel, and the funding research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 11179. A bill to prohibit the advertising for 1 year of any product which has been falsely advertised; to the Committee on Interstate and Foreign Commerce.

H.R. 11180. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. BRASCO, Mr. BYRON, Mr. DELLUMS, Mr. DENT, Mr. FRASER, Mr. GIBBONS, Mr. HANSEN of Idaho, Mrs. HECKLER of Massachusetts, Mrs. HICKS of Massachusetts, Mr. KYROS, Mr. LEGGETT, Mr. MAILLIARD, Mr. MATSUNAGA, Mrs. MINK, Mr. PIKE, Mr. REUSS, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. VAN DEERLIN, and Mr. YATES):

H.R. 11181. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 11182. A bill to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 11183. A bill to establish in the District of Columbia a system of first party, no-fault insurance for victims of motor vehicle accidents, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLS of Arkansas:

H.R. 11184. A bill to allow for income tax purposes a deduction for additions to an account for accrued vacation pay earned by employees; to the Committee on Ways and Means.

H.R. 11185. A bill to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations; to the Committee on Ways and Means.

H.R. 11186. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; to the Committee on Ways and Means.

By Mr. MONAGAN (for himself, Mr. COTTER, Mr. STEELE, and Mr. MCKINNEY):

H.R. 11187. A bill to authorize the Secretary of Housing and Urban Development to make grants to certain local public bodies or agencies to finance the development costs of

certain connecting sewer facilities; to the Committee on Banking and Currency.

H.R. 11188. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. NICHOLS:

H.R. 11189. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependence of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 11190. A bill to amend the Federal Hazardous Substances Act, to provide for a special study of household detergents, and to provide for the labeling of those household detergents, and to provide for the labeling of those household detergents found to be hazardous, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11191. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. PREYER of North Carolina:

H.R. 11192. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 11193. A bill to transfer to the Secretary of Health, Education, and Welfare authority over Federal programs to develop and improve emergency health care for motor vehicle accident victims; to the Committee on Public Works.

By Mr. ROE:

H.R. 11194. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environment disasters; to the Committee on Merchant Marine and Fisheries.

H.R. 11195. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11196. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 11198. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 11199. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age-benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 11200. A bill to amend section 501(c) of the Internal Revenue Code of 1954 with respect to the exempt status of clubs; to the Committee on Ways and Means.

By Mr. BOW:

H.R. 11201. A bill to amend the act of August 22, 1949 (63 Stat. 623), so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; to the Committee on House Administration.

By Mr. PODELL:

H.R. 11202. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. FRASER:

H. Con. Res. 420. Concurrent resolution to assist Congress in fulfilling its function in the field of foreign affairs; to the Committee on Rules.

By Mr. THOMSON of Wisconsin (for himself, Mr. BETTS, Mr. DENNIS, Mr. SEBELIUS, Mr. STEIGER of Wisconsin, Mr. STUBBLEFIELD, Mr. VANDER JAGT, and Mr. ZION):

H. Res. 642. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to extending benefits under the Higher Education Act to Puerto Rico, which was referred to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER (by request):

H.R. 11203. A bill for the relief of Mrs. Josefita Esther Worley; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 11204. A bill for the relief of Juan Clemente Hernandez; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COLUMBUS DAY 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, for all of us who struggled so hard to obtain recognition of Columbus Day as a national holiday, this weekend is a source of real gratification. At long last all America unites with our loyal Italo-Americans in paying homage to the man who discovered our great then unknown continent.

Every red-blooded American citizen glories in the courage of the dauntless navigator who commanded the three tiny boats in their voyage in 1492 across the mysterious, uncharted seas.

Almost five centuries have elapsed since Christopher Columbus set foot on our offshore islands. During the ensuing years great changes have taken place in man's understanding of the world in which he lives. Even greater changes have ensued with respect to national boundaries. Old nations have been stripped of their farflung possessions, some to vanish entirely. New nations have arisen and pushed themselves into world dominance, but none with such force and intensity as our own.

Let us not forget that we owe the credit to this impoverished Italian seaman for making possible our glorious American destiny. We are indebted to Christopher Columbus for first charting the trackless oceans shrouded in such awesome fears, for assuring the world that land did lie to the westward, and for initiating subsequent voyages which in turn precipitated a whole wave of explorations. But even more we are indebted to Columbus for his courage, his patience, and his persistent traits which somehow he passed on to the people who explored, who settled and who finally brought America into being and helped her to reach world leadership.

We are not only indebted to the Italian people who gave the world Christopher Columbus but for their magnificent contribution to every facet of American life. They have sent us countless men of the heroic stature of Columbus—pioneers in science, business, industry, and the arts.

Mr. Speaker, I suggest that we use the observance of Columbus Day to remind ourselves of the significant contributions which men and women of Italian birth or extraction have made to the life and development of this Nation. Let us make sure that all our citizens, but most particularly our children, know and appreciate our debt to men like Amerigo Vespucci, Giovanni de Verrazano, Enrico Fermi, and a host of other great Italo-Americans.

We owe a debt of gratitude also to our Italo-American organizations for the inspiring programs which they are conducting throughout America in tribute to Christopher Columbus. I know from personal experience that the leadership of these organizations devote many hours of dedicated service and literally millions of dollars to improve the lot of all Americans. I am most thankful that because of my large Italian-American constituency in Brooklyn, I can count so many of these leaders as my personal friends over the many years. To them I use the occasion of Columbus Day to offer my personal best wishes and my congratulations for their continuing efforts to improve the lot of their fellowmen.

I use this occasion, too, Mr. Speaker, for congratulating the fine leaders of the Italian Government for the job they are doing in behalf of the people of Italy and for the bonds of friendship